

CITY OF HAMMOND-ZONING ORDINANCE  
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## **ORDINANCE NO. 01 - 2769**

### **AN ORDINANCE TO AMEND AND RE-ENACT ZONING ORDINANCE #2550, C.S. FOR THE CITY OF HAMMOND**

#### **SECTION 1: PRELIMINARY PROVISIONS**

**WHEREAS** the City of Hammond desires to avail itself of the provisions of Louisiana Revised Statutes 33:4721 – 4729, particularly the creation of boundaries of zoning districts as well as the restrictions and regulations to be enforced therein, such that the City of Hammond may avail itself of the provisions of Louisiana Revised Statutes 33:4721 – 4729, and

**WHEREAS** the Council has appointed a zoning commission for the purpose of recommending boundaries for zoning districts as well as the restrictions and regulations to be enforced therein, and

**WHEREAS** said commission has met publicly on proposed recommendations, having held public hearings for that purpose, and

**WHEREAS** said Commission has made a report to the Council recommending the boundaries of the various original districts and the restrictions and regulations to the Council, and

**WHEREAS**, the City Council deems it necessary for the purpose of promoting community health, safety, morals, and the general welfare of the City and its residents to enact

such an ordinance, established herein in accordance with a comprehensive plan(s) designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, the zoning and planning commission having given reasonable consideration, among other things, to the character of the districts and their suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community,

**THEREFORE BE IT ORDAINED** that Ordinance 2550 shall be and is hereby amended to read as depicted herein, and including zoning maps attached depicting the actual zoning classifications of all properties within the City of Hammond, and

**BE IT FURTHER ORDAINED**, this ordinance shall not be construed to implicitly or explicitly repeal any other ordinance enacting any administrative code, or any provision therein, except where explicitly stated herein. In the event of a conflict between this Ordinance and any other ordinance or administrative code, the more restrictive provision shall be deemed controlling, unless otherwise expressly provided for by the Hammond City Council.

**BE IT FURTHER ORDAINED**, any offenses under Ordinance 2550 which exist and conclude prior to the effective date of this Ordinance shall be governed by the provisions of Ordinance 2550. Any offenses under Ordinance 2550 which are continuing in nature and which also constitute a violation of this Ordinance may be prosecuted under this Ordinance as to the

violations which occur after the effective date of this Ordinance, and/or Ordinance 2550 as to the offenses which may occur prior to the effective date of this Ordinance. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, this decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, this Council hereby declaring that it would have passed those parts of this Ordinance which are valid, and omitted any parts which may be unconstitutional or otherwise invalid if it had known that such parts were invalid at the time of the adoption of this Ordinance.

## **SECTION 2 ZONING DISTRICTS**

For the purposes as outlined above, the City is divided into 20 districts as follows:

R-11 Residential

R-8 Residential

R-5 Residential

R-5S Residential

R-4 Residential

R-S Suburban Residential

R-A Residential Apartment

R-P Residential Preservation

O-V Overlay District

B-1 Office

B-2 Restricted Business

C-1 Central Business District

C-2 Commercial

C-3 Highway Commercial

C-4 Commercial District

C-4A Commercial District

L Light Industrial

H Heavy Industrial

S Special Districts

I Institutional District

- a) The boundaries of the districts set forth at this time are as shown on the Official Zoning District Map, (a copy is in City Hall) properly certified and made a part of this Ordinance.

## **2.1 District Boundaries and Their Interpretation**

Where uncertainty exists with respect to the boundaries of any district, the following rules shall apply:

- a. Where district boundaries are indicated as following streets, highways, or alleys, the center lines of such streets, highways, or alleys shall be construed to be such boundaries, unless specified otherwise.
- b. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- c. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
- d. Boundaries with distances not specifically indicated on the official zoning map, such as unsubdivided property, shall be determined by use of the scale on the map.
- e. Where boundaries are indicated as following natural water courses, the center line of the natural water course shall be construed to be such boundary. In the event of change in the water course, the boundary line shall assume to change likewise.
- f. Where a street or property layout existing on the ground differs from that depicted on the official zoning map, or in other circumstances in which boundaries cannot be determined by rules a - e above, the Board of Adjustment shall have final interpretation of the district boundaries (after first being presented to the Building Official - See Section 5.2).

## **2.2 Non-Conforming Provisions**

I. The purpose of the provisions of this subsection are:

- a. To assure reasonable opportunity for use of legally created lots which do not meet current minimum requirements for the district in which they are located.
- b. To assure reasonable opportunity for use, maintenance and improvement of legally constructed buildings, structures and site development features which do not comply with current minimum requirements for the district in which they are located.
- c. To assure reasonable opportunity for continuation of legally established uses which do not conform to current use regulations for the district in which they are located.
- d. To limit continuation and expansion and encourage eventual replacement of non-conforming uses having potentially undesirable impacts on surrounding conforming uses.

## **2.21 Legal Non-Conforming Lots-of-Record**

1. Where a lot has less area than the minimum required for the district within which the lot is located, was a lot-of-record in separate ownership from adjacent property at the time of passage of the original City Zoning Ordinance and is currently a lot-of-record under separate ownership, such lot may be used as a building site for a use permitted in the district within which the lot is located; provided, however, that the proposed development of the building site conforms with the required yard areas and other requirements of this Ordinance for the district in which the site is located.

2. When a lot as described in paragraph 1 herein, is used together with one or more contiguous lots for a single use or unified development, all of the lots so used, including any lots used for off-street parking, shall be considered a single lot for the purposes of these land use regulations.

## **2.22 Use of Most Restrictive Regulations**

The regulations applicable to a non-conforming use are in addition to regulations applicable to a non-complying structure and in the event of any conflict, the most restrictive provision shall apply.

## **2.23 Types of Non-Conforming Situations**

For purposes of these regulations non-conforming situations shall be grouped into four categories:

- a. Legal Non-Conforming Uses
- b. Legal Non-Conforming Sites
- c. Legal Non-Conforming Structures
- d. Legal Non-Conforming Lots

## **2.24 Legal Non-Conforming Uses**

a. Purpose and Intent - It is the intent of this Ordinance to permit legal non-conforming uses to continue, but not to encourage their continuation. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.

b. The purpose of this Section is to establish regulations and limitations on the continued existence of uses established prior to the effective date of this Section which do not conform to the provisions of Permitted Uses. The provisions of this Section are intended to curtail substantial investment in such non-conformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the regulations established by this Ordinance.

## 2.25 Continuation and Termination of Legal Non-Conforming Uses and Structures

a. **Continuation** - An existing non-conforming use may be continued, and structures associated with the use may be maintained, provided no non-conforming use shall be enlarged or expanded in terms of floor space utilized or site area occupied nor may any legal non-conforming use be changed to another non-conforming use of a different specific use classification. Enlargement or expansion shall include:

1. Extension of such use to any structure or land area other than that occupied by such non-conforming use on the effective date of this Ordinance, or any amendment hereto which causes such use to become non-conforming; or
2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such non-conforming use on the effective date of this Ordinance, or any amendment hereto which causes such use to become non-conforming.
3. Attachments of signs to the building, placement of signs, or display material or goods or equipment on land outside of the building which would not be allowed under present regulations.
4. Any expansion of non-conforming parking areas or parking spaces. Original parking may remain unpaved, however any new parking shall be surfaced in accordance with Section 4.02 (parking).
5. The fact of continuation or reestablishment of non-conforming uses, sites, or structures within the period stated herein shall be determined by the totality of the circumstances.

b. **Reestablishment** - An existing non-conforming use may not be reestablished after the non-conforming use or activity of the building or land has ceased for a continuous period of 3 months (90 days). If the lessee of any building or place used or occupied for non-conforming purposes under a bona fide lease shall at any time before the expiration of said lease cease to occupy or use said building or land, it shall not be considered vacant until the owner of said building or place shall again obtain legal control of its occupancy and use. Once changed to a conforming use, no building or use shall be permitted to revert to a non-conforming use. If a non-conforming use is changed to a conforming use, the non-conforming use shall not be resumed, and shall be deemed expired as a matter of law.

c. **Damage or Destruction** - In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to the extent of more than seventy-five (75%) percent of the estimated fair market value of such structure then, except in otherwise provided herein, that structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is seventy-five (75%) percent or less of the fair market value of the structure as it existed immediately prior to such damage, such

structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 18 months of the date of such damage or destruction. For purposes of these regulations the Building Official will assess the estimated value of the improvements as the fair market value or the value as determined by the Zoning Board on appeal of the Building Official's determination.

d. **Relocation** - No structure that is devoted in whole or in part to a non-conforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall hereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. Non-conforming uses of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such use of land is located after being so relocated.

e. **Change in Use** - A non-conforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such non-conforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this Section, a use shall be deemed to have been so changed when an existing non-conforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven (7) days. A change in use shall be determined by the totality of the circumstances in the judgment of the Building Official.

## **2.251 Criteria for the Repair of Legal Non-Conforming Uses and Structures**

a. **Ordinary Repair Maintenance** - Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, that this Section shall not be deemed to authorize any violation of this Section.

b. **Exception for Repair by Public Order** - Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official. Repairs and alterations that restore a building to the same condition that existed prior to damage or deterioration, altering the building only in conformity with the provisions of this Ordinance in such a manner that does not extend or increase an existing nonconformity may be made with the same kind of materials as those of which the building is constructed.

## **2.26 Provisions for Legal Non-Conforming Development Sites**

a. **Purpose** - The intent of this Section is to insure that such non-conforming development sites are brought into conformance with the site development standards prescribed by this Ordinance.

b. **Authority to Continue** - Any lawfully existing non-conforming development site may be continued so long as it remains otherwise lawful subject to the rules of this Section.

c. **Upgrade of Non-Conforming Sites** - A conforming use located on a non-conforming development site shall not be expanded or substantially renovated (costs exceeding 75% of assessed value) until the site is brought into conformance with the provisions of this Ordinance. However, single-family residential structures which are located on a legally non-conforming site with respect to required yard areas or height may be structurally altered or enlarged providing that portion of the building which is altered or enlarged conforms with the provisions of this Ordinance.

d. **Relocations** - No structure shall be relocated to a non-conforming development site until the site is brought into conformance with the provisions of this Ordinance.

e. **Inability to Meet Current Site Development Standards** - Practical difficulties may exist which prevent the upgrading of certain non-conforming development sites to the standards imposed by this Ordinance. Consequently, a variance procedure has been established to allow a viable economic use of an existing structure and insure that the non-conforming development sites are brought into compliance with the requirements of these regulations to the maximum extent deemed feasible by the Zoning Board.

## **2.27 Continuation of Use of Non-Conforming Structures**

The use of a non-conforming structure may be continued and the structure may be maintained, repaired or altered in accordance with the requirements of this Ordinance. Except as provided herein, no such enlargement, maintenance, repair or alteration shall either create an additional non-compliance or increase the degree of existing non-compliance of all or part of such structure.

### **2.271 Repair of Non-Conforming Structures**

1. Percent of Repair Allowable under Normal Conditions - If, within any period of twelve (12) months, alterations or repairs are proposed to be made to a non-conforming building, and the aggregate cost of such alterations or repairs is in excess of seventy-five (75%) percent of the assessed value of the building at the time the alteration or repair is proposed, the building shall be made to conform to the requirements of this code for new buildings in the district in which it is located.

2. Percent of Repair Allowable under Emergency Conditions

- a. If an existing non-conforming building is damaged by fire or other Acts of God (natural disasters) and the building is thereafter proposed to be restored, altered or remodeled at cost in excess of seventy-five (75%) percent of the assessed value of the building before the damage was incurred, the building shall conform to the requirements for new buildings in the district in which it is located.

**2.28 Loss of status/ Repair**

**(a) Loss of Non-Conforming Status with Change in Use**

If the use of an existing non-conforming building is partially or entirely changed to a use of a different classification, the building shall be made to conform to the requirements of the district in which it is located. Any change in use that requires an increase in parking will terminate the legally non-conforming status of the property and require conformity with the requirements of the district in which it is located.

## **2.3 THE OFFICIAL ZONING MAP**

The Official City of Hammond Zoning Map, delineating the boundaries of each district, shall at all times be on display at City Hall. The zoning map shall at all times, except when it is being amended, be accessible for review by citizens during the City's normal working hours and working days.

If, in accordance with the provisions of this Ordinance and these statutes, changes are made in district boundaries or other matters on the official zoning map, such changes shall be made on the map within thirty (30) work days after a zoning change has gone into effect. Each such amendment shall be signed (initialized) and dated. However, amendments shall become effective when adopted by the Council.

Any unauthorized changes made to the map by any person or persons other than the Building Official or the City Planner shall be considered a violation of this Ordinance.

## 2.4 DISTRICT REGULATIONS

### 2.4(1) R-11 Residential District

a) The R-11 District is a single family dwelling residential district allowing for large lots and including noncommercial uses generally associated with family residential areas.

b) **Premises may be used for the following purposes:**

- Single family dwelling
  
- Garden, growing of crops (noncommercial)
- Municipal recreation use
- Church, cemetery, and accessory church uses
- Golf course, but not miniature course or driving range
- Country club with a site of at least five (5) acres and with all activities and parking to be kept on club property and the required yard distance from property lines.

c) The following Accessory Uses are permitted:

- Home occupations
- Private garages
- Vegetable and flower gardens
- Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners
- Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customarily accessory to residential uses
- Accessory church uses that are not considered a nuisance to the neighborhood.
- Radio and television towers for amateur and noncommercial uses.

d) Minimum yards shall be provided as follows:

- One front yard of 25 feet
- One rear yard of 15 feet in length
- Two side yards of 8 feet each in width (see exception)

Provided that 1) churches, 2) public buildings, and 3) buildings and structures on country club or golf course properties shall each provide front yards of at least 25 feet and side yards of at least 25 feet each.

Provided further that on corner lots there shall be a side street yard equal to at

least one-half the required front yard.

e) Minimum lot width and lot areas shall be as follows:

Lot Width - 75 Feet

Lot Area - 11,250 sq. ft.

Lot area per living unit - 11,250 sq. ft.

\*Refer to Section 2.7 for Height Restrictions.

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## 2.4(2) R-8 Residential District

a) The R-8 District is primarily a single family dwelling residential district that also may include noncommercial uses generally associated with family residential areas.

b) Premises may be used for the following purposes:

- Single-family dwelling
- Gardens and growing of crops (non-commercial), municipal recreation use, church, golf course, but not miniature course or driving range, country club as stated in R-11 District
- Cemetery

c) The following Accessory Uses are permitted:

- Home occupations
- Private garages
- Accessory church uses that are not considered a nuisance to the neighborhood.
- Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners
- Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customarily accessory to residential uses
- Radio and television towers for amateur antennas and non-commercial uses.

d) Minimum yards shall be provided as follows:

- One front yard of 25 feet
- One rear yard of 15 feet in length
- Two side yards of 8 feet each in width

Provided that 1) churches, 2) public buildings, and 3) buildings and structures on country club and golf course properties shall provide front yards of at least 25 feet and side yards of at least 25 feet.

Provided further that on corner Lots there shall be a side street yard equal to at least one-half the required front yard.

e) Minimum lot width and lot areas shall be as follows:

Lot Width	-	65 Feet
Lot Area	-	8,000 sq. ft.
Lot area per living unit	-	4,000 sq. ft.

\*Refer to Section 2.7 for Height Restrictions.

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### **2.4(3) R-5S Residential District**

(a) The R-5S District is a single family dwelling residential district with limited apartment dwelling allowed and non-commercial uses typical of residential neighborhoods.

b) Premises may be used for the following purposes:

- Single family dwelling
- Garden, growing of crops on non-commercial basis
- Municipal recreation use
- Church, cemetery

c) The following Accessory Uses are permitted:

- Private garages
- Accessory church uses that are not considered a nuisance to the neighborhood.
- Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners
- Tennis court, swimming pools, garden house, pergolas, ornamental gates, barbecue ovens, fireplaces, and similar uses customarily accessory to residential uses
- Radio and television towers for amateur and non-commercial uses (not customarily incidental to business)
- Single attached accessory apartment provided the lot area per family requirements, as stated below, are met and there be no more than one such unit per lot
- Home occupations.

d) Minimum yards shall be provided as follows:

- One front yard of 25 feet
- One rear yard of 10 feet in length
- Two side yards of 8 feet each in width

Provided that 1) churches, and 2) public buildings shall each provide front yards of at least 25 feet and side yards of at least 25 feet. Provided further that on corner lots there shall be a side street side yard equal to one-half the front yard.

e) The minimum lot width and minimum lot areas shall be as following:

Lot Width - 50 Feet minimum and average lot width of 65 feet

Lot Area - 5,000 sq. ft.

Lot area per living unit - 5,000 sq. ft. minimum and average lot area of 6500 sq ft

\*Refer to Section 2.7 for Height Restrictions.

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## 2.4(4) R-5 Residential District

- a) The R-5 District is a less restrictive single-family residential district that allows non-commercial uses typical of residential neighborhoods.
- b) Premises may be used for the following purposes:
- Single family dwelling
  - Gardens and growing of crops (non-commercial), municipal recreation use, church, golf course, but not miniature course or driving range, country club as stated in R-11 District.
  - Bed & Breakfast House
  - Duplex, no more than 1 per lot
  - Child nursery (day nursery only); pre-school
  - Cemetery
- c) The following Accessory Uses are permitted:
- Private garages
  - Accessory church uses that are not considered a nuisance to the neighborhood.
  - Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners.
  - Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customarily accessory to residential uses.
  - Radio and television towers for amateur and non-commercial uses.
  - Home occupations.
  - Single attached accessory apartment that meets the lot square footage requirements as outlined below
- d) Minimum yards shall be provided as follows:
- One front yard of 25 feet
  - One rear yard of 10 feet
  - Two side yards of 8 feet each in width, except a side yard on a street corner shall

be a minimum of 10 ft.

- e) The minimum lot width and minimum lot areas shall be as follows:
- Lot Width (except duplexes) - 50 Feet minimum and average lot width of 65 feet
  - Lot Area - 5,000 sq. ft. minimum and average lot area of 6500 sq ft
  - Lot area per living unit - 3,000 sq. ft.
  - Lot Width (duplexes) - 75 Feet

\*Refer to Section 2.7 for Height Restrictions.

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## 2.4(5) R-4 Residential District

(a) The R-4 District is the least restrictive single family residential area, allowing for single family dwellings on small lots, as well as other uses typical of residential areas. Generally this zoning must be used in conjunction with a PUD to allow for additional open space to compensate for small lots. R-4 zoning requests shall be accompanied by a trade-off (for small lot sizes) of common open space available to the residents.

b) Premises may be used for the following purposes:

- Single family dwelling, gardens and growing of crops (non-commercial), church
  
- Municipal recreation uses pending conditional approval by the Zoning Commission
  
- Duplex, no more than 1 per lot
- Plant nursery
- Child Nursery (day nursery only); pre-school
- Philanthropic use, lodge hall, private club (does not include bars or lounges) not conducted for profit, provided all structures for all such uses are located at least 10 feet from any property lines.
- Cemetery
- Washateria
  
- Expansion of an existing B Business use by not more than 25 percent in area.

c) The following Accessory Uses are permitted:

- Private garages
  
- Accessory church uses that are not considered a nuisance to the neighborhood.
  
- Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners.
  
- Tennis courts, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens and similar uses customarily accessory to residential uses.
  
- Radio and television towers for amateur and non-commercial uses.

- Home occupations not requiring extra parking spaces and generally conforming to the character of the neighborhood and not causing nuisances to the neighborhood.
  - Single attached accessory apartment that meets the lot square footage requirements as outlined below
- d) Minimum yards shall be provided as follows:
- One front yard of 20 feet
  - One rear yard of 10 feet
  - Two side yards of 8 feet each, except a side yard on a corner lot shall be a minimum of 10 feet.
- e) The minimum lot width and minimum lot areas shall be as follows:
- |                             |   |   |
|-----------------------------|---|---|
| Lot Width (except duplexes) | - | 40 Feet, existing lots                                  |
| New Lots                    | - | 50 Feet minimum and average lot width of 65 feet        |
| Lot Area                    | - | 4,000 sq. ft., existing lots                            |
| New Lots                    | - | 5,000 sq ft minimum and average lot width of 6500 sq ft |
| Lot area per living unit    | - | 3,000 sq. ft.   |
| Lot Width (duplexes)        | - | 75 Feet   |

\*Refer to Section 2.7 for Height Restrictions.

