

**ORDINANCE NO. 14-2**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF  
THE VILLAGE OF MAURICE, LOUISIANA, ESTABLISHING  
THE ZONING ORDINANCE OF THE VILLAGE OF MAURICE, LOUISIANA**

An ordinance establishing zoning districts and regulating the location of buildings and structures in commercial, industrial and residential areas in the Village of Maurice, Louisiana.

**WHEREAS** the Village of Maurice desires to enact and publish this Ordinance under authority of the laws of the State of Louisiana, to avail itself of the provisions of Louisiana Revised Statutes with respect to the creation of boundaries of zoning districts as well as the restrictions and regulations to be enforced therein, and

**WHEREAS**, the Board of Aldermen deems it necessary for the purpose of promoting community health, safety, morals, and the general welfare of the Village and its residents to enact such an Ordinance, which is established herein to lessen congestion in the streets, to secure safety from fire and other dangers, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements and, 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 property and buildings and encouraging the most appropriate use of land throughout the community,

**THEREFORE BE IT ORDAINED** that the Village of Maurice Zoning Ordinance shall be and is hereby enacted to read as depicted herein, and shall by amendments hereto include zoning maps depicting the actual zoning classifications of all properties within the Village of Maurice, and which may be amended from time to time to reflect current zoning districts within the Village, 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, Master Plan or administrative code, the provisions hereof shall be deemed controlling, unless otherwise expressly provided for by the Village of Maurice Board of Aldermen.

**BE IT FURTHER ORDAINED**, as of the effective date of this Ordinance, no lands, property, tracts and locations within the Village of Maurice shall be designated as zoning

districts until specifically approved for same by the Board of Aldermen and set forth on the zoning maps and such lands, property, tracts and locations shall be subject to subsequent designation/zoning, in accordance with the provisions hereof.

### **Section 1: Effective Date**

This Ordinance shall take effect immediately upon passage by the Board of Aldermen of the Village of Maurice.

### **Section 2: Authority**

A. This ordinance is adopted under authority of the laws of the State of Louisiana, specifically Louisiana Revised Statutes, 33:361 et seq. (general powers), 33:1236 (31)(a) (waste) and 33:4721 et seq. (municipal zoning regulations).

B. In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety and general welfare of the public.

C. This Ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any Ordinances, rules, regulations or easements, covenants or other agreements between parties; provided, that where this Ordinance imposes a greater restriction upon the uses of buildings or premises than are imposed or required by other Ordinances, rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this Ordinance shall prevail.

### **Section 3: Zoning Commission**

A. In accordance with LSA-RS 33:4726, the Village of Maurice shall appoint a Zoning Commission composed of five (5) members, known as Commissioners, three of whom shall be appointed by the Board of Aldermen and two of whom shall be appointed by the mayor, whose term of office shall be three years, and whose function it shall be to recommend the boundaries of the various zoning districts and modifications or amendments thereto, as well as the restrictions and regulations to be enforced therein, and any supplements, changes, or modifications thereof.

B. The members of the Zoning Commission shall meet monthly on the third Wednesdays of each month and three voting members shall constitute a quorum.

C. The Zoning Commission shall serve without compensation.

#### **Section 4: Zoning Districts**

Zoning Districts within the Village of Maurice shall include Light Industrial Zones, Commercial Business Zones and Residential Zones. Activities, uses or facilities which are allowed in such zones shall be set forth in a Table to be attached hereto and made a part hereof. Any activity, use or facility which is not listed in said Table must acquire a variance from the Board of Alderman prior to location within the Village of Maurice.

**Light Industrial Zone:** includes a manufacturing, processing, wholesale, warehousing or fabrication activities that use moderate amounts of partially processed materials to produce items for end use consumers. Light industries do not have significant environmental impact and do not directly adversely affect nearby residential and business uses. Such fabrication, manufacturing, assembly or processing of materials do not in their transformation create noxious air emissions (e.g. smoke, soot, gas, odor, dust) or obnoxious water discharges (e.g. contaminants, pollutants), noise, vibration of earth, or lighting to a degree that is offensive when measured at the property line of subject property and these industries operate in such a manner that no nuisance factor is created or apparent outside an enclosed building. Outdoor activities (loading, service, storage, etc.) that are accessory to a principal use may occur, providing the scale of such activities does not present a hazard to neighboring properties. Light Industrial districts shall include ranching, farming and agricultural activities.

**Commercial Business Zone:** includes commercial, retail, office, repair and general business operations which includes retail and service businesses that provide the Village with common goods and services, and including property that accommodates business concerns that do not provide a product directly to customers on the premises, and which, as a primary activity, do not involve manufacture, bulk storage or distribution.

**Residential District:** includes properties where housing predominates, as opposed to business or industrial zones. Housing may include single-family housing, multi-family residential, or mobile homes and may include in-home businesses, services or work opportunities. Such areas may include churches, private parks, playgrounds, community centers and other buildings or lands to service the residential area.

#### **Public Property**

All lands or property owned or leased by the Village of Maurice, the Parish of Vermilion or the Federal government, or any body or agency thereof shall be exempt from the requirements of this

Zoning Ordinance from the date of acquisition or lease of said land or property by said governmental body or agency regardless of prior zoning. Such property shall no longer be exempt as of the date said governmental body or agency sells or ceases to occupy said land or property and the property converts to private ownership.

