

Sec. 14.9. Reserved.

(Ord. No. 2019-49, 12-25-2019; Ord. No. 2025-02, 1-14-2025)

CHAPTER 15. NONCONFORMING LOTS, STRUCTURES AND USES

Sec. 15.1. Purpose.

The purpose of this Chapter is to provide for the regulation of nonconforming lots, structures and uses and to specify those circumstances and conditions under which those nonconforming lots, structures and uses shall be eliminated. It is the intent of this Zoning Code that nonconforming structures and uses shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited in the Zoning district except as otherwise specifically permitted herein. Additional nonconforming lots shall not be created.

Sec. 15.2. Authority to continue nonconforming structures and uses.

Any structure or use that existed lawfully on the effective date of this Zoning Code shall become legally nonconforming upon the effective date of this Zoning Code or of any subsequent amendment shall be subject to the following regulations:

- A. A structure shall be deemed lawfully existing on the effective date of this Zoning Code if constructed pursuant to a building permit lawfully issued prior to the effective date of this Zoning Code. A nonconforming uses, is a use which was a permitted or an approved conditional use pursuant to the East Baton Rouge Parish UDC, Central UDC or became a legal nonconforming use pursuant to applicable law.
- B. Nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this zoning code or any amendment thereto and upon which actual building construction has been carried on diligently.
- C. Repairs or Alterations. Ordinary repairs and nonstructural alterations may be made to a nonconforming structure. However, no structural alteration shall be made to a structure, all, or substantially all, of which is designed or intended for a use not permitted in the district in which it is located, except those required by law. For the purpose of this Section, ordinary repairs and alterations, shall be determined by the Zoning Administrator. Structural alterations are those which move, increase or otherwise modify any structural support for the building or structure. The replacement of storage tanks where the safety and operation of the installation requires such replacement shall also be permitted. Notwithstanding any of the above requirements, structural alterations may be made to any nonconforming building or structure in a manner so that the entire building or structure and use conform to all regulations of the district in which it is located.
- D. Additions, Enlargements, and Replacements. A nonconforming structure, other than a single-family dwelling, shall not be added to or enlarged in any manner unless such nonconforming building or structure and use, including all additions and enlargements is made to conform to all regulations of the district in which it is located. A single-family dwelling, nonconforming as to bulk, may be added to or enlarged without seeking a variation if all additions or enlargements conform to all setback, height and lot coverage limitations of the district in which the property is located. Notwithstanding the provisions in Section 15.2(C) of this Chapter, a nonconforming mobile home may be replaced or upgraded with another nonconforming mobile home, provided that such replacement or upgraded mobile home is made to conform to all regulations of

- the district in which it is located, including but not limited to all setback, height and lot coverage limitations.
- E. Moving. No building or structure shall be moved in whole or in part to another location unless every portion of such building or structure and its use is made to conform to all regulations of the district in which it is moved.
 - F. Restoration of Damaged Nonconforming Structure. A structure, which does not conform to the bulk requirements or use restrictions of the district in which it is located and which is destroyed or damaged by fire or other casualty or act of God may be restored only if the cost of restoration to the condition in which it was prior to the destruction or damage is less than 50 percent of the cost of constructing the entire building or structure new. No repairs or restoration shall be made unless such work is started within six months from the date of the partial destruction and is diligently pursued to completion. Notwithstanding any of the above requirements, nothing in this Subsection shall preclude the reconstruction of a building in a manner so that the entire building or structure and use conform to all regulations of the district in which it is located.
 - G. Restoration of Damage to Nonconforming Single-Family Dwellings. Notwithstanding Subsection 15.2F, a single-family dwelling or structure accessory to a single-family dwelling located on a zoning lot which existed prior to the adoption of this Zoning Code or was lawfully established thereafter and which has less than the required minimum lot width or area, destroyed or damaged by fire or other casualty or act of God, may be restored or reconstructed, provided the restored or reconstructed dwelling or accessory structure is not larger than that which was damaged or destroyed and does not exceed the limits established by the footprint of the original structure. If the restored or reconstructed dwelling or accessory structure is to be larger than the damaged or destroyed structure, it shall meet all bulk requirements except lot width and area.
 - H. Discontinuance of a Nonconforming Structure. A structure or portion thereof, all, or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located and which is vacant on the effective date of this Zoning Code or thereafter becomes vacant or is not used for a continuous period of 180 days, shall not, thereafter, be occupied or used except by a use which conforms to the regulations of the district in which it is located.
 - I. Nonconforming Uses of Structures or Lands. The lawfully existing nonconforming use of all or part of a structure or parcel, may be continued subject to the following provisions:
 - 1. The nonconforming use of part of a structure or parcel shall not be expanded or extended into any other portion of such building or parcel. Notwithstanding the foregoing, the nonconforming use of a part of a structure or parcel may be expanded by up to 35% upon approval of the Board of Adjustment using the procedures and standards for Variances in Title 7, Chapter 8 of this code. However, in addition to the standards for all variances, the Board of Adjustment shall not approve an expansion unless the Board determines that the expansion will not contribute to the alteration of the character of the neighborhood.
 - 2. If a nonconforming use of a structure or parcel is discontinued for a period of 180 days, it shall not be renewed.
 - 3. A nonconforming use shall not be changed to another nonconforming use, unless the subsequent nonconforming use is less intense than the current use (as determined by the Zoning Administrator). If a change to a subsequent

nonconforming use is approved, the structure or parcel may not be returned to the prior nonconforming use or any other nonconforming use more intense than the subsequent use approved by the Zoning Administrator.

- J. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on part of a lot, tract or parcel shall not be construed to establish a right to extend the nonconforming use to the entire lot, tract or parcel.
- K. Existing uses which are Conditional Uses under the provisions of this Zoning Code shall not be nonconforming uses, but shall require a Conditional Use Permit for any enlargement, extension, intensification or change of use.
- L. Where the legal existing use of a premises is nonconforming as to the parking or loading requirements of Chapter 16 or any subsequent amendment thereto, the use may be changed to another permitted use without seeking a variation as to parking or loading requirements provided the new use does not require more parking or loading spaces than the existing use.

(Ord. No. 2014-15, 7-1-2014; Ord. No. 2014-34, 12-5-2014)

Sec. 15.3. Nonconforming lots.

- A. An unimproved lot approved by the East Baton Rouge Parish Planning Commission prior to July 11, 2005 or by the Central Planning Commission prior to the effective date of this Zoning Code which does not meet the minimum lot size for the zoning district on the Zoning Map shall be considered a legally nonconforming lot.
- B. A legally nonconforming lot may be used and improved in accordance with all applicable provisions of Zoning Code except minimum lot size.

CHAPTER 16. OFF-STREET PARKING AND LOADING

Sec. 16.1. Off-street loading.

In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or other similar vehicles, there shall be provided off-street loading berths not less than the minimum requirements specified in this Section.

- A. Location. All required loading berths shall be located on the same lot as the use to be served and no portion of the vehicles shall project into a street or public alley. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets, nor shall it be located in a required rear or side yard.
- B. Size. A required off-street loading berth shall be at least ten feet in width and 35 feet in length, exclusive of aisle and maneuvering space. It shall have vertical clearance of at least 12 feet. Enclosed loading spaces shall have a vertical clearance of at least 15 feet.
- C. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- D. Surfacing. All open off-street loading berths shall be improved with a compacted macadam base not less than seven inches thick, or equal, surfaced with not less than two inches of asphaltic-concrete or some comparable all-weather dustless material.
- E. Repair and Service. No storage of any kind or motor vehicle repair work or service of any kind shall be permitted within any required loading berth.