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## 2.4(6) R-S Suburban District

(a) The R-S Suburban District is characterized by less developed residential areas that are intermixed with large open areas, usually used for open land, agricultural or grazing purposes. This suburban - rural type District usually applies to new areas recently annexed to the City.

b) Premises may be used for the following purposes:

- Single family dwelling, gardens and growing of crops (non-commercial), church
- Municipal recreation uses
- Duplex, no more than 1 per lot
- Child Nursery (day nursery only); pre-school
- Cemetery
- Philanthropic use, lodge hall, private club not conducted for profit, provided all structures for such uses are located at least 15 feet from all property lines.
- Farming, including the usual farm buildings and structures, truck gardening.
- Commercial greenhouse
- Sale of products raised only on the premises
- Mineral extraction
- Washateria
- Individual Mobile Homes built no more than 5 years before City approval of permit, not to exceed one per legal platted lot, provided that the minimum front, rear, and side yards be no less than that required by this section. All Mobile Homes will be properly secured and anchored with devices that are made specifically for this purpose in accordance with Federal Manufactured Home Construction and Safety Standards, Wind Zone II requirements. (See Part 2.9 for further conditions required for Mobile Home placement.)

c) The following Accessory Uses are permitted:

- Home occupations
- Private garages
- Raising and keeping of housebroken domestic animals
  
- Tennis courts, swimming pools, garden houses, tool sheds, pergolas, barbecue

ovens and similar uses customarily accessory to residential uses.

- Accessory church uses that are not considered a nuisance to the neighborhood.
- Radio and television towers for amateur and non-commercial uses.
- Snowball stand, provided that a city license is obtained and definition is met.
- Sweet shop, provided that a city license is obtained and the definition is met.
- Single attached accessory apartment that meets the lot square footage requirements as outlined below

d) Minimum yards shall be provided as follows:

- One front yard of 25 feet
- One rear yard of 10 feet
- Two side yards of 8 feet each, except a side yard on a street corner lot shall be a minimum of 10 feet.

e) The minimum lot width and minimum lot areas shall be as follows:

Lot Width - 50 Feet minimum and average lot width of 65 feet  
Lot Area - 5,000 sq. ft. minimum and average lot area of 6500 sq ft  
Lot area per living unit - 3,000 sq. ft.

\*Refer to Section 2.7 for Height Restrictions.

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## 2.4(7) R-A Apartment District

a) The R-A Apartment District is primarily a residential area encouraging multiple family dwelling and allowing limited commercial uses that are typical of multi-family areas and that are not nuisances to the neighborhood.

**NOTE:** All new apartment/multi-family developments must be located within an R-A, B-1, B-2, C-1, C-2, or C-3 District. Re-zonings to the R-A District will be required for all properties that are proposed to be developed as multi-family but are not zoned one of these Districts (listed above) at the time a building permit is requested.

b) Premises may be used for the following purposes:

- Church and associated church uses
- Pre-kindergarten and kindergarten
- College
- General health clinic but not animal or mental hospital
- Country Club
- Municipal recreation use
- Apartment house, apartments
- Duplexes
- Lodging house, tourist home, nursing home
- Private club, boarding or rooming house, homeless shelter, dormitory-all as a restricted, conditional use only
- Fraternity, sorority house
  - Child Nursery (day)
- Apartment hotel
- Philanthropic use, lodge hall, but not lounge or bar
- Hospital, general
- Laundromat, washateria
- Car wash
- Health and fitness club for general exercise
- Single family dwelling
- Snowball stand

- Sweet shop
  - Lighting, front yards and parking shall be maintained as specified in Section 8b (the B-1 District)
- c) The following accessory uses are permitted:
- Private garages
  - Gardens for non-commercial uses
  - Home occupations
  - Tennis court, swimming pool, barbecue ovens and similar uses customarily accessory to residential uses
  - Storage garages and parking lots for use solely by occupants and guests of the premises.
- d) Minimum yards shall be provided as follows:
- One front yard of 25 feet (of which at least 5 feet paralleling the building front will not be used as parking, as in the case of apartment hotels) or one front yard of 10 feet in depth if parking is added to the rear of the building.
  - One rear yard equal in depth to one-half the height of the building.
  - Two side yards each equal in depth to one-half the height of the building, but not less than 10 feet each side. Corner lots must have side yards at least equal in depth to one-half the height of the building or 10 feet, whichever is greater (on the side yard facing the street).
- e) The maximum building height shall be four stories or 45 feet, whichever is greater. The building height shall be measured as the vertical distance from average level of the finished surface of the ground to (1) the highest point on a flat roof, (2) the deck line of a mansard roof, or (3) the mean height between eaves and ridge for gable, hip or gabled roof. (See “Height Restrictions,” Section 2.7.)
- f) The minimum lot width and lot areas shall be as follows:
- Lot width - 50 feet minimum [and average lot width of 65 feet if single family]  
 Lot area - 5,000 sq.ft. minimum [and average lot area of 6500 sq ft if single family]  
 Lot area per living unit - 3,000 sq.ft.

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## 2.4(8) B-1 Office District

a) The B-1 Office District is primarily a very restrictive business area that allows office uses of buildings for businesses that provide services to the general public. These services are types that are non-nuisance generating (as opposed to those that generate noise and traffic) since B-1 Districts frequently abut residential areas.

b) Premises may be used for the following purposes:

- Single family dwelling
- Duplex
- Multiple family housing
- Church
- Lodging house, nursing home
- Child Nursery
- General health clinic but not animal or mental hospital
- Health and fitness club (recreational)
- Municipal recreation use
- Philanthropic use, lodge hall
- Private club, boarding or rooming house, homeless shelter, dormitory-all as a restricted, conditional use only
- Office buildings, provided that no goods, wares or merchandise shall be prepared or sold on the premises.
- Personal beauty shops such as beauty shops and barber shops
- Professional services such as lawyer's, physicians', and accountant's office
- Real estate office
- Banks, financial institutions
- Studios of artists and photographers, not including tattoo parlors
- Parking lots, provided that the parking area shall be used for passenger vehicles only (parking).
- If lighting facilities are provided, they shall be so arranged as to reflect or direct light downward and away from residential districts.
- Front yards shall be landscaped and maintained in good condition.

c) The following accessory uses are permitted:

- Private garages
- Gardens for non-commercial uses
- Storage garages and parking lots for use solely by occupants and guests of the premises.
- Tennis courts, swimming pools
- Radio and television towers incidental to a permitted use.
- A use of not to exceed 40 percent of the floor area for incidental storage
- Home occupations

d) Minimum yards shall be provided as follows:

- One front yard of 10 feet for both dwelling and non-dwelling uses.  
(Rear yard parking required)
- One rear yard of 10 feet.
- Two side yards of 5 feet each.
- For all uses, a side yard of not less than 5 feet shall be provided, except for corner lots, which will require a set-back of at least 10 feet or one-half the height of the building, whichever is greater (on the side yard facing the street).

e) The minimum lot width and lot areas shall be as follows:

Lot width	-	50 feet
Lot area	-	5,000 sq.ft.
Lot area per living unit	-	3,000 sq.ft.

**EXCEPTION:**

Single family residential lots

Lot width	-	65 feet average width
Lot Area	-	6,500 sq ft average lot area
Side Yards	-	8 feet

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## 2.4(9) B-2 Restricted Business District

(a) The B-2 Business District is a restrictive business area frequently abutting residential areas and typically allowing office uses and non-intensive traffic generating types of retail establishments.

b) Premises may be used for the following purposes:

- Any use permitted in a B-1 Office District
- Any use permitted in an R-A District
- Art galleries and supplies
- Barber and beauty shops
- Bus stations
- Car Sales
- Churches
- Commercial parking lots and garages
- Data processing
- Florists
- Libraries
- Medical Clinics, Animal Clinics
- Mortuary
- Motel and tourist courts
- Nursing Homes
- Private club, boarding or rooming house, homeless shelter, dormitory-all as a restricted, conditional use only
- Office Buildings: Accountants, Architects, Attorneys, Dentists, Engineers, Real Estate, etc.
- Retail Stores (not serving alcoholic beverages): Liquor sales may include only sale of alcoholic beverages in closed containers to be consumed off the premises. Book, business machines, (sales and rentals), candy and confectionery, clothing (children, men, women), fabric, gift, grocery, ice cream and frozen desserts, jewelry, lighting fixtures, music, photograph equipment and supplies, pharmacies, shoe, sporting goods, surgical instruments and supplies
- Restaurants (full service); not including bars or lounges or the service or consumption of alcohol on the premises, or those using amplified music measurable at or above 45 decibels at any location outside the property line.

- Railroad station
- Self-service laundries and dry-cleaning establishments
- Tanning bed facilities
- Telephone exchange
- Theater, cinema
- Convenience outlet store, not serving alcohol. Sale of alcoholic beverages in closed containers only to be consumed off premises.
- Snowball Stand meeting the Definitions included herein
- Sweet Shop meeting the Definitions included herein
- Game room, not including sale or consumption of alcoholic beverages

c) The following accessory uses are permitted:

- Gardens for non-commercial purposes
- Storage garages and parking lots for use solely by occupants and guests of the premises.
- Tennis courts, swimming pools
- Radio and television towers incidental to a permitted use.
- A use of not to exceed 40 percent of the floor area for incidental storage
- Home occupations

d) Minimum yards shall be provided as follows:

- For single family dwellings shall be required in the least restrictive abutting (or nearest) R District.
- For multi-family shall be the same as required in the R-A District.

- For other uses shall be the same as required in the least restrictive abutting (or nearest) R District. Where rear yard parking is preferred, a 10 foot front yard will be allowed. Where properties front on a corner lot, a side yard facing the street must be one-half the height of the building or 10 feet, whichever is greater.
- e) The minimum lot width and lot areas shall be as follows:
- For single family dwellings the same lot restrictions shall be used as is required in the least restrictive abutting (or nearest) R District.
  - For apartment the same lot restrictions shall be used as required in the R-A District.
  - For other uses, the lot restrictions shall be the same ones used in the least restrictive abutting (or nearest) R District.

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## 2.4(10) C-1 Central Business District

- a) The C-1 Central Business District is a multi-use District in which retail, office and some residential uses coexist in the older business section of the City. Many of the buildings are constructed with common walls, no yard area, and no off-street parking, affecting the types of activities and uses that should be allowed, and which are non-nuisance generating.
- b) Premises may be used for the following purposes:
- Automobile, bicycle, boat and lawn mower sales and service incidental thereto but no repair shops without sales.
  - Bakery shop, provided such operations are limited to the use of non-smoke producing types of furnaces.
  - Bank, finance and loan companies
  - Bowling alley
  - Churches and other places of worship
  - College, business college, trade school, music conservatory, dancing school and similar organizations without students in residence
  - Convenience store outlet, including the sale of alcoholic beverages in closed containers to be consumed off the premises
  - Dry cleaning and laundry pick up stations
  - Dwelling, when constructed in conjunction with a permitted use provided such dwellings are an integral part of the main building of such a permitted use.
  - Eating establishments
  - Automobile service station
  - Food store but excluding the dressing or killing of any flesh or fowl
  - Hotel
  - Private club, boarding or rooming house, homeless shelter, dormitory-all as a restricted, conditional use only
  - Manufacturing of articles to be sold exclusively on the premises, provided such manufacturing is incidental to the retail business and employs not more than 5 operators engaged in the production of such items.

- Multi-family dwelling when off-street parking is provided (as a primary use)
- Office for professional and business activity
- Off-street parking facilities.
- Snowball stand
- Sweet Shop
- Video and billiard game room
- Place of business where service is rendered such as tailoring, and clothes pressing, barber shops, beauty parlors, photographic establishment, radio shop, upholstery shop.
- Public building and use
- Restaurants, not including bars and lounges
- Retail store not otherwise listed
- Publishing establishment, printing plant
- Taxi stand limited to 5 taxis
- Theater when housed in a permanent structure (including cinema)
- Wholesale business included within a building - not including warehouse.

c) Any accessory use permitted in R-A and B-2 District. Accessory use may include the following:

- Sale and consumption of alcohol on premises only in connection with a full-service restaurant. No separate bar areas are allowed
- Commercial parking lots
- Radio and television towers
- Home occupations
- Any accessory use clearly incidental to a permitted use and which will not create a nuisance or hazard

- d) Minimum yards shall be as follows:
- A side yard of not less than 5 feet shall be provided for any building where there is adjacent residential zoning.
  - Otherwise, there will be no front, side or rear yard requirements, except for new buildings that must adhere to safety codes requiring minimum distances to adjacent buildings or property lines.

- e) The minimum lot area requirements for dwellings shall be a minimum of:

-One living unit per 500 square feet of lot area for existing structures renovated for dwelling units within the Hammond Municipal Historic District and/or the Federally Recognized Hammond Historic District.

-One living unit per 3,000 square feet of lot area for new structures built for dwelling units. (The same lot and area requirements used in the R-A District will apply in these cases.)

**EXCEPTION:**

Single family residential lots

Lot width	-	65 feet average width
Lot Area	-	6,500 sq ft average lot area
Side Yards	-	8 feet

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## 2.4(11) C-2 Commercial District

- a) The C-2 Commercial District is a non-industrial commercial area more restrictive than the C-3 District and allowing multi-family residential uses.
- b) Premises may be used for the following purposes:
- Any use allowed in a B District.
  - Bus station, car sales, railroad station, cinema, theater, events center, reception hall
  - Motel, hotel
  - Private club, boarding or rooming house, homeless shelter, dormitory-all as a restricted, conditional use only
  - Auto repair shop
  - Any office or service business not prohibited herein.
  - Any repair service or repair business not specifically restricted or prohibited
  - Convenience store outlet, including the sale of alcoholic beverages in closed containers to be consumed off the premises
  - Dry cleaning and laundry self service
  - Warehouse
  - Mortuary, funeral home
  - Any retail or wholesale use but not the storage above ground of petroleum and other inflammable liquids in excess of 100,000 gallons
  - Multi-family uses
  - Manufacturing which is incidental to a permitted retail business where the articles manufactured are sold at retail on the premises
  - Off-street parking
  - Animal hospital with side and rear yards of at least 20 feet each. The rear yard shall be at least 40 feet where there is adjacent residential zoning.

- Fast food restaurants
  - Filling station
  - Carpentry shop
  - Contractor's storage yard
  - Taxi stands
  - Banks, finance companies
  - Lumber yard as part of retail establishment
  - Canning and preserving of foods
  - Bottling plant
  - Municipal uses
  - Publishing establishment, printing plant
  - Expansion of existing L Districts uses by not more than 25 percent in area.
  - College, country club, school
  - Car wash, health clubs, convenience food stores, eating establishments, general hospital, apartment hotel, child nursery, lodging, nursing home, municipal recreation use, church, snowball stand, sweet shop, game room
- c) Any accessory use permitted in R-A and B-2 District. Accessory use may include sale and consumption of alcohol only in connection with a full-service restaurant. No separate bar areas are allowed.

- d) Minimum yards shall be as follows:  
Front Yard and Set-Back- 25 foot minimum building set back with a minimum landscaped, open front yard of 15 feet in depth. Front yard may contain signs and driveways but shall not be hard-surfaced for parking. Front yard shall be maintained as an open landscaped area (minimum building setback shall remain at 25 feet), as required by Section 2.4 (17) of this Zoning Ordinance.

Rear Yard - A minimum of 10 feet in depth.

Side Yard - A minimum of 10 feet per each side of building under 3 stores in height. Buildings over 3 stores in height shall have side yards of at least ½ the height of the

building.

- e) The minimum lot width, minimum lot area and minimum lot area per living unit for dwellings shall be as required in the least restrictive abutting R District. For multi-family uses, R-A District requirements shall be used. Minimum width of commercial lots shall not be less than 50 feet.

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## 2.4(12) C-3 Highway Commercial District

- a) The C-3 Highway Commercial District groups together those major retail office and service uses that generate high traffic volumes, that could create nuisances to residential areas, and that require easy access to a major highway or interstate road.
- b) Premises may be used for the following purposes:
- Any use permitted in a B or C-2 District, except dwelling houses (single family).
  - Private club, boarding or rooming house, homeless shelter, dormitory-all as a restricted, conditional use only
  - Motor truck terminal
  - Private or municipal recreation activity
  - Body piercing/tattoo services
  - Tire capping using electronic equipment only
  - Truck sales and service
  - Sheet metal or welding or machine shop or metal fabrication shop having a floor area of less than 10,000 square feet.
  - Extension of the existing non-conforming buildings and land uses by not more than 25 percent in square feet area. Provided that all of these uses, when located outside the confines of a building, shall be screened from public view by walls and/or fences and/or by other screening of not less than 6 feet in height in a manner acceptable to the Building Official.
  - Shopping malls
  - Sale of mobile or manufactured homes, trailers, and motor homes
- c) Any accessory use permitted in a B-2 or C-2 District is permitted.  
Sale of alcohol in conjunction with a full-service restaurant.
- d) Minimum yards shall be as follows:
- For non-dwelling uses not adjacent to residential zoning:
- Front Yard and Set-back – a minimum building set-back of 25 ft. with a minimum landscaped, open front yard of 15 feet in depth. Front yard may contain signs and driveways but shall not be hard-surfaced for parking. Front yard shall be maintained as

an open landscaped area (minimum building setback shall remain at 25 feet), as required by Section 2.4 (17) of this Zoning Ordinance.

Rear Yard - A minimum of 10 feet in depth.

Side Yard - A minimum of 10 feet per each side of building under 3 stories in height and a minimum of ½ the height of the building if over 3 stories in height.

*Note: Buildings over 3 stories in height shall have rear and side yards of at least one-half the height of the building.*

-For non-dwelling uses adjacent to residentially zoned property, side and rear yards shall be equal in depth to one-half the height of the building, but not less than the minimum required above. Minimum width on commercial, non-dwelling lots shall not be less than 50 feet.

-For multi-family dwellings, yard and density requirements shall be the same as provided for in the R-A District.

**EXCEPTION:**

Single family residential lots

Lot width	-	65 feet average width
Lot Area	-	6,500 sq ft average lot area
Side Yards	-	8 feet

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## 2.4(13) C-4 and C-4A Commercial Districts

- a) The C-4A and C-4 Commercial Districts are restrictive in nature and are intended to strictly govern the commercial, retail, and entertainment uses described herein, and to set forth those special conditions which may bind the properties and uses thereof.
- b) Premises may be used for the following purposes:

- **C-4A Zoning:**
  - Sale or rental of adult material and the establishment of adult uses, as defined by this Ordinance.
  - Bars and lounges
  - Preparation and/or service of food
- **C-4 Zoning:**
  - Bars and lounges
  - Preparation and/or service of food

- c) Minimum yards shall be as follows:

Front Yard – A minimum landscaped, non-paved open front yard of 10 feet in depth. Building setbacks for all buildings shall be a minimum of 25 feet from the public right-of-way.

Rear Yard – A minimum of 25 feet in depth from all adjacent properties, residence, or businesses.

Side Yard – A minimum of 25 feet in depth from all adjacent properties, residence, or businesses.

- d) Notwithstanding the foregoing, Adult Uses as defined herein may be permitted upon determination that all of the applicable conditions in this Ordinance are met and that the Zoning Commission and City Council.

1. Application Requirements: The applicant for a rezoning herein for bars, lounges or adult uses must submit the following:

- Completed criminal background check authorization;
- A list of current employees with proof of age, none of whom may be below the age of 18, and, if the premises is licensed and/or permitted to dispense or is intended to dispense alcohol, below the age of 21;
- Performance bond in the amount of \$1,000.00 for compliance with any applicable noise ordinance and/or obscenity ordinance(s) or statute(s);
- If the applicant is not an owner of the premises, a true original copy of the

lease agreement demonstrating the use applied for is allowed under the lease.

2. Additional requirements: The premises intended to be used for Adult Uses must comply with the following:
  - Applicant/Permitee must update the list of employees with proof of age quarterly;
  - No activity may be visible from outside the establishment;
  - Any windows must be one-way;
  - Setbacks from adjacent property, or businesses, on all sides (front, rear, and 2 sides) must be at least 35 feet, unless special conditions are required by the City Council.
  - A solid wood or masonry fence of at least 6 feet in height must be provided on any side of the premises which abut residential or business uses.
  
3. The Council and/or Zoning Commission may require additional restrictive conditions as part of any rezoning herein which may be granted for Adult Uses, sale or rental or Adult Material, or for lounges and bars.