## **Section 5: Hazardous Materials Prohibition**

### **A. Definition**

“Hazardous materials” shall be as defined by 42 USC Section 9601(14) and as further defined as hazardous materials, hazardous wastes, hazardous substances, pollutants, contaminants or toxic substances by the Louisiana Department of Environmental Quality and U.S. Environmental Protection Agency regulations. For the purposes of this Ordinance, Hazardous Materials shall include solid wastes as defined by LSA-R.S. 30: 2153 et seq. (other than construction and demolition debris) or oil field wastes as defined by LSA-R.S. 30:73 et seq.

### **B. Prohibitions**

1. All activities which handle, treat, store or otherwise involve hazardous wastes, substances or materials are prohibited within the Village of Maurice, except as provided for in Paragraph C of this Section.
2. The following sites, developments, buildings, structures, facilities or activities are specifically prohibited within the boundaries of the Village of Maurice.
  - a. Solid or Hazardous Waste Treatment, Storage or Disposal Sites or Landfills, or Oilfield Waste Treatment, Storage or Disposal Sites.
  - b. Facilities, businesses or activities which would qualify as a categorical discharger under federal or state laws or regulations, and
  - c. Facilities, businesses or activities which would qualify as a major source under federal or state laws or regulations.

### **C. Permissible Uses Involving Hazardous Materials:**

1. Facilities which store, sell or distribute unopened containerized hazardous materials or substances which are sold and stored entirely within completely enclosed buildings or containment areas meeting applicable state or federal laws or regulations, and
2. Any site which temporarily stores its own hazardous waste (less than 90 days) generated in conjunction with onsite processes in closed containers in an enclosed building or containment area.

## **Section 6: Grandfathering Provisions**

Non-conforming uses established and continuing prior to the enactment of this Ordinance are exempt from the requirements of this Ordinance. Nonconforming rights apply to a property or structure or use as it existed at the time of the effective date of this Ordinance or the designation of a zoning district affecting such property or structure. The right to continue a non-conforming use shall terminate immediately upon continuous cessation of such use for a period of eighteen (18) months or a finding by the Zoning Commission that such non-conforming use poses a threat to safety or compliance with State or federal law.

## **Section 7: Lateral Facilities**

A. Location of pipelines, conduits, transmission lines, utilities or any other lateral facility proposed to transect or cross any zoned properties must be approved by the Zoning Commission and the Board of Aldermen as variances to that area affected by the lateral facility.

B. This provision does not apply to distribution lines leading from transmission or utility lines to end users.

## **Section 8: Variances**

A. Where the Board of Aldermen, upon recommendation of the Zoning Commission, finds that undue hardships may result from strict compliance with these regulations, it may grant a variance to this Ordinance so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of this Ordinance.

B. The Commission shall not recommend variances or exemptions regarding hazardous wastes and the Commission shall not recommend variances or exceptions to the requirements of this Ordinance unless it shall make findings based upon evidence presented to it in each specific case that:

1. Safety. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

2. Hardship. Because of the particular physical surroundings, the shape or topographical conditions of the specific property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Ordinance requirements were carried out; and

3. Measures of Protection Provided. The variance or exception includes measures to provide an equivalent level of health and safety protection as the Ordinance provision being varied or excepted.

### **Section 9: Amendments to Zoning Districts**

A. The Board of Aldermen may amend a Zoning District, or may amend Table 1 regarding activities, uses or facilities allowed in a Zoning District, in light of changing conditions, application by a landowner or developer for redesignation of a district, or to relieve particular hardships or to confer variances.

B. Amendments to a Zoning District may be initiated by the Board of Aldermen, the Zoning Commission, or any other landowner of real property within the Village of Maurice. Any amendment shall require the submission of a written application to the Commission setting forth the boundaries of the property to be redistricted and setting forth justification for the amendment.

### **Section 10: Zoning Map**

A. The location and boundaries of zoning districts established hereunder shall be as shown on a comprehensive map known as the "Zoning Map of the Village of Maurice", which may be amended subsequent to the adoption thereof upon approval of the Board of Aldermen.

B. Copies of the Zoning Map shall be maintained by the City Engineer and kept up-to-date by posting thereon all changes and subsequent amendments.

C. The Zoning Map and amendments thereto shall be included as Appendices to this Ordinance. The applicable provisions of the text of this Ordinance shall apply to lots or parcels located within districts or zones created by this Ordinance.

D. Boundaries on the Zoning Map shall be designated by streets, latitude/longitude or x/y coordinates such that the limits of such districts are easily identifiable and discernible.

### **Section 11: Severability Clause**

If any clause, sentence, paragraph section, or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the validity of the Ordinance as a whole or any part thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered, this Board of Aldermen 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.

And this Ordinance being submitted to a vote, the vote thereon was as follows:

YEAS: Alderman Darin Desormeaux, Alderwoman Phyllis Johnson and

Alderman Gary Villien

NAYS: None

ABSENT: None

And this Ordinance was declared adopted this 19th day of February, 2014.

s/Melanie Denais

**Melanie Denais, Municipal Clerk**

s/Wayne Theriot

**Wayne Theriot, Mayor**