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## 2.4(14) L-Light Industrial District

- a) The Light Industrial District represents industrial uses that engage in light manufacturing and processing activities that generally are not considered dangerous to nearby residential or commercial areas. No residential uses, aside from plant caretaker's/watchman's quarters, are allowed in this District.
- b) Premises may be used for the following purposes:
- Automobile, truck and machinery repair shops
  - Railroad stations and service yards
  - Car sales
  - Gasoline filling stations
  - Dry cleaning and laundry self service and/or pick up stations
  - Manufacturing of articles to be sold exclusively on the premises
  - Off-street parking facilities
  - Publishing, printing plants
  - Warehouse
  - Manufacture of clothing, candy, ice cream, bedding material
  - Product distribution centers not related to on-site heavy industrial manufacturing
  - Lumber yards
  - Carpentry shop
  - Animal hospital
  - Pipe yard
  - Storage yards
  - Salvaging yard (auto, scrap metal)
  - Canning and preservation of foods
  - Bottling plant

- Transportation and truck terminals
  - Sheet metal, welding, machine shop
  - Vegetable packing plant
  - Manufacture and storage of concrete and brick products, furniture and wood products, light metal frames, and electronic parts
  - Blacksmith shop
  - Storage (only) of petroleum and similar products
  - Junk yard and auto wrecking provided that all of these uses when located outside the confines of an enclosed and secured building shall be screened from public view by wall and/or fences or other screening of not less than 6 feet in height in a manner that will shield said item from public view.
  - Other light manufacturing and processing approved by the Planning and Zoning Commission
  - Caretaker's Quarters
  - Truck sales and service
  - Any accessory use is permitted as long as the guidelines stated in Section 3 of this Ordinance are met.
- d) A minimum open front yard of 10 feet in depth. Front yard may contain signs and driveways but shall not be hard-surfaced for parking. Front yard shall be maintained as an open landscaped area.

Building setback shall be a minimum of 25 feet from road rights of way and adjacent buildings.

A side-yard of not less than 25 feet shall be provided for any building where there is adjacent residential housing or zoning.

A side yard of not less than 15 feet shall be provided for any building where there is adjacent commercial zoning.

A rear-yard of not less than 30 feet when there is adjacent residential housing or zoning in back of an L District. A rear yard of not less than 20 feet shall be provided for any building where there is adjacent commercial or residential zoning.

All exterior lighting shall be focused downward and away from adjacent properties.

- e) There will be no minimum or maximum lot area requirements.

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## 2.4(15) H-Heavy Industrial District

- a) The Heavy Industrial District represents industrial uses that engage in manufacturing or processing activities that are generally considered nuisance generating and/or potentially dangerous to residential or commercial areas. Therefore, residential and most commercial uses are prohibited in this District.
- b) Premises may be used for the following purposes:
- Any use permitted in L District
  - Caretaker's quarters
  - Manufacturing of chemical products
  - Smelters
  - Processing of metal (steel, aluminum) products and by-products, along with other processing systems that may involve the continued use and storage of chemicals, cleaners, and by-products.
  - Petroleum processing and animal slaughterhouses
  - Other heavy industrial uses as approved by the Planning and Zoning Commission
  - Paper and products mill
- c) Any accessory use is permitted as long as the guidelines stated in Section 3 are met.
- d) A minimum open front yard of 15 feet in depth. Front yard may contain signs and driveways but shall not be hard-surfaced for parking. Front yard shall be maintained as an open landscaped area. **Minimum building setback shall be 35 feet.**
- A side yard of not less than 25 feet shall be provided.
- A rear yard of not less than 35 feet shall be provided.
- All exterior lighting shall be focused downward and away from adjacent properties
- e) There will be no minimum or maximum lot area requirements.

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## 2.4(16) S - Special Districts

- a) A **Special District** shall be any particular district created by special act or ordinance by the City of Hammond for the purposes of creating, developing, or administering particular activities or regulations peculiar to that special district. To be considered a special district for the purposes of this Ordinance, the Special District created must have its own set of Zoning regulations, and building setback regulations, which complement those in this Ordinance. The proposed sale of property included in a special district for uses other than those agreed upon by the City and the Special District Administrator, shall result in that property having to be rezoned by the City through its normal re-zoning procedure.

Typical examples of such districts are Airport districts, historic districts, and Southeastern Louisiana University district.

- b) Airport Ordinances 820 and 1070 are adopted as part of this General Zoning Ordinance by reference. Enforcement of these two ordinances shall be as specified in Section 5 of this Ordinance.
- c) **The S-1 District** in Hammond is the Southeastern Louisiana University District that comprises that SLU property north of University Ave. and between Tornado Drive, and the original SLU campus area bounded on the north by University Drive, on the south by W. Dakota Street, on the east by North Oak Street, and on the west by N. General Pershing. The SLU S-1 District also includes their property north and west of the Hammond Airport within the corporate limits.
1. Within the S-1 District, permitted uses will be in accordance with SLU's Master Plan or Land Use Plan. The City will not require re-zonings within the S-1 area if such proposed uses are part of the intended use of that special district (such as educational, airport, etc). In addition, the City will not have to inspect buildings nor review building plans that are part of the State's improvements within that district. However, SLU will be required to submit City Building Permits even though no City Building Construction fees are charged. This will allow the City to keep up with new construction within the corporate limits and provide for improved coordination between the University and the City of Hammond.
- d) **The S-2 District** in Hammond will include that property typically known as the Hammond Airport and covered by the adopted Airport Master Plan of Hammond. Within this District, building plans and building permit applications will be submitted and reviewed by the City of Hammond. The City Building Office will perform building and site inspections and will collect the appropriate building fees from private entities building within that district. Permitted uses will be those allowed in the Airport Special Zone in conformance with the Airport Master Plan.
- e) **Special Residential Preservation Zoning District (SRPZD).** An application to create a Special Residential Preservation District shall be made to the Zoning Commission by 100 percent of the property owners in the proposed district. The properties therein must be

contiguous and all be then zoned and used for residential uses. Each property owner in the proposed district must agree in writing to the creation of said district. Creation of the district must be approved by a majority vote of the Zoning Commission, and must be submitted to the City Council for final approval. Once created, the Special Residential Preservation Zoning District shall prohibit any uses other than residential uses and permissible accessory uses. Any application to rezone property, or to seek an expanded conditional use must contain a petition signed by at least 66 percent of property owners who must also represent at least 66 percent of the square footage of property within the district. The rezoning of property within the SRPZD must be approved by a majority vote of the Zoning Commission, and a majority vote of the City Council.

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## 2.4(17) ID – Institutional District

- a) The purpose of this District is to provide a zoning category in which to locate and set guidelines for certain public and private institutional uses such as schools, cemeteries and municipal uses, that may not be permissible in other residential or commercial zoning categories. All such uses in this district require site plan review and approval before final approval of building permits.
- b) Premises may be used for the following purposes:
- Elementary and secondary schools with curriculums approved by the State Board of Elementary and Secondary Education and operated on a non-profit basis.
  - Public colleges and universities
  - Municipal, public offices
  - Fire Stations
  - Police Stations; prisons, jails
  - Municipal recreation
  - Building caretakers and on-site staff residences
  - Cemeteries and mausoleums
  - Municipal treatment plants and water storage facilities
  - Orphanages
  - Nursing Homes
- c) The following accessory uses to the primary use of the premises are permitted:
- storage buildings and parking lots to be used by employees and guests to the permitted facility
  - gardens for non-commercial purposes
  - public voting precincts
  - radio and communication antennas that are incidental to permitted uses and related to the permitted primary use on site
- d) Minimum yards shall be provided as follows:
- Permitted institutional uses **abutting upon residential lots or residential uses** shall provide a minimum of 25 feet side or rear yard and a solid 6 foot buffer fence in conformance to City fencing guidelines. Other yard requirements for institutional uses **not abutting** upon residential zoning or lots shall be as follows:
- Front yard and minimum building setback: 25 feet  
Rear yard: 15 feet  
Side yard (each side): 10 feet
- e) Minimum lot widths and lot areas shall be as follows:

The minimum lot size shall be 7,500 square feet with a minimum lot width of 75 feet. Minimum lot sizes, lot widths and set backs are not required for sewerage lift stations.

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## **2.4(18) RP--Residential Preservation District**

### **a) Definition**

The RP District is a single family dwelling residential district of a historic nature and character allowing for large lots and allowing certain noncommercial uses associated with single family residential areas.

### **b) Premises may be used for the following purposes:**

Single family dwelling

Garden, growing of crops (noncommercial)

### **c) The following Accessory Uses are permitted:**

Professional home occupations

Private garages

Single accessory attached apartment provided that the lot area per residence unit requirements set fourth in section 'e' below are met.

Vegetable and flower gardens

Raising and keeping of domestic animals but not on a commercial basis or on a scale objectionable to neighboring property owners

Tennis court, swimming pools, garden houses, tool sheds, pergolas, barbecue ovens, and similar uses customarily accessory to residential uses.

Radio and television towers and antenna for amateur and noncommercial uses.

### **d) Minimum yards shall be provided as follows:**

One front yard of 25 feet

One rear yard of 15 feet in length

Two side yards of eight (8) feet each in width. Provided that on corner lots there shall be a side street yard equal to at least one-half the required front yard.

### **e) Minimum lot width and lot areas shall be as follows:**

Prior surveys, plats, or maps notwithstanding, property located within the defined area of this district shall not be further subdivided, and the size of each tract of land shall retain the dimension that exists on the date of adoption of this ordinance. However, multiple adjoining lots containing the same building may be subdivided to remove lot lines. Furthermore, a 'Double Frontage (or through)' lot as per the definitions made part of Ordinance 2550 CS of the City of Hammond, may be divided providing that there is a minimum of 75' feet frontage on each street, and sufficient area for 11,250 sq. ft. of lot area per living unit.

**f) Height Restrictions:**

All property in this district shall comply with the provisions of Section 2.7 of ordinance 2550 CS of the City of Hammond.

**g) Replacement of Existing Buildings**

In the event any main building within the Residential Preservation District shall be destroyed or for any reason be condemned by the Building Inspector, any replacement main building thereafter erected shall occupy the identical footprint (measurement and square footage) as the previous building. If construction of said building is completed within one (1) year of the destruction or demolition of the previous building, no variance shall be needed for any non-conforming condition which previously existed. Nothing herein shall prevent application for a variance to change the footprint and square footage of the replacement building.

**h) Foundation Requirements**

All new or replacement main buildings erected within the Residential Preservation District shall be constructed on raised twelve (12) inch footings. Accessory buildings may be erected on a concrete slab

**i) Siding Requirements**

Any new or replacement main building erected within the Residential Preservation District shall be sided with wooden or vinyl clapboard siding on every exterior wall.

**j) Roofing Requirements**

Roofing materials for any new or replacement building shall be composition, asphalt, slate, tile, or standing seam metal. Any roofing materials on existing buildings shall only be replaced with identical materials, unless all roofing materials are replaced with those permissible for new or replacement buildings.

**k) Porch Requirements**

Any new or replacement building erected within the Residential Preservation District shall contain an exterior, unenclosed covered porch. Each porch shall face one or more streets adjoining said lot, and shall contain no less than fifteen percent and no more than twenty-five percent of the square footage of the remaining main building.

**l) Submission of plans for exterior changes to the Building Official.**

Prior to the commencement of any exterior change to an existing building, the erection of any new building or the demolition of any existing building in the area defined as *Residential Preservation District*, application for a permit therefore shall be made to the Building Department of the City accompanied by the full plans and specifications thereof so far as they relate to the building materials of the exterior of such building, alteration or addition, or of any outbuildings, courtyard fence or other dependency thereto..

**m) Removal of sheds and outbuildings.**

There shall be no restrictions against the removal of sheds or outbuildings. These buildings must be removed or repaired when in dangerous conditions. Any changes to the exterior of any shed or outbuilding may be made only after the owner of the property obtaining a permit from the Building Official or his staff under the provisions of this ordinance.

**n) Prohibition against demolition by neglect.**

Any building within the boundaries of the *Residential Preservation District* shall be protected by the owner of said building against decay and deterioration and shall be maintained against structural defects. The owner of such property shall repair such building upon the finding by the Building Official that the building has one (1) or more of the following:

- a. Deterioration to the extent that the building creates or permits a hazardous or unsafe condition as determined by the Building Official or a member of his staff.
- b. Deterioration, as determined by the Building Official or a member of his staff, that the building is characterized by one (1) or more of the following:
  1. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property;
  2. Deteriorated or inadequate foundations;

3. Defective or deteriorated floor supports that split, lean, list or buckle due to defective material, workmanship or deterioration;
4. Members of walls or other vertical supports that split, lean, list or buckle due to defective material, workmanship, or deterioration;
5. Members of walls or other vertical supports that are insufficient to carry imposed loads with a reasonable factor of safety;
6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material, workmanship, or deterioration;
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge or settle due to defective material, workmanship, or deterioration; or
9. Any fault, defect or condition in the building which renders same structurally unsafe or not properly watertight.

c. If the Building Official makes a preliminary determination that a building is being demolished by neglect, that official shall notify the owner of said building of this determination, stating the reasons therefore, and shall give the owner or owners of record thirty (30) days from the date of mailing of the notice or the posting thereof on the property, whichever comes later to commence work to correct the specific defects as determined by the Building Official. Said notice shall be given as follows:

1. By certified mail, restricted delivery, mailed to the last known address of the owner or owners of record as listed on the city and/or parish property tax rolls; or
2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the building.

d. If the owner or owners fail to commence work within the time allotted as evidenced by a building permit, the Building Official shall notify the owner or owners of record in the manner provided above to appear at a public hearing before the City Council at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The City Council shall receive evidence on the issue of whether the subject resource would be repaired and the owner or owners shall present evidence in rebuttal thereto. If after such hearing the City Council finds that the building is being demolished by neglect, the Council shall order repairs be made by the owner or owners of record with the provision that if repairs are not completed within 90 days of said order that the Building Official bring misdemeanor

charges against the owner or owners of record or take other such actions as the council deems appropriate.

e. If the owner or owners of the building in question raise the defense that the repair of the property causes "Unreasonable economic hardship" Council shall require the submission of the same information as required under Section 17.3-20, 3(b) of the Code of Ordinances of the City of Hammond.

**o) Building Code not superceded.**

No part of this ordinance is intended or to be construed to supersede the provisions of Section 9-2 ; Section 9-3.1; Section 9-3.2; or Section 9-3.3 of the Code of Ordinances of the City of Hammond as they pertain to the various building codes adopted for the government of construction in the City of Hammond.

**p) Conflict**

The provisions of this section shall govern and take precedence over other provisions of any other ordinances or codes of the city.

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2.4(19)

**THOMAS/MORRIS STREET OVERLAY DISTRICT**  
**ECONOMIC DEVELOPMENT DISTRICT**

**CREATION:**

There is hereby established the Thomas/Morris Street Overlay and Economic Development District (OED District) within the City of Hammond that will supplement existing zoning regulations. **Administration:** The overlay district guidelines will be administered by the Hammond Building Department, with **variance** requests reviewed by the Hammond Zoning Commission, acting in their capacity as the Board of Adjustments.

**LOCATION:**

This overlay district is bounded on the east by Range Road and on the west by Morrison (Highway 51 By-Pass). All properties fronting onto East and West Morris and Thomas Street within this area are included in this newly created district, excepting the federal Hammond Historic District.

**PURPOSE:**

The purpose of creating this OED overlay district is to:

- encourage investment and restoration of property in a manner that values preservation of historic structures while enhancing property values
- provide predictability and conformity in zoning designations with relation to the character of the adjoining properties and neighborhoods
- provide a minimum set of design standards that relate to building facades, signage, landscaping, and lighting
- provide for a set of optional development and preservation incentives to be used by the City as a negotiating and incentive tool
- provide for the adoption of a proposed zoning plan for this corridor

### **COMPLIANCE WITH EXISTING ZONING CLASSIFICATIONS:**

The OED District guidelines will supplement those regulations in effect within the applicable Zoning Classifications of each property within the OED District. In cases of a conflict between the guidelines of the OED District (and not addressed specifically in this section) and those of the applicable Zoning Classification, the OED District guidelines shall prevail.

### **INCENTIVE TOOLS TO BE USED:**

The City of Hammond may use the following incentives or conditions to encourage compliance with the OED District guidelines, that includes both the Overlay standards and Economic Development District minimum financial investments

- Endorsement of the State's Restoration Tax Abatement Program benefits, providing for a 5 to 10 year freeze of property values at the pre-renovation or pre-construction levels, provided that the minimum guidelines are met.
- Endorsement of the State's Enterprise Zone Program benefits, providing for a State tax credit for each new employee hired or retained. In addition, State and local sales taxes paid for construction materials and equipment can be refunded to the owner/developer if minimum guidelines are met.
- Historic structure federal income tax credits if such eligible structures are recognized as historic by the federal Office of Historic Preservation
- the City may negotiate to have unpaved or paved parking placed in the rear and sides of a building to provide additional green space in front
- City parking space requirements may be reduced by up to 20% of the number of spaces required if health and safety are not adversely affected and if a propertyowner is trying to meet these overlay guidelines

- the City may install, at its costs, new sewer service lines from the sewer main to the property lines and may install driveway culverts when purchased by the owner (these services usually must be completed by the owner/developer)
- free technical assistance provided by the City and TEDF in preparing applications for the Restoration Tax Abatement Program and Enterprise Zone Program
- the City or DDD may install new public sidewalks, at a shared cost or at no cost to the propertyowner, depending upon City budget and sidewalk plans, and to be completed in conjunction with proposed private property improvements
- historic properties being renovated may apply for facade grants made available to the City through the State Office of Historic Preservation
- new street light standards will be installed on public property by the City and/or the DDD

## **MINIMUM DESIGN STANDARDS TO BE FOLLOWED**

**1. Sidewalks:** It is the intention of this amendment to install public sidewalks within the OED District on at least one side of the streets included in the District within those areas **east of Mooney Avenue**. Sidewalks shall be required on East and West Morris Streets on the south side. Sidewalks shall be required on East and West Thomas Streets on the north side and along other areas in the OED District so designated by the City that are in need of sidewalk connections. However, **existing** sidewalks on either side of the streets shall be retained and upgraded. Sidewalks that meet City requirements shall be installed at the expense of the property owner/developer at the time building permits (new, additions, or renovation) are requested for that same property. The City may install the required sidewalks when a propertyowner deposits with the City (in escrow), the City's cost of the sidewalk measured in dollars per linear feet of street frontage. All

sidewalk improvements made by private parties must first be reviewed and permitted by the City Building Department.

***Sidewalk design:*** Sidewalks shall be concrete and a minimum of 4 ft. in width and be curbed at street intersections to allow access to the handicapped. Paver bricks shall be used as expansion joints and shall consist of a single row of bricks installed horizontally at each property line and at approximately 10' to 12' centers. Color and style of sidewalks and paver tiles shall conform to the colors and styles being installed by the City within the Hammond Historic District. Repair of existing sidewalks shall follow the same standards. Damage to tree roots shall be minimized in order to preserve as many trees as possible.

**2. *Signage:*** The Morris-Thomas Street corridor is a unique blend of residences and businesses in a neighborhood style setting. Signage guidelines are used to improve the harmony between different property uses and the historic/aesthetic nature of this area. All proposed signage within this District must be approved and permitted by the City Building Department and City Planner before being installed. In addition to following the existing requirements of the City of Hammond signage ordinance, additional standards for commercial uses in the Overlay District are hereby adopted as follows:

- when signage is installed, replaced, or renovated for a business and not attached to a building, monument signs not exceeding 7 feet in height shall be installed. An additional 3 feet in height may be allowed for a base, berm, or foundation if such area is landscaped. Such signs east of Mooney Ave. shall not be back-lit but may be externally illuminated in a fashion that directly illuminates the sign and does not disturb neighboring properties. Monument signs shall meet the requirements of the City's sign ordinance and have frames constructed of brick, stucco, or cement. They shall be placed so as to not obstruct the view of on-coming traffic. *This section does not prohibit the sign face only or the name of the business from being changed on existing, legal signs within the District*
- non-portable readerboard signs (in which letters and number are often changed to announce various information), which allow letters to be temporarily attached, will not be permitted within the OED Overlay District east of Mooney Ave.. Readerboard signs will be allowed to be permanently mounted on existing, legal pole signage for businesses west of Mooney

Avenue. All other signage will follow the City's Sign Ordinance and shall first be permitted by the City. Readerboard signs may be included within a monument sign west of Mooney Avenue

- facade mounted or facade painted signs will be limited in size to 25 square feet or 15% of the principal facade area, whichever is greater, except for that area west of Mooney Avenue within the Overlay District (which will follow the existing City's sign ordinance)
- all signs that are legally non-conforming at the time that this ordinance is passed, may continue to be used if they are maintained in good condition. If a new sign is constructed or substantially rebuilt, or if a sign is destroyed through an act of nature or by way of an accident, these new sign standards shall be used in constructing the new sign.

**3. Street Lighting:** City approved **public** street light standards will be used within the Overlay District when installing new or replacement **public** lighting standards.

- street lighting standards to be used on existing power poles will conform to a "period" design chosen by the Downtown Development District design committee and the City Building Department. Electric (secondary feeds) service lines and cable TV lines to homes and businesses will be run underground unless such lines are in the rear or side of a property within the OED District.

**4. Coordinated Landscaping:** Coordinated street landscape design will be required for new construction projects or for renovation projects. Small, medium, and large tree species will be approved on a site by site basis in accordance with the site's limitations and the City's landscape plan, landscape guidelines, and Section 2.5(b) of the Hammond Zoning Ordinance. As part of the Building Permit approval process, site, landscape and any water line plans will be required for each new or renovation commercial building project or landscape project within the Overlay District. **Projects in which an applicant is requesting re-roofing, painting, or maintenance only projects will not be required to meet this landscape standard**, which will be reviewed by the City Planner on a case by case basis. State highway right of ways will not be used for planting trees and shrubs to meet this requirement unless such landscaped plans are first approved by the State Highway Department (DOTD) and is needed to avoid substantial removal of

existing paved parking lot areas. Otherwise, the landscape requirements will impact only private property. If the State Highway Department allows five feet of highway right of way to be used for landscaping, then only five feet of privately owned linear highway frontage will be required to meet the City's 10 foot wide corridor landscape requirement (see Section 2.5(b) of Zoning Ordinance).

**5. *Facade and Building Design:*** Non-maintenance exterior building improvements and refurbishing, along with new construction, must be “in character” with the exterior design and style used in historic neighborhood buildings (those built over 50 years previously) within the block affected for **all areas east of Mooney Avenue.**

- new or renovated buildings, along with expansions, if not already located on a concrete slab, will be constructed on raised 12 inch footings to match similar buildings in the Overlay District, if such structures are located east of Mooney Ave. in the Overlay District.
- existing metal building facades will be replaced with brick, stucco, or wood facades when building permits are requested for such facilities.
- open front porches will be retained where existing or removed, and added with new construction
- demolition of existing historic homes and business structures (those originally built before 1950) will be prohibited unless pre-approved by the City Zoning Commission. If demolition is permitted, new construction will blend in and be in character with the historic nature of the OED Overlay District east of Mooney Avenue.
- before any demolition is approved, a written inspection and demolition report must be prepared by the Building Department and presented to the Zoning Commission for review before making their decision on demolition.

**6. *Street and Site Drainage Improvements:*** Open ditch street drainage shall be discouraged within the Overlay District. When a building permit is issued for substantial renovation of a property or for new construction within the Overlay District, subsurface drainage plans shall be reviewed and negotiated between the propertyowner and the City, in accordance with City and State DOTD (Highway Department) standards. Drainage plans for the building site shall be submitted to the City Building Department for review and approval. Impacts upon adjacent properties shall be considered by the City in their review process.

7. ***Building Setbacks and Parking:*** Minimum building set-back distances for properties east of Mooney Avenue and located on East Morris/ East Thomas Streets and West Morris/West Thomas shall conform to the existing building setbacks in the applicable block. Front yard building setbacks of 15 feet may be permitted when parking will be provided on the side or rear of the property. An open, front yard for properties herein shall be maintained as green, landscaped space with required parking on the side or rear of the primary building. No parking of vehicles will take place within the front yard green areas and such yards shall include appropriate barriers that would prohibit the parking of vehicles in green or landscaped areas. The City will encourage parking is to be on the sides or rear of buildings and no parking shall be permitted to allow backing of vehicles directly onto a public street. All other areas within the Overlay District shall follow the required front building setbacks, parking, and yard requirements of the City's Zoning Ordinance. Access driveways into the street will be limited to no more than one per property or two for properties exceeding 100 feet of public road frontage.

## **MINIMUM STANDARDS AND INVESTMENTS REQUIRED FOR CITY APPROVAL OF RESTORATION TAX ABATEMENT PROGRAM**

In order for the City of Hammond to approve (via City Council approval) an owner's application for Restoration Tax benefits within the OED District, an owner must be able to document the following:

- a) that the owner- applicant will provide the minimum improvements required by this ordinance when upgrading their property and requesting tax incentives
- b) that, within a two year period, the owner-applicant plans to spend the minimum investment required for:

owner-occupied households    \$25,000 minimum per one building permit

commercial properties    25% of the assessed value  
(including apartments)    of the property affected.

(Assessment for land and improvements, as determined by the Parish  
Tax Assessor)

Note: The value of a leasee's improvements may be included by a commercial property owner who is applying for tax credits. The value of parking lot improvements and landscaping may also be counted toward a propertyowner's minimum investment.

c) the improvements shall include more than re-roofing, painting, or maintenance items in order to qualify for the tax credits

d) in order to qualify for the tax credits provided, the applicant must have the credit approved by the State administering agency (Dept. of Economic Development), the City of Hammond, and any Parish governing authority if Parish taxes are affected

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## Section 2.4 (20) HYER-CATE PRESERVATION DISTRICT

### Mission Statement:

This District's mission is to preserve and to secure the single family residential character of the Historic Hyer-Cate neighborhood. The establishment of this District will foster a clearly defined community character, which strikes a balance between growth and preservation consistent with the historic nature valued by its residents.

The homes in this District have a number of diverse architectural styles. In order to continue to preserve the character and enhance the ambience of the District, individuals with plans for new home construction or *exterior* renovation must attempt to maintain the visual compatibility with other homes within the District, *particularly with those on the street and block in which the activity construction takes place.*

### Structure:

The District shall be in the form of an overlay zone, in addition to and superseding the underlying zoning districts. Between this newly established overlay District and the underlying zoning district, the more restrictive regulations shall prevail. Current zoning classifications and zoning restrictions in the District will remain in effect. Upon adoption of this newly created overlay, a rezoning request will require a two-thirds (2/3) super majority vote from Hammond's City Council in order for a rezoning request to be approved.

### District Boundaries:

The Overlay District is bounded on the north by West Dakota Street; bounded on the south by West Morris Street; bounded on the east by NW Railroad Avenue, and bounded on the west by a stream referred to as Arnold's Creek, including all residential properties but excluding properties zoned B-1, B-2, C-1, C-2, and SC within this area as per attached zoning map dated (Exhibit A). *Properties on the exterior of these boundaries but facing the boundary lines are not included in this District.* Said boundaries shall be reflected as an overlay zone on the Official Zoning Map of the City of Hammond.

### Incentive Tool to be Used:

The City of Hammond, aside from any penalties and fines outlined in the Zoning Ordinance, may also use the following incentive or condition to encourage compliance with the Overlay District guidelines. The incentive must *be recommended by the Building Department and* approved by a majority vote of the City Council only when an existing structure is being restored for use as a single family home and complies with the rules of this Overlay District.

- a) Endorsement (by the City Council) of the State's Restoration Tax Abatement Program benefits, providing for a 5 to 10 year freeze of property values at the pre-renovation or pre-construction levels, and provided that the minimum guidelines are met. A minimum of \$25,000 *per project/and per building permit obtained* must be spent of home restoration/renovation costs in order for this incentive to be used.

### District Restrictions

1. As per Section 2.4(1) of the Zoning Ordinance with the exception being: One front yard of 25 feet in depth. At least forty five percent (45%) of the front yard, ***not including public right of way***, shall be designated ***and maintained*** as green space .
2. No outdoor storage is permitted in ***front, side or rear areas visible from the street***, except in enclosed areas such as a garage. This includes storage in the following areas: front or side porches, carports and breezeways, or storage on a trailer. ***Boats on trailers will not be included in this prohibition***. Storage of brush, fence posts, crates, vehicle tires, vehicle bodies or parts, scrap metal, bed mattress or springs, water heater or other household appliances, damaged, stored or discarded furniture and other household goods or items, material recovered from demolition, or other discarded objects (3) three feet or more in length shall not be allowed or permitted on the premises. ***Temporary storage of items that include trash, leaves, brush, and refuse, for not more than 7 days, that are being discarded or removed from the premises, will not be in violation of this part.***
3. Section 3.1 of Zoning Ordinance “Fences, Shrubs and Buffer Zones” shall be enforced with the exception being: Upon adoption of the Overlay District, open wire or chain-linked fences shall be prohibited beyond the front building line of the principal dwelling on the site. Fences shall be permitted in front yard of structures within the Overlay District if they are wood, metal (***not chain link or barbed wire***), or masonry fences with a maximum height of four (4) feet.

Solid fences, or those fences not meeting the above criteria shall not be permitted in the front yard of structures within the Overlay District, but may be deemed appropriate outside the front yard to serve portions of the side yard and the rear yard of the structure.

### Conflict:

The more restrictive provisions of this section shall govern and take precedence over other provisions of any other ordinances or codes adopted by the City of Hammond, except that the health and safety regulations contained in the adopted Building and Fire Codes of the City of Hammond shall not be superceded.

No part of this ordinance is intended or to be construed to supersede the provisions of Section 9-2; Section 9-3.2; or Section 9-3.3 of the Code of Ordinances of the City of Hammond as they pertain to the various building codes adopted for the government of construction in the City of Hammond.

### Non-Conforming Building and Properties

***Legally non-conforming buildings and properties may continue to exist but may not be changed, enlarged, or upgraded unless they meet the requirements of Section 2.2 of the Hammond Zoning Ordinance entitled “Non-conforming Provisions” and the requirements of this section.***

**Variances**

*Variances from the provisions of this Section shall follow the same rules and procedures outlined in the Hammond Zoning Ordinance, Section 5.*

**Definitions - Reference Section 8.0 Code of Ordinances:**

Add the following definition to the Zoning Ordinance, Section 8:

1) *Green Space.* Grass or vegetation such as; flower beds, trees, shrubs, or ground cover.

**Violation and Penalty:** See Section 7 of the Hammond Zoning Ordinance

2.4(21) **SC School/Church District**

a) The purpose of this District is to provide a zoning category and associated regulations and activities in which to locate primary and secondary schools that may or may not be associated with church uses. This includes both private and public schools that meet the definitions defined herein. Churches that also operate schools must be located within this zoning category unless they are considered legally non-conforming and are not expanding their physical plant. This zone is intended to protect neighboring residential activities while also providing appropriate land use guidelines for schools and church schools. All such uses in this district require site plan review and approval before final approval of building permits. The review and approval of the site plan shall be done by the Planning and Zoning Commission. Individual churches not associated with on-site schools are not required to request this zoning classification and may continue in residential zoning classifications.

b) Premises may be used for the following primary purposes:

- Elementary and secondary schools with curriculums approved by the State Board of Elementary and Secondary Education
- Churches and church related schools
- Pre-school and after-school care
- Lunchrooms, classrooms, offices, gymnasiums, playgrounds, and meeting rooms related to the on-site school or church function

c) The following accessory uses to the primary use of the premises are permitted:

- Storage buildings and parking lots to be used by employees, students, and guest of the permitted facility
- Gardens for non-commercial purposes
- Public voting precincts
- Rectories, convents or parsonages associated with the primary use of the property as stated in item (b) above

d) Minimum yards shall be provided as follows:

Permitted uses adjacent (in whole or part) to residential zoning, lots, or residential uses shall provide a minimum of 25 feet front setback, 25 foot side setback and/or a 25 foot rear setback from the property line along with steel post and beam fencing with steel picket fill-in. Other yard requirements for SC uses not adjacent to residential zoning, lots, or uses shall be as follows:

Front yard and minimum building setback:	25 feet
Rear yard	25 feet
Side yard (each side)	25 feet

When railroad property is adjacent to the property line, a 10 foot setback may be used.

Rear and side yards that also face upon a street or are located on properties that are considered a corner lot must have building setbacks of at least 25 feet.

- e) Minimum lot widths and lot areas (size) shall be as follows:

The minimum lot size shall conform to the minimum lot size of the adjacent or closest and strictest residential use. If only commercial property is adjacent to the proposed use of building, then the lot guidelines for that commercial zoning will apply.

- f) Maximum building heights for structures adjacent to residential zoning, lots or uses shall not exceed 2 occupied floors and shall not exceed 35 feet in height. When not adjacent to residential zoning, lots and uses, the building height shall not exceed 35 feet.

- g) Additional requirements for properties or projects adjacent to residential districts or residential structures not owned by the church or school:

Access: Projects shall be located with vehicular access limited to major arterial or collector streets. Site plans shall indicate that traffic is being diverted away from adjacent residential areas or planned to avoid local neighborhood streets. Gated service entrances should be designed to have as little impact as possible on the surrounding properties.

Noise and Outdoor Lighting: If early morning or night activities are conducted by the on-site user, such activities shall not begin before 7:00AM and shall end no later than 10:00 PM. Such activities shall not create a nuisance for the adjacent residential uses and shall conform to the requirements regarding noise and sound as set forth in the City's Code of Ordinances. All outdoor lighting shall be planned and installed as to be directed downward and away from nearby residential uses and shall not exceed 1 foot candle on adjacent residential properties.

Parking and Traffic: When considering new uses and buildings for school and/or church/school sites, the new or revised plans shall be presented to the Planning and Zoning Commission for approval, before the City of Hammond Building Department grants new building permits. The requirement for adequate parking shall be considered in the context of the entire campus and site plan. A traffic flow analysis or traffic study may be required by the City of Hammond Building Department or requested by the Planning Commission or City Council.

Facade and Building Design: Materials for new construction should be selected from among those that are typical of surrounding buildings, and should be compatible with existing materials in color and texture. All exterior walls of all primary and accessory buildings shall not be constructed with corrugated metal or fiberglass.

Mechanical Equipment: Mechanical equipment shall not be placed within the allowed setbacks.

Bulk containers/dumpsters: Amended Ordinance No. 2482 for bulk containers/dumpsters shall apply. In addition, no dumpster shall be placed within 50 feet of residential or residentially zoned property.

## **Section 2.4 (22) IOWA ADDITION OVERLAY DISTRICT**

### **Mission Statement:**

This Iowa Addition Overlay District's (or District) mission is to preserve and to secure the single family residential character of the Iowa Addition neighborhood and the quality of housing and site improvements. The purpose of this District is to establish and enhance a clearly defined neighborhood character, which fosters health, safety and stability consistent with the neighborhood image valued by its residents. The City has adopted this special District to further its interest in maintaining public health and safety, to promote general welfare, and to abate and eliminate public nuisances.

The homes in this District have a number of diverse architectural styles. This diversity in styles should continue consistent with the intended single family growth of the neighborhood and enhancements to neighborhood image, cleanliness, and safety. Existing homes in the District must also comply with Existing Building standards established in the Standard or International Building Code adopted by the City.

### **Structure:**

The District shall be in the form of an overlay zone, in addition to and superseding the underlying zoning districts. In the event of any conflict between this newly established Overlay District and the underlying zoning district, the more restrictive regulations shall prevail. Current zoning classifications and zoning restrictions in the District will remain in effect. Upon adoption of this newly created Overlay District, a rezoning request will require a two-thirds (2/3) super majority vote from the Hammond City Council in order for a rezoning request to be approved.

### **District Boundaries:**

The Overlay District is generally bounded on the north side by a line running adjacent to and 150 feet north of the E. Hanson Street's north ROW line; on the south by Old Covington Highway; on the east by Range Road, and on the west by S. Cypress Street, as per attached boundary map dated August 4th, 2005 (Exhibit A), and attached hereto. These boundaries shall be reflected as an overlay zone on the Official Zoning Map of the City of Hammond. Properties on the west side of S. Cypress Street and facing the Overlay District and those properties on the south side of Old Covington Highway and facing the District will be included in the requirements and enforcement of this District's regulations.

### **Incentive Tool to be Used:**

In addition to penalties and fines outlined in the City Zoning Ordinance, the City may also use the following incentive or condition to encourage compliance with the Overlay District guidelines. The incentive must ***be recommended by the Building Department and*** approved by a majority vote of the City Council when an existing structure is being restored for use as a single family home and complies with the rules of this Overlay District. In addition, the property must be in compliance with the rules and restrictions of this Overlay District.

- b) Endorsement (by the City Council) of the State's (Dept. of Economic Development) Restoration Tax Abatement Program benefits, providing for a 5 to 10 year freeze of property values at the pre-renovation or pre-construction levels, and provided that the minimum guidelines are met. A minimum of \$25,000 ***per project/and per building permit obtained*** must be spent of home restoration/renovation costs in order for this incentive to be used.

### **District Restrictions**

1. New placement and/or **rezonings/ resubdivisions** for the creation or placement of **mobile homes, duplexes, or multi-family housing** are prohibited. Those that are occupied and legal at the time this ordinance is passed may remain in use and are considered grandfathered uses in

accordance with the non-conforming rules outlined in the Hammond Zoning Ordinance.

2. **Creation of new lots** of record within the overlay district shall have a minimum lot size of 6000 square feet with a minimum frontage of 60 ft. wide.

3. The restrictions of the District shall include those set forth in Section 4.14 of the City Zoning Ordinance except *that on new structures designed for occupancy and those undergoing major renovation (costs exceeding 75% of the value of the structure)* there shall be **one front yard** of at least 25 feet in depth and at least forty five percent (45%) of the front yard, **not including public right of way** that shall be designated **and maintained** as **green space**. Parking shall not be built or take place within this designated green space.

4. All **parking** spaces for new structures designed for occupancy and those undergoing major renovation (costs exceeding 75% of the value of the structure) shall be paved with hard surfaced material (concrete, asphalt, limestone, concrete block, and pavers) with the minimum required green space also provided and protected from parked vehicles.

5. **Trees** that are removed within the public right of way must be replaced by the person or organization removing them, with 2 trees of a similar type that are regulation Louisiana street trees that have at least a 2" caliper when planted. Such trees shall be replaced as near as possible or feasible to the site the removal took place. The City of Hammond Street Department will be consulted prior to the removal or replacement of trees in the public right of way to ensure compliance with this restriction.

### **Property Upkeep:**

Property owners (or their agents) who own properties and buildings that have building and safety/health code violations which represent a fire hazard, health and safety hazards, or that are a nuisance to adjacent residents or general public, will be notified by the City to correct such violation. Any violation which may result in an immediate or imminent threat to public health or safety shall be remedied immediately. Other violations shall be remedied within a six month time period from the date of notice from the City. All occupied properties must be tied in and serviced by publicly approved water and sewerage service.

### **Non-Conforming Building and Properties**

*Legally non-conforming buildings and properties may continue to exist but may not be changed, enlarged, or upgraded unless they meet the requirements of Section 2.2 of the Hammond Zoning Ordinance entitled "Non-conforming Provisions", including any amendments and the requirements of this District.*

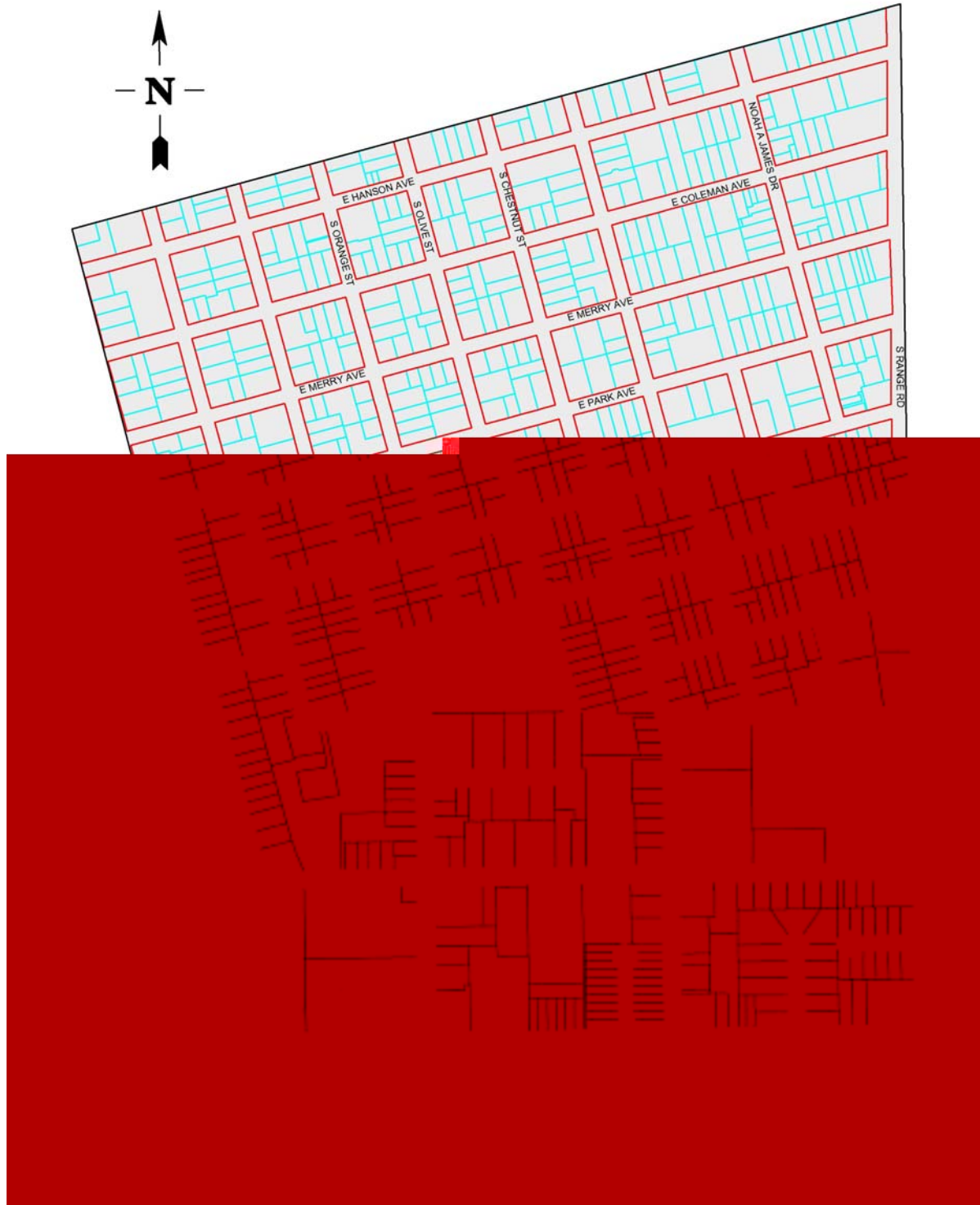
### **Variances**

All requests for variances from the rules, regulations, and restrictions of this District shall follow the same rules and procedures outlined in Section 5 of the Hammond Zoning Ordinance.

**Violation and Penalty:** The violations and penalties outlined in Section 7 of the Hammond Zoning Ordinance, including any amendments, shall govern violations of the rules, regulations, and restrictions of this District.

### **Conflict:**

The more restrictive provisions of this Overlay District shall govern and take precedence over other provisions of any other ordinances or codes adopted by the City of Hammond, except that health and safety regulations contained in the adopted Building and Fire Codes of the City of Hammond shall control in the event of conflict



## 2.5(a) Additional Yard and Wall Regulations

The following regulations for walls and yards and lots adjoining more than one street shall be observed.

- On lots fronting on two non-intersecting streets, front yards must be provided on both streets.
- In any of the B and C Districts and in the L and H Districts there may be more than one permitted commercial or industrial building on a lot or tract provided that the required yards, if any, be maintained around the group of buildings. All buildings must have access to a public street
- Those parts of existing buildings that violate yard regulations may be repaired but not reconstructed or structurally altered if yard regulations are not first met. (See Section 2.2.e. for exception).
- Where a building on a separate tract has less than the required interior side yard, such building may be altered or enlarged in line with the existing side wall provided the alteration or enlargement is not less than 3 feet from the side lot line.
- Sills, belt courses, cornices and ornamental features may project one-half of the yard depth but not more than four feet in a required yard, except that where there is a servitude on the side of a lot, no part of a building shall be built upon or overhang any part of the servitude.
- Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections shall be distant at least two feet from the adjacent side lot line.
- If side yards are provided where not required (i.e., in any of the B, C, L and H Districts) they must be at least 30 inches wide.
- Notwithstanding other provisions of this Ordinance, no building or structure shall be erected, reconstructed, or structurally altered within twenty-five (25) feet of the centerline of any street.
- Other front yard requirements notwithstanding, the front of no building need be set back more than the average setbacks of the buildings within 100 feet on either side.
- On lots occupied by dwellings, not more than 40 percent of the rear yard of the main building may be occupied by one-story buildings of accessory use, and garage apartments where permitted.

## 2.5(b) Commercial Corridor Landscape Strip

A front yard landscaping easement 10 feet wide will be required adjacent to and along the roadways specified below. Such easement will remain private property and shall immediately adjoin the public road right-of-way. It will be used for the purposes of carrying out the coordinated landscape design developed by the City for each roadway specified.

- a) The landscaped easement shall be provided by commercial property owners/developers along the following roadways:
- Highway 51 By-Pass North and South (also called Morrison Blvd.) Highway 51 Business, that section also known as Southwest Railroad Ave. between 1-12 and West Coleman Street.
  - Fagan Drive and W. Minnesota, and Club Deluxe Road
  - University Ave. (also know as Wardline Road and Columbus Drive) from the western corporate limits to North Cherry Street
  - Highway 190 East from Morris Road eastward to the corporate limits
  - North Cherry Street From Columbus Drive south to East Charles Street
  - West and East Thomas and West and East Morris, not including those blocks within the Central Business District described in Section 4 of this Ordinance.

**Exception:** *When a corner property faces onto any two of the streets so designated above, only a five-foot wide landscape easement will be required on each street. The requirements of this section shall only apply to commercial uses of property, including multi-family (apartment) uses, but shall not apply to single family detached homes.*

- b) Property owners developing property along these designated roadways shall provide for, in their site plans, landscaping that conforms to the commercial corridor landscaping requirements as recommended by the Hammond Building Department. Such landscaping shall be installed and maintained by the property owner, developer, and/or the property tenant for new construction, expansion, or substantial improvement as defined by the City. However, a property owner or developer may provide additional non-required landscaping as per their needs, or in relation to other City requirements.
- c) All landscaping improvements will be located on private property and a landscape plan must be reviewed and approved by the City Building Department as part of any Building Permit application or site plan review. The landscape plan must be in conformance to the City's commercial corridor overall landscape plans.

- d) All landscaping required by this part shall be properly maintained by the appropriate property owner or representative of the property owner or lessee.
- e) The landscaping easement may be traversed by approved driveways and permitted signage. The City will encourage low-rise monument signs within the landscaping easement.
- f) For existing businesses located adjacent to the commercial corridors listed above, property owners, developers, or leasees will comply with this section of the Ordinance at that time in which a building permit for “substantial improvement” or expansion is requested for that property. Landscaped areas shall not be located within any required parking spaces unless pre-approved by the Zoning Commission. (See **exceptions** below.)
- g) No building permit shall be approved unless landscape plans have been submitted and approved and an automatic watering system included in the landscape plan (and installed). Such watering or sprinkler system shall be installed no later than the date of occupancy.
- h) On a *corner lot* in any district, no fence, wall, hedge, or other structure or planting more than 3 feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection measured along said street line.
- i) No property located within the downtown Historic District shall be subject to the provisions of Section 2.5(b) herein.
- j) Exceptions to this section of the Zoning Ordinance will be considered by use of the variance procedure used by the Hammond Zoning Commission. Health, safety, and hardship conditions as defined in the Zoning Ordinance may be considered in granting exceptions/variances.

## 2.6 General Provisions

- a) Whenever the Council revokes the dedication of a street or alley, adjacent districts shall extend to the centerline of the street revoked.
- b) Uses of any premises in the City shall be in accordance with the minimum standards herein established. District regulations set forth in this Ordinance shall be followed.
- c) Every single family structure shall be on a single lot of record and except as otherwise allowed herein, there shall be no more than one occupied structure on any single lot.
- d) Outdoor lighting shall be placed so that direct light is focused downward and away from residential areas and on-coming traffic.
- e) Where property is located fronting on designated state or federal highways, front yard setbacks must at least meet the minimum state or federal requirements, regardless of the lesser provisions of this Ordinance.
- f) Residential and business structures having front yard areas not used for buildings, paving or other structures, not considered part of the vehicular use area, shall be considered green space and shall, at a minimum, contain grass or some other living ground cover and said greenspaces shall be properly maintained and landscaped by the owner or his designee.
- g) **General Terms** - The word 'person' includes a firm, association, organization, partnership, trust, company, or corporation as well as individual. 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 'uses' or 'occupied' include the words 'intend,' 'designed.' or 'arranged' to be used or occupied.

## 2.7 Height Restrictions

- a) The maximum building height in R-A, B-1 and B-2 Districts shall be four stories or 45 feet, whichever is greater. When a structure exceeds two stories in these Districts and is adjacent to a residential use or residentially zoned district, the side or rear yard of the building adjacent to the residential use must equal in depth to at least one-half the height of the building being built next to that residential use.
- b) Whenever a building of more than two stories is being constructed adjacent to a conforming residential use or residentially zoned district, the side or rear yard of the building adjacent to the residential use must be equal in depth to at least one-half the height of the building being built next to that residential use.

This yard requirement in this type of situation would prevail over the side and/or rear yard requirements of the applicable district in which the situation arises.

- c) Detached garages and other Accessory Buildings shall not exceed the height of the primary structure on the lot.
- d) In the R-11, R-8, and R-5S Districts, buildings designed for residential occupancy shall not exceed 2½ stories and shall not exceed thirty-five (35) feet.

## **2.8 Provisions for Townhouse Condominiums and Row Housing**

- a) For the purposes of this Ordinance, the following terms shall apply to dwellings that shall be built in accordance with the conditions set out below:
  - Townhouse Condominiums shall be considered single family attached dwellings for sale by individual units; served by individual servitudes of access and providing common open spaces in lieu of individual single family yards.
  - Row Housing shall be three or more living units with common or party walls between units, designed so that each unit may be sold independently as a lot with its own yard and parking spaces.
- b) Townhouse Condominiums and Row Housing may be built in the following Districts: R-5, R-4, R-A, R-S, B-1, B-2 and R-8.
- c) When built in these districts, the following yard and lot requirements will supersede those of the district in which they are built.
  1. Where Townhouse Condominiums and row housing are built in the R-8, R-5 and R-S Districts, they shall not be located on lots of less than 60 feet of street frontage. In other districts where permitted, there shall be at least 56 feet of street frontage.
  2. Not more than 6 contiguous townhouses or row houses shall be built in a row with the same or approximately the same front building line, and not more than 12 units shall be contiguous.
  3. Minimum widths for the portion of the lot or lots on which the townhouse or row house is to be constructed shall be 20 feet in the R-8, R-5, and R-S Districts and 18 feet in any other permitted district.
  4. Minimum lot area on which a townhouse group or row housing is to be allowed will be 4000 square feet in the R-5 and R-S Districts and 3800 square feet in other districts where permitted.

Minimum lot area per living unit shall be 3000 square feet in the R-8, R-5, R-4, R-A, R-S, B-1, B-2 Districts.

5. Minimum Yard Requirements
  - For six or less contiguous townhouses or row housing: 10 feet per each side yard on the end of each structure. At least 10 feet of side yard per side shall not be used for parking or Accessory Buildings. Twenty (20) feet rear yard minimum.
  - For seven to twelve contiguous townhouses or row housing: 20 feet per each side yard on the end of each structure. At least 15 feet of side yard per side shall not be used for parking or Accessory Buildings. Twenty (20) feet per rear yard minimum.
  - Each unit in a Townhouse Condominium shall have its own lot yard space, in the back, of at least 300 square feet, reasonably secluded from view from streets or from neighboring property owners. Such space is typically used for storage or for outdoor privacy and shall not be used for parking. This space shall be allowed to extend 10 feet into the rear yard.
6. Set Back - no townhouse or row house shall be less than 20 feet from a public right-of-way.
7. Building Height shall not exceed 35 feet.
8. Landscaping - A five (5) foot wide front yard and all common space for Townhouse Condominiums shall be landscaped and permanently maintained.
9. Off-Street Parking
  - Townhouse Condominiums - two parking spaces per unit plus one visitor space for every three units
  - Row Housing - two parking spaces per unit.

## **2.9 Temporary Trailers, Buildings & Mobile Homes**

a) Mobile Homes legally located and existing in Hammond at the time this Ordinance is passed may continue to be occupied. These Mobile Homes may be upgraded and replaced, regardless of the zoning district they occupy, if the upgrading and replacement meets current City requirements on anchoring, skirting, model, year, and condition. Mobile Homes/Manufactured housing are defined in the “Definitions” section of this Ordinance. Development of Mobile Home parks in the City is not permitted.

All new and allowable replacement Mobile Homes shall meet the following standards:

1. Conform to the 1994 HUD minimum standards for Mobile Homes and be no older than 5 years.

2. Conform to the FEMA standards adopted by the City of Hammond at the time of permitting.
3. All Mobile Homes must have a manufacturer approved, vented skirting, completely enclosing the area between bottom of the Mobile Home and the natural ground.
4. Other than porches and exit steps, no additional structures will be allowed to attach to the Mobile Home.
5. The allowable area of porches shall not exceed 15% of the total area of the Mobile Home.
6. All exit steps and porches must meet all City of Hammond building codes and ordinances.
7. Mobile Home movers must contact the City Building Department at least 7 days before moving the Mobile Home for placement and occupancy in the City.

Should a Mobile Home meet the standards of Section 2.2(c) of this Zoning Ordinance regarding “Non-Conforming Provision,” it may be replaced with another Mobile Home within 6 months of its removal, as stated in Section 2.25(b) of this Zoning Ordinance, provided the replacement Mobile Home meets all the standards outlined above.

- a) Newly placed Mobile Homes (not meeting the condition above) must be located in an R-S residential district, and meet that District’s requirements, if that Mobile Home is not replacing one that was previously at that location within the past 6 months.
- b) In existing Mobile Home parks that have platted lots or spaces for sale or rent, Mobile Homes may be placed regardless of the Zoning District. These Mobile Home parks must be recognized by the Building Department as legally existing on the date Ordinance #2550 was enacted.
- c) Mobile Home permits are not issued by the Building Department until an application has been completed by the applicant, proof of permission to place that Mobile Home has been legally given by the land owner, the Mobile Home has been inspected by the City, properly placed on the property, skirted, and anchored.
- d) Mobile Homes may not be moved into the City for occupancy unless an application for such as first been completed and City Building Department staff has been made aware of the date that the Mobile Home will be moved.
- e) Mobile Homes illegally placed in the City or moved without Building Department approval must be removed within 30 days from the date the owner or mover receives notice from the City.
- f) Mobile Homes are not permitted in the City for commercial purposes but may be allowed only as a temporary use for construction projects, special events, or as temporary offices for not more than one year. These temporary Mobile Homes or construction trailers that are permitted will not be used for residential occupancy. These temporary uses must be permitted by the City Building Department and a \$25.00 permit fee per temporary Mobile Home/construction trailer will be collected by the City. Temporary buildings in general are not permitted for occupancy and must be at removed at the end of the one year period allowed by the Zoning Board.

## **2.91 Temporary buildings to be reviewed in relationship to building permits and the Hammond Zoning Ordinance:**

- all commercial buildings being reviewed by the City Building Department for occupancy or for business use in the City will be reviewed, prior to construction, as if they are permanent structures if they are connected or will connect to City utilities, electric service, gas service, or telephone service. Such structures must obtain State Fire Marshall review and Health Department review and approval where required, along with hard-surfaced parking approved by the City Building Department. Mobile homes or mobile offices shall not be permitted as permanent business structures within the City limits. Complete plans and specifications for each building must be provided to the Building Dept. to be reviewed as a permanent structure.
- buildings to be used for a seasonal business purpose (a declaration from the owner must be attached to the application indicating that the business will be seasonal only) and containing less than 200 square feet under one single roof may be exempt from the paved parking requirement and the requirement to submit full building plans (but not site plans) to the City. Such buildings and building sites shall only be in use for less than 6 months per calendar year. This may include snowball stands, sweet shops, fruit, vegetable, and fresh seafood sales, and Christmas tree sales. Such property (land and building) meeting this criteria must be maintained on a continual basis by the licensed business in order to renew its license annually. Lack of maintenance may result in the revocation of the business license.
- all other requested temporary commercial uses of buildings, mobile homes, or tents must first receive a waiver before being occupied or used for commerce within the City. Such waiver may not exceed six months and must be granted by the City Zoning Commission acting in their role as the Board of Zoning Adjustments, before such uses are placed in the City.
- the use of temporary construction trailers or portable buildings used on a temporary basis by construction companies while building and site construction is progressing, must be approved by the Building Department prior to placement in Hammond and may not be approved for more than one year. Temporary structures or tents to be placed as a result of a natural disaster and used on an emergency basis for only health or safety purposes must be approved by the Building Department prior to placement.
- non-profit fund raising organizations requesting to erect tents or temporary structures within the City on a temporary basis must first receive written permission from the City of Hammond Parks and Grounds Department and the Mayor, or his designee.

## **SECTION 3 REGULATION OF ACCESSORY BUILDINGS AND USES**

### **3.1 Fences, Shrubs and Buffer Zones**

- a) No fence, shrub, or plant material, more than three feet above grade at the centerline of the street may be located within 30 feet of a street intersection.
- b) Solid, non-opaque fences at least 6 to 8 feet high (depending upon the case involved) may be required by the Building Official as a shield between residential and commercial or industrial uses, or between commercial and commercial uses, that cause an obvious nuisance to a residential or commercial use. Said fence shall be placed at the expense of the party creating the nuisance, as determined by the Building Official. In cases of disagreement between the party(s) involved and the Building Official, an appeal may be filed to the Hammond Board of Adjustments (Hammond Zoning Commission). Where vehicle parking exists adjacent to a fence, fences shall be protected from damage and parked vehicles by a curb, or wheel stops, and a 2 foot deep green space area. This must be installed at the expense of the party creating the nuisance on their property only. (see Fence definition, Section 9). Use of only bushes and trees (without also a man-made fence) cannot serve as a buffer fence unless pre-approved by the Zoning Board with rules outlined for maintaining the plant material and keeping it a certain height. Before placement of a fence, a fence permit must be obtained from the Hammond Building Department and the fence design and proposed location or placement on a parcel, (as indicated on a survey or parcel map) or lot must be approved by the City.
- c) Woven wire fence less than 4 feet in height may be placed on any part of a lot but shall not extend into a street right-of-way and shall not obstruct, in whole or in part, the sight clearance needed at intersections as determined by the City, State, or any applicable governing authority. Other types of fences of less than 4 feet in height may be placed on any part of a lot but shall not extend into a street right-of-way and shall not obstruct, in whole or in part, the sight clearance needed at intersections for safety. Decorative wrought iron or simulated wrought iron fences of up to 6 feet in height may be placed in front yard areas adjacent to roadways.
- d) Solid fences of stone, vinyl, stucco, wood, concrete or woven wire fences of up to 8 feet in height may be erected on those parts of a lot that are as far back or farther back than the required front building set back line (set back from adjacent streets), or the front point of any primary structure thereof, whichever distance is greater. (residential or commercial)
- e) Open wire fences for tennis or badminton courts may be erected to a height of ten feet if such courts are located inside of rear yards.
- f) Open wire fences in industrial and commercially zoned districts may be erected to a height of 10 feet. Barbed wire fencing may not be used within residential district of the City. Fences next to parking lots must be protected by wheel bumper stops.
- g) Solid fences may be erected up to 8 feet in height if such fences are being used as the buffer between commercial and residential property.

Wire fences shall have a minimum of 1&1/2 inches diameter galvanized pipe supports placed no more than 7 feet apart. Wood fencing material shall be of a weatherproofed wood.

All fences shall be shown and described as part of any applicant's building permit application. The property owner(s) will be responsible for maintaining the condition of the fence.

### **3.2 Additional Restrictions for Accessory Buildings**

- (a) No Accessory Building may be erected prior to the erection of a primary building except that temporary buildings for construction purposes may be permitted in any district as Accessory Buildings during the course of construction only.
- (b) Accessory buildings may not be used for dwelling purposes, unless otherwise stated (such as for garage apartments).
- (c) Accessory buildings may be located in a rear yard but may not occupy more than 40 percent of a rear yard. They must meet side yards requirements of that district and a minimum 5 ft. rear yard clearance. A side or rear storage shed must also be at least 3 feet from the side yard property line.
- (d) Any Accessory Building shall be provided with the same side yards required for the primary building.

### **3.3 Communication Towers/Satellite Dishes/Antennas**

- a) Satellite Dishes/Antennas shall be considered accessory uses of a lot and thus shall not be located in front or the required side yards in residential districts. Rear yards may be used for placement however. Antennas may be located inside of the required front and side yards in commercial and industrial districts.
- b) Satellite Dishes/Antennas shall be placed no closer to the right-of-way than the building set back line allows in any zoning districts.
- c) Rooftop placement of dishes shall be prohibited in all residential districts. Rooftop placement in commercial and industrial districts is permissible where height regulations are followed and where acceptable methods of anchoring are used. (See below.)
- d) Definitions as relating to this Ordinance:
  - "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.

- “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.
- “Antenna” means a device, dish, or array used to transmit or receive, on a commercial basis, telecommunications signals.
- “Height” of a communication tower is the distance from base of the tower to the top of the structure. The base shall be the bottom of a building or other structure if the antenna is located on a building or other structure.

**(1) Communications tower and antenna permitted only as conditional use.**

A communication tower and/or antennae may be permitted upon determination that all of the applicable conditions in this Ordinance are met and that Zoning Commission conditional approval is granted.

- a. Zoning Districts in which conditional uses are **not permitted**:  
**-Residential, including R-11, R-8, R-5S, R-5, R-4, R-S, and R-A.** (Not permitted)  
**-Business and Commercial: B-1, B-2, and C-1.** (Not permitted)

Zoning Districts in which conditional uses **are permitted**; height limitations:

**-Commercial:** Free standing or guyed tower with height not exceeding (C-3, C-2 only) 180 feet is a conditional use; height exceeding 180 feet requires special variance.

**-Industrial:** Free standing or guyed tower with height not exceeding 180 (Districts I & H) feet is conditional use; height exceeding 180 feet requires special variances.

- b. Application Requirements. The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure must file a building application accompanied by the normal building fee and the zoning fee of \$100.00 and the following documents, if applicable:
1. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
  2. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires 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 site plan is still required if antenna is to be mounted on an approved existing structure.
  3. A current map, or update for an existing map on file, showing locations of 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. Building permit and zoning application forms completed.
9. A written agreement to remove the tower and/or antenna within one year after cessation of use.
10. Additional information as required to determine that all applicable zoning regulations are met.

**(2) Conditions concerning communication towers.**

Applicant must show that all applicable conditions are met.

1. The proposed communication 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 applicant's technical design requirements. Minimum lot sizes must be at least that required by the applicable zoning district in which the facility is located or 4,000 square feet where no lot size is defined.
2. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements on any existing structure or tower under the control of applicant.
3. When lighting is required and is permitted by the FAA or other federal or state authority, it shall be oriented inward to as not to project onto surrounding residential property.
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that the new site is to serve.

5. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

6. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

7. A communications tower or antenna must be properly marked with top lighting in relation to FCC and/or FAA safety requirements.

8. A permit for a proposed tower site or structure in the City limits shall not be issued unless the applicant certifies that an existing site does not meet applicant's structural specifications and applicant's technical design requirements, or that collocation agreement could not be obtained.

9. In no cases will barbed wire or razor wire be permitted as fencing material at site. Other types of fencing shall be allowed in accordance with this Ordinance. The cellular transmission tower shall be constructed of a material with a neutral color and shall be designed to blend in with the surrounding landscape and uses.

10. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general building and zoning regulations except height shall apply to the use. Setback and height conditions in this section apply.

11. A tower must be a minimum distance equal to one-half the height of the tower from property designated historic by the City. It must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.

12. The distance between the base of the commercial transmission towers, radio towers, masts, aerials, and/or antennae, and any residential zoning district or residential structure shall not be less than the height of the structure from the top of the antenna to grade. The distance between the building upon which the commercial rooftop transmission or radio tower is located and any residential zoning district shall not be less than the total height of the building plus the height of the rooftop transmission or radio tower.

### **(3) Abandonment of communication towers.**

In the event the use of any communication or transmission tower has been discontinued for a period of one year or more, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official and the Tax Collection Official of the City 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 60 adce equD0[(10. )-8knicaich the co (1Aba-20.

use of the tower, or (2) dismantle and remove the tower and related structures.

**(4) Amateur Radio Facilities (HAM operators)**

This part of the Zoning Ordinance, including Subsections 3.6(1) through 3.6(5), in no way regulates or abridges the rights of amateur radio operators to continue their operations or to engage in future, lawful operations in accordance with all applicable FCC, federal, state, and/or local regulations. This Ordinance does not restrict such operators from locating their facilities, up to 65 feet in height, in residential areas of the City as accessory uses in accordance with present City Zoning restrictions. However, building permit applications and site plans must still be submitted to the City and a building permit obtained, before construction or erection of any antenna or antenna support structure related to amateur radio stations.

## **SECTION 4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **4.01 Parking Space Defined**

Parking space is an area on a lot sufficient in size to store one automobile. This space shall (except as hereafter noted) be no less than 9 ft. in width and 20 ft. in length. This parking space shall be served by an aisle or maneuvering area not less than 22 ft. in depth. In all uses, 40% of the required spaces may be sized to the compact car. These spaces shall not be less than 16 ft. in length and 8 ft. in width. Aisle or maneuvering area shall be the same. The aisle may be 18 feet in depth for one-way traffic. Commercial parking shall be designed so that cars do not have to back up into public or private traffic lanes.

### **4.02 Off-Street Parking**

All off-street parking spaces, aisles, and connecting driveways shall be surfaced with a permanent dust-free paving, cement, or asphalt (gravel is not dust-free). The Building Official may waive the paved parking for church related parking if he determines that the non-paved parking will not cause a safety hazard, drainage or other problems in the neighborhood.

### **4.03 Floor Area Defined**

Floor Area means the square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar.

### **4.04 Residential**

Subsections 4.01 to 4.03 shall not apply to single family residences. Single family residences shall have sufficient areas designated for parking at least two vehicles. All residential uses shall provide the following off-street parking spaces.

- a) Single-family detached - 2 spaces/living unit. Parking Spaces: At least 2 paved parking spaces must be provided for each single-family dwelling. A paved parking pad of at least 16 ft. wide by 20 ft. on private property must be provided by the builder or owner for each house to hold at least 2 vehicles. Interior garage or carport parking spaces will be considered as additional parking spaces if used in addition to the 2 outside required spaces.
- b) Single-family attached - 2 spaces/unit
- c) Multi-family - 2 spaces per unit, plus 1 space per every 2 living units. Efficiency and one (1) bedroom units may provide only 2 spaces/unit.
- d) Dormitories, sororities, fraternities, and rooming houses - 1 space/1 bed, plus guest spaces, 1 space per occupant planned for.

- e) Hotels - 1 space/bedroom
- f) Motels - 1 space/bedroom
- g) Trailer courts - 2 spaces/unit
- h) Apartment hotels - 2 spaces per unit plus 1 space per every 2 units.

#### 4.05 Commercial

All commercial uses shall provide at least the following off-street parking spaces, buffered from landscaped areas by concrete bumpers:

- a) Office buildings and banks - 1 space/250 feet.
- b) Business, professional and medical including clinics but not hospitals - 1 space/250 square feet.
- c) Shopping goods, retail - 1 space/250 sq. ft.
- d) Convenience goods, retail - 1 space/250 sq. ft.
- e) Furniture sales, retail - 1 space/500 sq. ft. of office & display area
- f) Personal services, including barber shops, hair studios/beauty salons, body piercing and adornment, massage therapy, and similar type services - 1 space/150 sq. ft.
- g) Restaurants - **1 space per 75 square feet of customer service area (not including kitchen and storage area), whether such area is inside or outside of a building, plus the required handicapped parking spaces.** For projects with mixed uses, the restaurant customer service area is calculated based upon the floor plans that show the portions of the building or store used for restaurant customer service area. When a restaurant has no customer seating and is a drive-up only, 1 space per 75 square feet of floor area (generally for employees) is required.
- h) Drive-ins - 1 space/75 sq. ft. (fast food) with seating area.
- i) Commercial recreational facilities (other than below) 1 space/100 sq.ft.
- j) Bowling alleys - 8 spaces/lane
- k) Driving ranges - 1 space/tee plus 2 spaces

- l) New car sales - 1 space/300 sq. ft. of offices and customer service areas
- m) Used car sales - 1/1,500 sq. ft. of lot
- n) Vehicle or Service stations - 4 spaces plus 2 per lube rack or bay service
- o) Car washing - 1 space/200 sq. ft.
- p) Theater, cinema - 1 space/3 seats
- q) Lounge or bar - 1 space/35 sq. ft.
- r) Self-service gas stations (no service of vehicles and *without convenience food store*) - 2 spaces

Self-service gas stations *with convenience food store* (no service of vehicles) - 2 spaces plus 1 per 100 sq. ft. of building floor area

- s) Central Business District (CBD) - off-street parking as required in this section, shall not be required in those portions of the downtown Central Business District zoned C-1. Available on-street and public parking mall shall be used as parking.

Portions of the Central Business District zoned other than C-1 may be exempt from off-street parking requirements upon proof that adequate legal public on-street parking is available adjacent to or near the property being considered. This shall be decided upon by the Zoning Commission and the Zoning Administrator.

The Central Business District is defined as Blocks 42, West ½ of 43, 49, w½ of 48, 58, 59, 50, south half of 41, 57, 56, 55, 63, 62, 61, 72, 73, 76, and west half of 75 (as indicated on the Official Zoning Map).

**NOTE:** Some buildings combine two or more uses stated in Section 4.05 above (such as restaurant/bars or gas stations/convenience food store) and it will be the judgment of the building-zoning official to determine the proper number of parking spaces based upon the primary use of the building. Conflicts in this determination will resolved by the Zoning Commission.

**NOTE:** all required parking spaces for commercial properties must be paved with asphalt or concrete finished, as approved by the Building Department.

#### **4.06 Institutional**

Institutional, public, assembly transportation. All such uses shall provide the following off-street parking spaces.

- a) Churches - 2 space/4 individual seats or 50 sq. ft. in main assembly room.

- b) Auditorium, theaters - 1 space/4 seats or 34 sq. ft.
- c) Schools:
  - Elementary - 2 spaces/classroom
  - Junior High - 4 spaces/classroom
  - High School - 15 spaces/classroom

The office space requirement of 1 space per 250 square feet of office area will be used with all of the above.

- d) Nursing homes - 1 space/2 beds
- e) Funeral parlors - 1 space/100 sq. ft.
- f) Stadiums and arenas - 1 space/4 seats
- g) Transportation terminals - 1 space/100 sq. ft. of waiting area
- h) Clubs and lodges - 1 space/100 sq. ft.
- j) Welfare and employment - 1 space/100 sq. ft.

#### **4.07 Industrial**

Industrial manufacturing, warehousing and wholesale. All such uses shall provide the following off-street parking spaces.

- a) All - 1 space per each two employees or combined two largest shifts PLUS 1 space for each company vehicle domiciled at the facility PLUS 15% of total employment to accommodate visitors.

#### **4.08 Off-Street Loading**

Every commercial or industrial building of 5,000 sq. ft. or above shall have 1 off-street loading position for each 15,000 sq. ft. or fraction thereof per tenant or owner.

- 4.09 All backing and maneuvering for such loading spaces shall be completely on the property of the commercial or industrial concern. This space shall not be less than 60 ft. in depth.
- 4.10 A loading space shall be a minimum of 14 ft. wide, 60 ft. deep, and have a vertical clearance of at least 14 ft.
- 4.11 No curb cut shall be permitted in the street where it parallels a loading dock.
- 4.12 Space equal to the loading requirements shall be provided for the parking of each

company owned truck domiciled at the site.

4.13 **Existing Buildings Not Complying with Off-Street Parking or Loading**

Existing buildings not complying with off-street parking or loading requirements may be remodeled, repaired, and structurally altered as long as any parking proposal is approved by the Building Department.

- 4.14 For any off-street parking or loading facility as required by this Ordinance, a layout plan showing entrances, drives and parking stalls shall be submitted to and approved by the Building Official.

In any of the R, B, C and S Districts all parking spaces shall be set back at least 10 feet from the street curb.

In any of the B Districts and in the C-2 and C-3 Districts where there are adjacent residences, and in any of the B, C, L or H Districts where there is adjacent residential zoning, a 5 foot side yard shall be provided with no parking or paving permitted to extend into that side yard.

On lots having 50 feet or more of frontage there shall be only one entrance for each 50 feet of frontage, and only one entrance on lots having less than 50 feet of frontage.

In any of the B, C, L and H Districts parking space may be provided on a separate lot provided that the separate lot parking is clearly marked and available for use and provided it is within 300 feet of the building using the lot. Two or more owners may join together in the provision of this separate parking.

Parking of abandoned, or non-operating vehicles, shall not be kept in front or side yards for more than the temporary period allowed in the City's abandoned vehicle ordinance, or 30 days, whichever is more.

Parking of vehicles in front and side lawns shall not be permitted in residential areas of the City. No more than 45% of a required front yard may be used for paved area and parking in single family residential districts. Parking spaces and the parking of vehicles shall only be within the designated parking spaces or in driveways, with no more than one vehicle per parking space. Driveways shall be a maximum of 22 feet wide in residential districts

## **SECTION 5 - ADMINISTRATION AND ENFORCEMENT**

### **5.1 Role of the Building Official**

The Building Official, his designee, or any such other responsible official appointed by the Mayor, and approved by the City Council, shall administer and enforce this ordinance. He shall be responsible for assuring that all zoning, signage and parking regulations are complied with and for interpreting the location of any structure or property in relation to its zoning district. If the Building Official finds that any provision of this ordinance is being violated he shall notify in writing, by certified mail, the persons responsible for such violations, indicating the nature of the violation, ordering the action necessary to correct it and stating any fines applicable. In addition the issuance of further building permits of any type may be withheld from the person in violation until corrective action is made.

### **5.2 Board of Adjustment**

A Board of Adjustment is hereby established. The role of the Board of Adjustment shall be to hear appeals and variances on matters of interpretation of the zoning and sign ordinance that have first been presented to the Building Official. Any business or citizen may appeal a decision by the Building Official to the Board of Adjustment. The Building Official may also request interpretation and/or clarification of any zoning and sign regulation or district boundary by presenting the issue to the Board of Adjustment. Any appeal of a decision by the Board of Adjustment shall be to the courts as provided by law.

The membership of the Board of Adjustment (Board), the terms of office, and the rights and duties of the Board shall be as provided in Title 33, Section 4727 of the Revised Statutes of Louisiana. The Board shall consist of five (5) members who shall be recommended by the Mayor and appointed by the Hammond City Council and shall be legal residents, owners of real property, and qualified voters in the City of Hammond. The membership of the Board shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each. All members are subject to removal for just cause (including consistent lack of attending meetings) by the Mayor or City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. No Board of Adjustment member is to be paid. The Board shall elect its own chairman and vice-chairman who shall serve for one year at a time and may be re-elected by the Board to an additional one year term.

A Vice-Chairman shall also be elected by the Board to serve in the absence of the Chairman.

The Planning and Zoning Commission shall be responsible for the duties and functions of the Board of Adjustment until such time as the City Council approves a separately appointed Board of Adjustment.

### **5.3 Rules of Procedure**

The Board shall adopt its own rules of procedure not in conflict with any State Act or City Ordinance. Meetings of the Board shall be held at the call of the chairman and shall be publicly announced and open to the public. Each meeting agenda shall be sent to the official journal for publication at least 24 hours before such meeting takes place. Minutes of the meeting shall be kept. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, or decision of the Building Official. A majority of the members present may decide upon other matters upon which it is required to decide, or to approve any variance of such ordinance. Three (3) members of the Board must be present to constitute a quorum.

### **5.4 Appeals to the Board**

Appeals or variances to the Board shall be stated in writing on a form designated by the Building Official, and submitted at least seven (7) days prior to the Board meeting. The appeal shall include the name(s) and address(es) of the affected parties, conclusive proof of property ownership, and the nature of the appeal. The Building Official shall be notified of any appeal and shall attend the Board meeting at which the appeal is scheduled. The appeal may be decided by the Board at that same meeting or within a 30 day time period following the meeting. There shall be only one appeal on the same matter to the Board.

#### **5.41 Variances for Historic Properties.**

In any instance in which the erection and/or location of a structure would otherwise violate the provisions of this Ordinance, and the applicant can prove by historically reliable documentation that a similar structure with the same footprint as that proposed existed on the property prior to the City of Hammond Zoning Ordinance adopted in 1926, the Zoning Commission may grant the applicant a variance for the erection/location of that building. Such proof shall include, but not be limited to, Sandborn (fire) maps, lot surveys, property descriptions, and/or photographs, depicting the structure and identifying the location and footprint of the structure and identifying the location and footprint of the structure. Nothing contained herein shall in any way otherwise exempt the structure from any other total requirements, or from property rights of adjoining property owners.

### **5.5 Powers and Duties**

The Board of Zoning Adjustments shall have the following powers and duties:

- a) To hear and decide appeals involving the interpretation of any provision of this Ordinance or when it is alleged that there is error in any order, requirement, decision, or determination made by the Building Official concerning this Ordinance.
- b) Hear and decide appeals involving the boundaries of the zoning district.

- c) Decide on structures and uses that are for temporary or seasonal purposes (such as Christmas tree sales or fireworks stands) that may not typically be included in the Zoning Ordinance.
- d) To review and grant variances to the zoning district regulations when it is found that:
  - ◆ Strict application of the zoning district regulations would cause an unreasonable hardship to the property owner/owners, unless the hardship was actually created by the applicant.
  - ◆ There are special demonstrable circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the district, and that strict application of the provisions of this ordinance under these conditions would deprive the applicant of any reasonable use of such land or building.

## **5.6 Fees**

A non-refundable fee of twenty-five dollars (\$25.00) shall be paid to the City of Hammond for each appeal or variance filed before the Board of Adjustments.

## **5.7 Building Permits, Landscape Plans Required; Site Plan Review Committee**

- a) No building or renovation may be undertaken in the City without first applying for a building permit. Each application for a building permit shall be accompanied by a plat in duplicate drawn to scale, showing the name of the person making the application, the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, existing and proposed parking spaces or other vehicular use areas, access aisles, driveways and access ways. If no planting is required by these regulations, a plot plan drawn to scale shall be submitted locating the existing significant shade trees and those live oaks over seven (7) inches in caliber DBH clearly noted, and plotted on the site plan indicating which trees are to be removed, and such other information as may be necessary to provide for the enforcement of this Ordinance (refer to Southern Standard Building Code for construction related specifications). Effort should be made to preserve as many existing trees as possible. A record of applications and plats will be kept in the Office of the Building Official. Where new businesses move into existing buildings, occupancy permits will be required.
- b) A flood determination must also be received before a building permit is issued.

c) For new commercial (including multi-family) projects a landscape plan shall be submitted with specifications designating by name and location the plant material to be installed or, if existing, to be used in accordance with the requirements herein. No permit shall be issued for such building unless such plat plan complies with the provision herein.

d) The approved site plan shall constitute an agreement between the City and the Developer and shall become a legal instrument in enforcing the site and landscaping requirements. Any disputes concerning final construction, site plan requirements and/or installation of landscaping material shall be resolved by referring to the City approved site plan.

The Building Official shall be responsible for issuing permits and certifying that the plans and intended use of land, buildings, and structures are in conformity with this ordinance as well as the building code. No building permits shall be issued until the Building Official, in his role as zoning compliance officer, has certified compliance with this zoning ordinance.

The Building Official shall submit site plans and application information to the **Site Plan Review Committee (SPRC)** for their review and comments on any new multi-family development of three (3) or more units. In addition, any commercial, institutional, or industrial project in excess of 2 acres (phased or not phased development) or 20,000 square feet of building, shall be reviewed by the SPRC . The Building Official may also request that the Site Plan Review Committee review site plans for other commercial or industrial projects. (See also Section 6.1.)

The Site Plan Review Committee Members may meet together or separately to review the application and may call any persons to the meeting that may help them in answering questions. The Committee will then refer the application with their comments and recommendations back to the Building Official's Office or on to the Planning and Zoning Commission (whichever is applicable for further processing).

The Site Plan Review Committee shall be composed of the Building Official, the City Planner, the Chairperson of the Planning Commission, the Review Engineer (not the Project Engineer), and the Superintendent of Water/Sewer, the Superintendent of Streets, and the Councilperson in whose district the project is located.

## **5.8 Certificate of Zoning Compliance and Occupancy Permits**

The certification of zoning compliance issued by the Building Official may be part of the building permit application, or may be issued as a separate form. However, the Building Official shall insure that all persons seeking building permits for their structures must first receive certification that their structure is in compliance with this Zoning Ordinance.

After compliance with the zoning ordinance has been certified, building permits issued, and final inspection approved by the building official, a CERTIFICATE OF OCCUPANCY shall be issued by the Building Official. No land or structure hereafter erected, moved, or altered in its use shall be used or occupied until the certificate of occupancy has been issued. Where new businesses move into existing buildings, occupancy permits shall be required. Before Mobile

Homes or temporary structures are placed, inspections and occupancy permits shall first be obtained from the City. A record of all building permits and certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished upon request to any interested person.

## **5.9 Land Clearing and Fill Permit Required**

This Section shall be required of all parties engaged in land clearing or land filling when a tract of land is changed from an agriculture, developed, undeveloped, or forestry use to residential subdivision, commercial, multi-family or an industrial use. This does not include the clearing of a single lot for a single family house.

1) Prior to the cutting, clearing, or removal of any plant matter, or the filling of a lot with soil with the intent of further construction, a clearing and fill permit for such activity shall be obtained from the City of Hammond's Building Inspector. The following information shall be provided at the minimum.

- a) Name, address, phone number and contact person of contractor.
- b) Adequate legal description of property.
- c) Authorization of property owner.
- d) Site plan of property, with indication of buffer areas, where required. Access points to public roads.
- e) Estimated starting date.
- f) Estimated completion date.
- g) Erosion control measures to be taken.

2) All land clearing operations shall be on site. The access roadway shall be of sufficient strength to allow access by construction vehicles and shall be maintained during land clearing operations such that it is not allowed to become rutted. It shall be constructed so as not to impede the natural drainage runoff and temporary ditches shall be constructed when necessary to maintain drainage for the property being cleared and also for adjacent properties included in its drainage basin. All public right-of-ways, public properties, existing and recognized natural drainage and engineered drainage shall be restored to pre-existing conditions with the cessation of the land clearing activity.

3) Three working days prior to beginning work the contractor shall request a pre-condition and pre-clearing inspection.

4) In the event a land clearing operation causes damage to City property resulting in the City having to take corrective action, the City will present the invoice to the responsible party of

record and/or have the responsible party rectify the damages.

5) Buffers - The following requirements are mandatory unless the land clearing permit is an approved part of a valid building permit which would show other buffers. All buffers required shall be exclusive of all easements, servitude and or right-of-ways within the property.

-*Waterways* - Twenty-five feet in width along both banks of natural stream beds, riverbanks and drainage canals.

-*Adjacent property* - Twenty foot width.

It shall be unlawful to place soil or other matter such that trees so maintained in the buffers become diseased, stressed or die as a result. At the preliminary stage of subdivision approval, the Planning Commission may suggest or require alterations to the buffers indicated by this requirement.

6) Upon concurrence with the Hammond Urban Forester, or designee, a clearing permit shall be issued by the Building Inspector within 30 days of submittal. The permit shall be valid for 6 months.

7) Post Inspection: The Building Inspector and/or other appropriate City officials shall inspect the clearing site during and after completion for compliance with City regulations and to inspect for any damage.

## **SECTION 6 - AMENDMENTS, PETITION AND REVIEW**

### **6.1 Site Plan Review Committee**

The City Council hereby creates a review committee of City Hall staff persons to be referred to as the "Site Plan Review Committee." (See also Section 5.7.)

The purpose of this committee is to provide staff input (to the Planning and Zoning Commission and to the City Council) into site plans, subdivision proposals, and building projects that may impact upon the provision of the City services, such as sewer, drainage, lighting and streets and such considerations as traffic flow and neighborhood impacts.

### **6.2 Approval of Amendment**

The City Council of Hammond may revoke this Ordinance, or any section thereof, upon its own motion or upon recommendation from the Planning and Zoning Commission. Amendments shall not become effective except by the favorable vote of two-thirds of all the members of the Council. Official public notice must be advertised before any vote.

No amendment or supplement to this Ordinance or to the Zoning Map shall become effective until:

- a) The Council has received a final report from the Planning and Zoning Commission on the merits of the amendment.
- b) The Council has held a public hearing(s) upon the proposed amendment at which parties in interest shall have an opportunity to be heard.

Notice of the proposed amendment and of the time and place of the hearing shall have been published once a week in three different weeks in the official journal of the municipality; at least fifteen (15) days shall elapse between the first publication and the date of the hearing. The public hearing may be held in conjunction with regular City Council meetings. Applicants may appeal a decision of the Zoning Board to the Council only once.

### **6.3 Procedures for Amendments (Including Rezoning)**

#### **Action by Planning and Zoning Commission**

Any citizen may petition for any change or amendment in this Ordinance, provided that it has been one year or longer since the same, or substantially the same, amendment was voted upon by the City Council. The Planning and Zoning Commission itself (without citizen's petition) may also recommend changes in the procedures and regulations of this Ordinance, subject to advertising and posting the same as any other application for amendment. The Commission and Council are exempt from payment of fees when requesting their own amendments to the Ordinance.

a) Notice of application for an amendment to this Ordinance must be filed with the Planning and Zoning Commission's secretary before the scheduled Planning and Zoning Commission meeting at which the request for amendment shall be reviewed. Request/application for an amendment involving rezoning must include the following documentation, unless it is a Commission or Council sponsored amendments:

- ◆ Proof that the person(s) requesting the rezoning is the legal owner of the property to be rezoned or the property affected by the change, unless the owner authorizes, in writing, some other person to act on their behalf.
- ◆ Legal description of the property to be rezoned, property survey, municipal address and list of the names of adjacent property owners and their addresses.
- ◆ If rezoning involves an area or block: map of the area to be rezoned and a petition, supporting the rezoning request, signed by at least 50 percent of property owners owning property in the area to be rezoned. Addresses of the signees should also be included in the petition.

b) The Planning and Zoning Commission shall schedule the date of public hearing of all requests for amendments to the Zoning Ordinance. A notice of the date, time, and place of the public hearing must be published at least three times in the official journal of the municipality and at least ten (10) days shall elapse between the first publication and the date of the hearing.

Out-of-town property owners of adjacent property shall be notified.

c) Planning and Zoning Commission may take any matter heard in the hearing under advisement or may vote as to their recommendation at that meeting, with a 3 vote minimum needed for passage of a motion. If taken under advisement, the Commission may call for more public hearings or further study on the matter before issuing a decision and/or recommendation. All Planning and Zoning Commission recommendations shall be forwarded to the City Council at which time the City Council shall schedule their public hearing and notices thereof.

d) **Application for rezoning of properties within the Historic District.**  
The Historic District Commission shall be notified by the applicant/owner of any

matter/application submitted for Zoning Commission approval for which the physical property lies within the boundaries of the Historic District. Such applicants shall be advised in writing by the Building Official, that approval by the Zoning Commission does not constitute a waiver of the requirement of the applicant to acquire a certificate of appropriateness from the Historic District Commission, when applicable. However, in no instance shall the notification to the Historic District Commission or the actual consideration by the Historic District Commission of a matter be a basis for failure to act on the matter submitted to the Zoning Commission.

## **6.4 Protest Petitions**

[reserved]

## **6.5 Fees for Zoning Amendments**

A fee of one hundred dollars (\$100.00) shall be paid to the City of Hammond by any applicant applying for a change or amendment to this Ordinance. The fee of \$100.00 shall be collected per each zoning amendment requested, involving two or less lots under single ownership. If the application involves an area (three or more lots) or block amendment, the fee shall be two hundred dollars (\$200.00), paid for by the persons requesting the amendment. These fees are non-refundable, regardless of the decision reached by the Planning and Zoning Commission or by the City Council. When applications for amendments are withdrawn (as per Section 6.6) by the applicant, fifty percent (50%) of their fees may be refunded, if withdrawn before the first newspaper notice is filed.

Copies of the Zoning Ordinance may be sold to the public for \$25.00 each copy.

## **6.6 Withdrawal of Applications**

a) Any application which the applicant wishes to withdraw from either the Planning and Zoning public hearing on the City Council's public hearing, must be requested in writing and submitted to the secretary of the Planning and Zoning Commission at least three days before the applicable public hearing. Any reapplication for this same amendment will not be accepted for consideration by the Planning and Zoning Commission before six (6) months from the date of withdrawal, unless voted otherwise by majority vote of the Commission.

## 6.7 Posting of Rezoning Signs

When an application for a rezoning amendment is filed, the City Building Official or his representative shall post one sign in a conspicuous place on the property to be rezoned. The sign shall be posted before the public hearing of the Planning and Zoning Commission and the Hammond City Council and shall stay posted until the date of that meeting. The sign shall have printed on it, in bold type, the following:

*"A request to rezone this property from [current zoning] to [proposed zoning] has been made. A public hearing has been set for [date] at City Hall on [date] at [time]."*

The sign shall be not less than two feet wide by two feet in length and shall be made to resist discoloration and bending from wetness or weather. Though the sign is provided by the City, it is the responsibility of the applicant to ensure that the sign stays posted for the time required as above. The Commission or Council may decline to hear an application upon finding that the sign has been removed.

When an area or block application for rezoning has been filed, two (2) signs shall be posted on the right-of-ways (in the proposed areas) of two different streets (if there are two streets) that pass through the proposed area to be rezoned, or on one street if there is only one.

## 6.8 Annexation General Provisions

a) If the City receives an annexation request, the parties requesting the annexation must provide the Planning and Zoning Commission with a property plat map, a legal description, and a proper petition from the applicants at least 30 days prior to the Planning Commission meeting at which the request will be reviewed.

b) The map provided shall be consistent with the existing zoning plat maps in form and shall include the following features.

- ◆ The scale of the map shall be 1 inch = 400 feet
- ◆ The map shall show the property boundaries and property owners in the newly annexed territory, proper placement of these properties, a north arrow, roads and canals in the annexed area or adjacent to it, and any classifications (the map shall be to scale)
- ◆ The map shall be legible and dated

- c) Provision of this map shall be the responsibility of the petitioners for annexation and shall either be drawn by a professional draftsman, engineer, or land surveyor or be obtained from the Parish Clerk of Court's Office and updated.
- d) All territory which may hereinafter be added to the City of Hammond shall automatically be classified as lying and being in the R-8 Zoning District until such classification shall have been changed by a rezoning amendment as provided by this ordinance. The property owner may request a certain zoning classification other than R-8 in conjunction with the annexation request and in this manner be exempt from payment of rezoning fees.
- e) All uses, yards, and lots area of properties in the newly annexed territory not complying with the guidelines and specifications of the R-8 District, shall be classified as non-conforming, until such time as other more appropriate zoning classifications have been requested and approved by the Zoning Commission and City Council. Non-conforming uses, yards and lots may continue to exist in annexed territory according to the non-conforming guidelines of this Ordinance.
- f) The Planning and Zoning Commission or the City Council may call for a study to be undertaken (and coordinated by the Planning and Zoning Commission) of the proposed annexation to determine proper zoning recommendations as well as other appropriate information needed by the City. If done, the Planning and Zoning Commission may recommend to the City Council appropriate zoning classifications for the new territory that may be other than R-8. These recommendations may become part of the official zoning map, if passed by the City Council after appropriate public hearings are held by both the Planning and Zoning Commission and the City Council.
- g) Any property owner in the newly annexed area or any adjacent property owner to the newly annexed territory may make one appeal of the zoning recommendations, or any part thereof, to the City Council.
- h) The Zoning & Planning Commission shall call a public hearing concerning the annexation and advertise such in the official journal of the City at least one time prior to making their recommendation to the City Council.

## **6.9 Composition of the Planning and Zoning Commission**

The Planning and Zoning Commission shall be composed of 5 members appointed by the Mayor and confirmed by the City Council in accordance with Title 33 of the Louisiana Revised Statutes.

In addition, at least two persons on the Commission shall be familiar with the building industry. These persons may be developers, architects, engineers, realtors, city planners or any other person familiar with community growth and building. However, such members of the Commission may not vote on items in which they have a conflict of interest.

## **SECTION 7 - VIOLATION AND PENALTY**

Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the requirements thereof, or who shall build or alter any building or property in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be fined not less than the appropriate fine stated in the City of Hammond Code of Ordinances, or, if not stated, then not less than \$100 nor more than \$500 per day and/or be imprisoned for not more than thirty (30) days for each day that the violation continues. In addition, the non-complying party may be assessed all costs of the proceedings.. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, any architect, builder, contractor, individual person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided, and shall pay all court costs connected with the violation. In addition, the City may withhold future building, subdivision, or zoning permits of any type from the party violating the provisions of this Ordinance, until such time as compliance is documented.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Building Official, in addition to other remedies, may institute any appropriate action or proceedings in the name of the City of Hammond to enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

## **SECTION 8 - DEFINITIONS**

**Accessory Building and Use** - Subordinate building or a portion of the primary 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 primary use of the premises.

**Adjacent** - Shall mean any portion or part of a building, lot, or property that is “next to” or “across the street” from a subject building, lot, or property. (9/21/04)

**Adjoining lot or parcel** - A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

**Adult Material/Pornographic Material** - Shall consist of: movies, films, motion pictures, video tapes, video discs, slides, photographs, or any other medium of visual representation or live performances, exhibitions or presentations; or (2) books, papers, pamphlets, magazines, periodicals or publications; and which are characterized by an emphasis upon the depiction or description of any of the conduct or activities set forth and described in the provisions of Louisiana Revised Statutes Title 14, Chapter 1, Part VI, Sub-part C, and in that portion thereof designated as sub-paragraphs (2)(b) and (3) of paragraph A of Section 106 [La. R. S. 14:106 A(2)(b), (3)], or as such provisions may hereafter be amended, re-enacted or re-designated from time to time, and shall also consist of any instruments, devices or paraphernalia described in La. R. S. 26:90(F).

**Adult Uses/Pornographic Uses** - Establishments in which the gross receipts from providing entertainment, goods, and/or services defined as Adult Material/Pornographic Material herein or in combination therewith including, but not limited to, those from sales, rental fees, admission fees, tips, gratuities, and/or other revenues collected, constitutes at least five (5) percent of total gross revenues. Adult Uses/Pornographic Uses exceeding 5% of total gross revenues may be permitted within the C-4A Commercial District, upon zoning approval by the City Council. Failure of a person conclusively to establish the percentage of gross revenues from adult uses/pornographic uses when not zoned C-4A shall be grounds to deny, revoke, prohibit, and/or enjoin the adult use/pornographic use.

**Amendment** - an amendment refers to a change in this Zoning Ordinance, and includes changes to the Official Zoning Map.

**Apartment Houses** - Multiple family dwellings that have been converted from single family houses, containing two or more rental units under a common roof.

**Apartment Unit** - One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit of at least 500 sq. ft. in a building containing more than one dwelling unit for rent.

**Attached Accessory Apartment** – An attached apartment unit that is accessory to the primary

living unit or main structure on the lot and which must share a common unpierced wall from the ground to the bottom of the common roof and must share a common roof with the primary living unit or main structure on the lot. Such accessory unit may be no larger than one half the size of the primary living unit on the lot and must have independent exterior access to the unit. (9/21/04)

**Bar** - A structure or part of a structure used primarily for the consumption, sale or dispensing of liquor or alcoholic beverages by the drink. A new bar or lounge location must be within a C-4 zone.

**Bed & Breakfast Inn (Lodging-Transient)** - A dwelling unit having no more than one culinary facility where no more than six guest rooms for short-term lodging and at least one meal per day are provided for compensation and where the operator of the inn is a resident on the premises.

**Bed & Breakfast Residence (Lodging-Transient)** - An owner-occupied dwelling unit having no more than one culinary facility and no more than two guest rooms where short-term lodging where breakfast is provided for compensation by the owner/operator of the residence.

**Billboards** - Any structure or portion thereof consisting of outdoor advertising signs which advertise, promote, or otherwise disseminate information and which are considered "off-premise", or not related to the business use on the particular lot on which the billboard is placed.

**Block Rezoning** - A rezoning request that includes more than two lots of record, other than those eligible for administrative rezoning..

**Board** - The Board of Adjustments.

**Boarding Home** - A for-profit or nonprofit boarding home, rest home, or other home for the sheltered care of adult persons which, in addition to providing food and shelter to 4 or more persons unrelated to the owner/operator, may also provide any personal care or service beyond food, shelter, and laundry.

**Building** - Any temporary or permanent structure built for habitation by or use of persons, or animals, and for the storage or use of material.

**Building Line** - The line which is the required minimum distance from the lot line at the street right of way line or an any other lot line that establishes the buildable area within which the principal structure must be erected or placed.

**Caliber/Diameter DBH** - Diameter of tree, breast height, measured four and one-half feet from ground level.

**Certificate** - Document (Certificate of Occupancy or Occupancy Permit) showing that a structure, its use, and all permits and occupancy guidelines have been complied with according to City regulations and the Zoning Ordinance. Will be used for residential and commercial occupancy.

**Church** - A building or structure, or groups of buildings or structures, which are primarily intended and/or used for the conducting of organized religious services and accessory uses, on a non-profit basis, associated therewith. Accessory church uses, including but not limited to, schools, day care, meeting and event facilities, and parking lots. Any other accessory use must be approved by the Zoning Commission before construction begins.

**City** - The City of Hammond.

**College or University Facilities** - The use of land for an educational facility which offers a course of study associated with the issuance of a degree, including but not limited to, classroom and lab facilities, research services, housing facilities, parking facilities and recreational amenities.

**Commission** - The Planning and Zoning Commission.

**Conditional Use** - A land use that alternately restricts or expands the permissible usages then available under the current zoning classification. Nothing herein shall be construed to prohibit the Council from referring a Conditional Use to the Zoning Board for consideration. If a rezoning and an expanded conditional use are applied for simultaneously and/or are considered at the same meeting, each shall be noticed, advertised and voted upon separately.

**Restricted Conditional Use** - A conditional use, which restricts permissible usages, may either initiate with the Zoning Board or the City Council, and may be given final approval by the City Council by resolution or ordinance. Limitations and restrictions not otherwise specified in this Ordinance shall be construed as a Restricted Conditional Use. A restricted Conditional Use may be imposed without prior notice to the public, and shall bind any current and future owners thereto.

**Expanded Conditional Use** - A conditional use, which expands permissible usages, must originate with the Zoning Board and must comply with all procedural requirements and limitations of a rezoning. An expanded Conditional Use is a personal right and expires upon a change in ownership of the property from the person or persons originally granted the conditional use. Those uses in this ordinance specified exclusively as conditional uses shall be considered for all purposes as Expanded Conditional Uses.

Approval of any expanded conditional use shall be by passage of an ordinance by the City Council.

In deliberating on any application for an expanded conditional use, the Council shall not grant approval thereof unless it makes findings based upon the evidence presented to it that each case shall indicate all of the following:

- a) the permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.
- b) the permit, if granted, will tend to preserve and advance the prosperity and general welfare of the neighborhood and community.
- c) the granting of the expanded conditional use will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not impair an

adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or affect or overburden existing drainage or sewerage systems, or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gasses, dust, smoke, noise or vibration, light or glare or other nuisances.

**Condominium** - A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and characterized by common areas and facilities and an association of owners organized for the purpose of maintaining, administering and operating the common areas and facilities. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, the public interior spaces, exterior walls, streets and recreational facilities.

**Condominium, Residential** - The use of a site for a building or group of buildings forming a series of attached dwelling units constructed with common or abutting walls and located on a commonly owned site, where the units are owned individually and the land, structure(s), common areas and facilities are owned directly or indirectly by all the unit owners on a proportional, undivided basis.

**Contiguous** - Shall mean "touching" or "in contact".

**Council** - The Hammond City Council.

**District** - Refers to one of the zoning districts established in this Ordinance.

**Day Care Centers** - Private for-profit or non-profit businesses, whether licensed by the State or not, to provide daytime care of children or adults, excluding overnight care and public or private primary and/or secondary educational facilities. Typical uses include child care centers.

**Development Site**- A parcel of land used for the construction, reconstruction, conversion, relocation, enlargement, demolition or structural alteration of any structure.

**Dormitory** - Dormitory means a common structure(s) containing a common living area(s) and bathrooms and occupied by more than ten persons, excluding hotels, boarding houses, fraternity and sorority houses and located on property owned or leased by a college or university for housing students thereof.

**Duplex (Two family unit not including townhomes and condominiums)** – A residential dwelling structure located on a single lot containing two rental dwelling units separated from each other by an unpierced wall extending from the ground to the bottom of the **common** roof. Each duplex unit shall be approximately the same size and must include paved parking and driveways and separated entrances with no common entry doors. Generally, duplex units will

have a **one hour** firewall rating and must meet other building and site standards adopted by the City of Hammond. Units shall not be separated by walkways or breezeways.

**Dwelling** - Dwelling means a building used entirely for residential purposes and shall be construed to include trailers and/or mobile units. A single-family dwelling is a building, not of a temporary nature and not designed to be moved along a highway, that contains only one living unit; a two-family dwelling is a building that contains only two living units (duplex); and a multi-family dwelling shall be considered one in which contains three or more living units.

**Dwelling Attached** - A one-family dwelling attached to 2 or more one-family dwellings by common vertical walls.

**Dwelling, Patio Home** - A one-family dwelling on a small separate lot with open space setbacks or yards on 3 sides only.

**Dwelling, Townhouse** - A one-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by 1 or more fire resistant walls.

**Easement** – Common law term for servitude, i.e, written authorization by a property owner for the use by another, of any designated part of his property, in which the property owner retains title to property.

**Extension** - An increase in the amount of existing floor area within an existing building.

**Family** – An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit, or a group of not more than four persons, some but not all of whom are related by blood, marriage, or adoption living together as a single house-keeping unit, but not including sororities, fraternities, or group care facilities for the physically or mentally disabled, or other similar organizations.

**Fast Food Restaurant** - An establishment where drive-up food service is available without necessarily having to leave the vehicle and where food and/or beverage is sold for consumption on or off of the premises.

**Fence** - An artificially constructed barrier of any material or combination of material erected to enclose or screen areas of land. Solid hedges or shrubbery planted so as to form a barrier and serving the same purpose as an erected fence shall also be defined as a fence under these provisions. The height of the fence shall be the greater of each measurement taken from the ground to the top of the fence to the top of the fence.

Administration.

**Floor Area** - The floor space, expressed in square feet, within the outside line of walls and includes the total of all space on all floors of a building, excluding garages, carports, porches or floor in a basement, attic, or cellar.

**Fraternity and Sorority House**- A dwelling maintained exclusively for fraternity or sorority members and their visitors and affiliated with an academic or professional college, university, or other institution of higher learning.

**Garage or Accessory Apartment** - A living unit for not more than one family that is accessory to the primary/main building on the lot. The garage apartment may be erected above a garage if the garage is a separate and Accessory Building or may be located in a fully attached garage that is considered accessory to the main building. In some cases in this Ordinance, an accessory unit is requires to be attached to the primary house.

**General Education School** - An institution meeting the minimum requirements of elementary and secondary education set forth by State of Louisiana (also referred to as school offering general education courses), not including trade schools or hobby schools.

**General Terms** - The word ‘person’ includes a firm, association, organization, partnership, trust, company, or corporation as well as individual. 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 ‘uses’ or ‘occupied’ include the words ‘intend,’ ‘designed.’ or ‘arranged’ to be used or occupied.

**Group Care Facilities** - The use of a site to provide living accommodations in facilities authorized, certified, or licensed by the State to provide room, board and personal care in a facility with one (1) communal kitchen/dining facility for more than six (6) individuals not defined as a family who are unable to care for themselves due to physical disability, mental disorder or for dependent or neglected children. Typical uses include nursing homes, alcohol and drug rehabilitation facilities and intermediate care facilities. A “**group home**” will be similar to this definition but will include 6 or less unrelated individuals living as a single housekeeping organization, and group care/group homes must have full-time supervisory residents or staff.

**Guest House** - An Accessory Building containing a lodging unit without kitchen facilities for the visitor and used to house occasional visitors or non-paying/non-commercial guests of the occupants of a dwelling unit on the same site.

**Heavy Manufacturing** - Manufacturing or processing of materials that generally create nuisances such as objectionable odors, vibration or noise, fumes, dirt, etc.

**Height** - On buildings height shall be measured as the vertical distance from average level of the finished surface of the ground to either:

- 1) The highest point on a flat roof

- 2) The deck line of a mansard roof, or
- 3) The highest roof height for gable, hip or gambrel roofs.

**Home Occupation** - An accessory use actively carried on only by a resident member of the family occupying the dwelling from which the activity is carried out and not generating nuisance to neighbors or additional traffic. No bus or truck, other than a school bus or a pick-up truck or van will be kept on the premises of the dwelling being used for home occupations. Home occupations are further defined by the following conditions:

- a) Only one non-illuminated sign no larger than two square feet in area shall be used on the premises.
- b) Nothing shall be done to make the building appear in any way as anything other than a dwelling.
- c) No retail sales shall be conducted upon the premises.
- d) No one shall be employed from outside of the resident family.
- e) Mechanical equipment used shall be only that normally used in, or found in, a single family dwelling.

**Hotel or Motel** - A facility with separate bedroom units for temporary use and not including living units.

**Impervious or Paved Surfaces** - Any material approved by the Building Official that substantially reduces or prevents the infiltration of storm water into the ground.

**Institution** - A non-profit establishment for public use or public benefit.

**Junk Yard** - Refers to outdoor premises that are used to collect and store used, broken, or salvageable items of various materials.

**Light Manufacturing** - Manufacturing or processing of materials that generally do not create nuisances.

**Living Unit** - the dwelling or rooms permanently occupied by a family. The living unit shall include kitchen facilities.

**Loading Space** - Space within the primary building or on the same lot having a minimum dimension of 12 feet by 35 feet and providing for the loading or unloading of materials from trucks.

**Lodge, Fraternal Order or Club** - A hall or meeting place of a

than twenty persons not related by blood, marriage, or adoption. This term includes rooming house, tourist home, and nursing home.

**Lodge (Transient) - Hotel/Motel** - A facility offering transient lodging accommodations on a daily rate to the general public with or without providing additional services, such as restaurants, meeting rooms, and recreational facilities available to guests of the facility or the general public. Typical uses include hotels, motels, and transient boarding houses.

**Lot** - A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including permitted building, the yard area, and parking spaces required.

**Lot, corner** - A lot abutting upon two or more streets at their intersection.

**Lot, interior** - A lot which is not a corner lot.

**Lot Depth** - The distance between front and rear lot lines. If opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lines.

**Lot Double Frontage (or "through")** - A lot which fronts on two (2) parallel streets, or which fronts upon two (2) streets that do not intersect along the boundaries of the lot. Must contain the City required front yards on both sides.

**Lot Improvements** - Any building, structure, paving, grading, connection to utilities or other development of the land constituting physical or economic betterment of real property.

**Lot Line, front** - The lot line separating a lot from a street right-of-way.

**Lot Line, rear** - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, side** - Any lot line other than a front or rear lot line.

**Lot of Record** - A lot which is either a part of a subdivision, the map of which has been recorded, or a parcel of land which is legally established and defined by Deed or Act of Sale. Each new lot of record shall be approved by the City's Planning Commission and recorded in the Clerk of Court's office.

**Lot Width** - The horizontal distance between the side lines of a lot measured at right angles to the depth along a straight line parallel to the front lot line at the minimum required front setback line.

**Main/Primary Building** - The building occupied by the primary use on the lot. The use of the lot which defines the most important use of the lot.

**Maneuvering Space** - The unobstructed area needed for a truck to back, in a single movement,

directly from the street into a loading space, the depth of which is measured perpendicular to and from the front of the loading space to the curb side of the most remote lane in the access street.

**Manufactured Modular Building** - A structure transportable in one or more sections, which is designed for use only with a permanent slab/foundation and which uses standard sheathing, roofing, siding, electrical, plumbing, and heating systems which comply with the City's adopted building codes, and which is approved by the State Fire Marshall.

**Master Plan or Comprehensive Plan** - A comprehensive long-range plan or combination of plans intended to guide the growth and development of the City and that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

**Mobile Building or Home/Manufactured Housing (house trailers)** - A movable or portable building which is constructed on a chassis, and/or which is designed to be towed over Louisiana roads and highways under special permit, designed for year-round occupancy, and designed primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more sections that can be telescoped when transported and expanded later for additional capacity, or of two or more sections, separately transportable, but designed to be joined together into one integral unit. Building onto or around a Mobile Home or building will not change its identification as a Mobile Home or mobile building. The Mobile Home or building must be no more than 5 years old at the time of City approval. The following shall not be included in this definition:

1. Travel trailers, pickup coaches, motor homes, camping trailers or other recreational vehicles.
2. Manufactured modular buildings, meeting the requirements of the City of Hammond adopted building codes.

Mobile Homes or manufactured housing in Hammond shall be skirted and tied down (anchored) according to the standards called for in City ordinances and must bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by an agency approved by the Secretary of the Department of Housing and Urban Development. Mobile or manufactured homes shall, upon City inspection, meet the Class A, Class B, or Class C standards defined by the City Building Department. Mobile Home or mobile trailer structures shall not be used as commercial buildings or storage in Hammond, except for temporary use on development/construction sites. Building inspections and occupancy permits and moving permits must be obtained before such buildings are occupied.

CLASS A- Mobile Home will include new Mobile Homes certified as meeting the most recent standards of HUD's *Mobile Home Construction and Safety Standards* codes and

approved as meeting "acceptable similarity" appearance standards for single family housing.

CLASS B- Mobile Home will include new Mobile Homes certified as meeting the most recent standards of HUD's *Mobile Home Construction and Safety Standards* code but not

approved as meeting “acceptable similarity” appearance standards for single family housing.

**CLASS C-** Mobile Home built on or after January 1, 1994 and shall include new or used Mobile Homes certified as meeting the most recent or prior HUD standard construction and safety codes and found, upon City inspection, to be in good condition, meeting minimum City housing codes, and safe and fit for residential occupancy, and not exceeding 5 years old.

Mobile Home owners must receive a moving permit before moving a Mobile Home to be placed in Hammond and may only be placed in an R-S zone. (See additional provisions in Section 2.9 of this Ordinance.)

**Mobile Home Park-** Three or more residential Mobile Homes located on the same lot of record planned or improved for Mobile Home placement.

**Multi-Family Dwelling or Multiple Dwelling** - Refers to a dwelling in which there is more than two living units and more than two family. A Multi-Family house or apartment house is a house that has been subdivided into more than two living units and a multi-family apartment is an apartment building with more than two living units. An apartment hotel therefore, is a multi-family apartment complex but not a multi-family house.

**Non-conforming Use (Legal)** - A use of a structure or the structure itself that is lawfully occupied or situated at the time this Ordinance became law, but not does not conform to the current regulations of the district in which it is situated.

**Nuisance** - Causing harm, injury, danger or annoyance.

**Office** - A room or group of rooms used for conducting the day-to-day affairs of a business, profession, service, industry or government.

**Patio Home-** A single family residence which uses the concept of zero lot line or one foot spacing of zero lot lines and which requires a variance from the regulations of this Ordinance.

**Parking Lot** - An paved area which is used for the temporary parking of motor vehicles but is not a required off-street parking facility.

**Parking Space** - An area on a lot sufficient in size to store one automobile and used for that purpose. Must be an impervious, hard surfaced area of not less than 180 square feet (9' x 20' min.), except as otherwise noted in this ordinance.

**Parking Space, Off Street** - A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**Permitted Use** - any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Person** - a corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, as defined by the Louisiana Civil Code.

**Planned District or PUD** - A Planned District is a form of development usually characterized by a unified site designated by a mixing of different types of dwellings and uses. It permits the planning of a project and the calculation of densities over the entire development rather than on a lot by lot basis. PUDs are not illegal in this ordinance but will be reviewed on a case by case basis by the Planning and Zoning Commission and will contain not less than 10 acres. They are not meant to circumvent City development codes but rather to provide mixed uses common open space arrangements. Generally cluster development or zero lot line housing will be a part of the PUD plan.

**Planning Commission or "Commission"** - The Planning Commission of the City of Hammond which also acts as the Zoning Commission and the Board of Adjustments.

**Plat** - (1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) A map of a subdivision or site plan.

**Pornographic Material** – (See Definition "Adult Material.")

**Pornographic Uses** – (See Definition "Adult Uses.")

**Portable Building** - A transportable Accessory Building other than a mobile building with axles and with or without a permanent foundation. Must be inspected by the City before moved or placed in operation and not used for occupancy.

**Primary/Main Building or Structure-** The building occupied by the primary use on the lot. The use of the lot which defines the most important use of the lot.

**Recreational Vehicle** – A vehicle intended for temporary living quarters in a recognized recreational setting and not for occupancy within the City of Hammond.

**Restaurant** - For the purposes of the Zoning Ordinance, the term "Restaurant" or any term which uses the word "Restaurant" shall be defined as an establishment:

- a. Which operates a place of business purposes primarily to prepared food and food items for consumption and to serve meals and meal items to the general public.
- b. Must serve food on all days of operation.
- c. Must file a copy of the applicant's menu together with the application, both new and renewal.
- d. Must furnish an affidavit from the local health department showing compliance with all applicable health and sanitary requirements with new application.
- e. Must gross sixty (60%) percent of their monthly revenue from the sale of food, food items and non-alcoholic beverages.
- f. Must maintain separate sales figures for alcoholic beverages.
- g. Must operate a bona fide restaurant by having a fully equipped kitchen facility and dining

- room manned and operated at all times that alcoholic beverages are sold on Sunday.
- h. Must maintain a written record of the name, address and telephone number of all vendors and suppliers of food, food items and non-alcoholic beverages and alcoholic beverages, and maintains, for a minimum period of twelve (12) consecutive months previous to application for renewals, all records of purchase and delivery of food, food items and non-alcoholic beverages and alcoholic beverages to the permittee's place of business, including, without limitation, all billings, invoices, statements of accounts, delivery tickets and receipts of food, food items and non-alcoholic beverages.
  - i. City approval of restaurants will not automatically include approval of separate bar/lounge areas within those restaurants. The Building Department will determine where bars and lounges are allowed in accordance with the applicable zoning classification.

For new businesses without prior business experience on which to base a determination of percentage of food, food item and non-alcoholic beverage sales where a temporary alcoholic beverage permit has been issued by the tax collector for sixty (60) days after which time evidence of all purchases and sales, as may be deemed necessary by the tax collector, can be required to make the alcoholic beverage permit permanent.

**Retail trade** - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Right-of-Way** - A strip of land occupied or intended to be occupied by a street railroad, electric line, water main, sanitary sewer or any other special use. Right-of-ways are dedicated for particular uses by property owners, who then lose their title to the dedicated property.

**Rooming House or Guest House** - Any building or portion thereof which contains guest rooms which are designed or intended to be let or hired out for occupancy and which contains living units rather than only bedrooms, as in hotels and motels.

**Row Housing** - Two or more living units with common or party walls between units, designed so that each unit may be sold independently as a lot with its own yards and parking spaces. May include townhomes and zero lot line housing.

**School, Elementary** - Any school licensed by the State and which meets the State requirements for elementary education.

**School, Secondary (includes high school)** - Any school licensed by the State and which is authorized to award diplomas for secondary education, but not including vo-technical schools

**Service Station** - A building or structure and accessories used for dispensing of fuel and oil for vehicles and general automotive servicing only as distinguished from automobile repairs.

**Setback** - The minimum distance away from a property line that a building may be placed or constructed and within no structures may be built or placed. Walkways and driveways may be located within setback areas.

**Shopping Center** - A group of establishments planned, constructed and managed as a total entity

with customer and employee parking provided on-site, provision for goods delivery separated from customer access.

**Sign** - Any outdoor advertising or notification of information that is a structure in itself or that is attached to or painted upon a building or that is leaned against a structure or displayed on a premise.

**Single Family** – An individual or two persons, married or not married, with or without children, and living together as a single housekeeping unit. Any others living with them must be blood related, legally adopted, or in the legal custody of the residents. This single-family definition will be used only for single-family structures within single-family zoned districts within the City of Hammond. In single-family districts, there will be no sub-letting of bedrooms or portions of the housing unit by owners or tenants.

**Single-Family Dwelling** - A building containing 1 dwelling unit, only 1 kitchen, and only 1 family, as defined herein.

**Snowball Stand** - A building or establishment that serves non-alcoholic crushed or shaved ice with or without flavorings. Snowball stands established as accessory uses in residential areas shall have no customer seating and shall be no more than 200 square feet in area. Commercial areas must meet all health and zoning rules. Snowball stands shall be operated only after having first received City and Health Department approvals.

**Spot Zoning** - Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect or furthering the comprehensive zoning plan. Spot zoning is discouraged in Hammond.

**Street** - Property dedicated for and accepted for primary public access to lots. Includes the roadway and its right-of-ways.

**Sweet Shop** - A building or establishment in which prepared and prepackaged snacks are sold to customers for consumption off the premises. No food or drinks may be prepared for sale on the premises. Sweet shops established as accessory uses in residential areas shall have no customer seating and shall be no more than 200 square feet in area. Sweet shops shall be operated only after having first received City and Health Department approvals.

**Temporary Structure** - A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Temporary buildings or structures are not allowed in Hammond, except where approved as a variance, residential Mobile Home, or construction site building.

**Temporary Use** - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period. Temporary Mobile Home offices and trailers may be permitted for no more than one year with approval from the Zoning Commission.

**Townhouse** - A single-family attached dwelling forming part of a series of at least 3 attached

dwellings with property lines and the required fire walls separating each dwelling and containing separate front and rear unit access.

**Townhouse Condominium** - Single family attached dwellings for sale by individual units, providing common open spaces in lieu of individual family yards.

**Trailer** – See Mobile Home

**Trailer Park, Trailer Camp, or Mobile Home Park** - A parcel of land under single ownership which has been planned or improved for the placement of more than 2 Mobile Homes and not designed in accordance with the Zoning District regulations in which it is located. Such uses are non-conforming and not allowed in Hammond.

**Variance** - A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or condition of the property, compliance would result in an undue hardship upon the owner, as distinguished from a mere inconvenience or monetary expense. A variance shall not be used to specifically grant or limit uses of property.

**Yard** - A required open space unoccupied and unobstructed by any structure or portion of a structure from 6" and above the general ground level of the graded lot upward, provided, however, that fences and walls may be permitted in any yard subject to the height limitations as indicated herein. (See also *Front, Rear* and *Side Yard* definitions.)

**Yard, Front** - An open space extending across the front of the lot between the side lot lines, and being the required minimum horizontal distance between the street and the nearest part of the principle building, including covered or uncovered porches. On corner lots, the front yard shall be provided facing the street upon which the lot has its lesser dimensions, except in certain cases delineated in the Zoning Districts. In the case of a double frontage lot or through lot, the front yard shall be on both streets.

**Yard, Rear** - A required open space extending across the rear of a lot between the side lot lines, and being the required minimum horizontal distance between the rear lot line and the nearest part of the principle building, including covered porches or raised decks exceeding three (3) feet in height from grade, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**Yard, Side** - A required yard extending the depth of a lot from the front yard to the rear yard between the side lot line and a building. In the case of corner lots and interior lots, the side yards shall in all cases be at the opposite ends from one another.

**Zero-lot-line** - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. May include common walls.

**Zone** - A specifically delineated area or district in a municipality within which regulations and

requirements uniformly govern the use, placement, spacing, and size of land and buildings.

**Zoning Map** - The map or maps, which are part of the zoning ordinance, and delineate the boundaries of zoning districts.

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Updated: June 7, 2006

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The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting of the Hammond City Council, and discussed at the said public meeting; after motion and second was submitted to the official vote of the Hammond City Council.

The motion to adopt this ordinance was made by Nicky Muscarello and was seconded by Jerry Correjolle.

**WHEREFORE**, the above and foregoing ordinance was declared duly adopted on this 3rd day of January, 2001, at Hammond, Tangipahoa Parish, Louisiana.

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HAMMOND CITY COUNCIL PRESIDENT

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HONORABLE LOUIS J. TALLO, MAYOR  
CITY OF HAMMOND

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LANITA JOHNSON, CLERK  
HAMMOND CITY COUNCIL