

TOWN OF SUNSET,
LOUISIANA
COMPREHENSIVE ZONING ORDINANCE

APPROVED BY THE SUNSET TOWN COUNCIL: MONTH XX, XXXX

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1. GENERAL PROVISIONS

1.1. Title

- A. These regulations shall be known and may be cited as the “Comprehensive Zoning Ordinance for the Town of Sunset, Louisiana”.

1.2. Authority

- A. These zoning regulations as herein set forth have been adopted by the Town of Sunset, Louisiana to safeguard the health, property and public welfare by controlling the use of land and design and location of all buildings and structures to ensure orderly development of land and land uses within this jurisdiction.
- B. This Comprehensive Zoning Ordinance (CZO) is adopted pursuant to the authority granted by *Louisiana Revised Statute 33:4780.40* and the Constitution of the State of Louisiana in order to promote the public health, safety, morals and general welfare of the Town of Sunset, Louisiana.

1.3. Effective Date

- A. This CZO was adopted on *[insert date]* and became effective on *[insert date]*.

1.4. Jurisdiction

- A. These regulations shall apply to all the area located within the corporate limits of the City of the Town of Sunset, Louisiana. All developments shall meet minimum standards and requirements of these regulations, as amended.
- B. This ordinance, or any amendment thereto, shall not affect the validity of any building permit lawfully issued prior to the effective date of the ordinance, or any amendment thereto, provided that the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto.
- C. Any use established on the effective date of this ordinance and which conforms with the conditional use provisions applicable in the Zoning District in which the use is located, shall be considered a lawful conditional use; provided that the use continues to conform with the provisions of this ordinance.

D. This ordinance, or amendment thereto, shall not affect the validity of variances granted prior to the effective date of this ordinance, or amendment thereto. Said variances granted shall remain in effect after the effective date of this ordinance, and shall constitute variances to the applicable provisions of this ordinance.

1.5. Purpose

- A. This CZO is adopted for the purpose of guiding development in accordance with the Town of Sunset’s Comprehensive Plan and to
- i. Promote the public health, safety and general welfare;
 - ii. Help achieve the goals, objectives and policies of the Comprehensive Plan;
 - iii. Prevent the overcrowding of land and avoid undue concentration or dispersal of population by creating zoning districts consistent with the character of each area within the Town of Sunset and adopting an official zoning map;
 - iv. Provide the most beneficial relationship between the uses of land and buildings and the circulation of automobile traffic and pedestrians throughout the Town of Sunset;
 - v. Assure safety from natural disaster, fire, and other dangers by providing design standards for roads, sidewalks, and buildings;
 - vi. Provide for a range of open spaces through the most efficient design and layout of the land; and
 - vii. Carry out such other purposes in the public interest as may be specifically cited in this CZO.

1.6. Minimum Requirements

- A. The requirements of this CZO shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare.

1.7. Conflicting Provisions

- A. All development must comply with relevant Federal and State regulations.
- B. Whenever any provision of this CZO imposes a greater requirement or a higher standard than is required in any Federal or State statute or regu-

lation, the provisions of this CZO shall apply unless preempted by Federal or State law.

- C. Where, in any case, different sections of this Code specify different requirement, the more restrictive shall apply. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

1.8. Severability

- A. Should any provision of this CZO be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of this CZO other than the part declared to be unconstitutional or invalid.

2. REVIEW BODIES

2.1. Town Council

- A. The Town Council is responsible for final action regarding:
 - i. Special Use Permits
 - ii. Zoning Map Amendments
 - iii. Planned Unit Development (PUD)
 - iv. Text Amendments
 - v. Development Agreements
 - vi. Variances

2.2. Planning and Zoning Commission

2.2.1. Establishment

- A. A Planning and Zoning Commission is established, which shall consist of seven members to be appointed by the Mayor with the advice and consent of the Town Council. Members must be qualified voters of the Town of Sunset, but not employees or elected officials. All members serve without compensation.

2.2.2. Terms

- A. The members of the Planning and Zoning Commission shall be appointed for terms of four years each. The terms of members shall be staggered, so that the term of one member expires each year.

2.2.3. Removal and Vacancy

- A. The Mayor may terminate the appointment of any member who misses five meetings in any twelve (12) month period after public hearing.
- B. The Mayor may remove any member of the Planning and Zoning Commission, for inefficiency, neglect of duty, or malfeasance in office after public hearing.
- C. The Mayor is authorized to fill any vacancy for an unexpired term on the Planning and Zoning Commission caused by death, resignation, or otherwise with the advice and consent of the Town Council.

2.2.4. Chair

- A. The Planning and Zoning Commission shall elect its own chair who shall serve for one year.

2.2.5. Rules

- A. The Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this CZO.

2.2.6. Staff and Finances

- A. At the request of the Planning and Zoning Commission, the Mayor may appoint employees necessary to complete the work of the Planning and Zoning Commission.
- B. The Town of Sunset may contract with planning experts, engineers, architects, landscape architects and other consultants for planning services as it may require.
- C. The expenditures of the Planning and Zoning Commission shall be within the amounts appropriated for the purpose by the Mayor.

2.2.7. Meetings

- A. The Planning and Zoning Commission shall hold at least one regular meeting in each month.
- B. Additional meetings may be held at the call of the Chair and at such other times as the Planning and Zoning Commission may determine.
- C. All meetings shall be open to the public.

2.2.8. Quorum

- A. A quorum consisting of a majority of the members of the Planning and Zoning Commission must be present to conduct any business of the Planning and Zoning Commission.

2.2.9. Voting

- A. The concurring vote of a majority of the Planning and Zoning Commission members present and voting shall be required for any decision.

2.2.10. Conflict of Interest

- A. In the event that a Planning and Zoning Commission member has any financial, ownership, or employment interest in the subject of a vote by the Commission, such member shall disclose such interest and recuse themselves before the vote so that it appears in the official record.

2.2.11. Training

- A. All appointed members of the Planning and Zoning Commission shall receive at least eight hours annually of training in the duties, responsibilities, ethics, and substance of the positions held or to be held, either prior to taking office or no later than one year after office is assumed. All training shall be approved by the Planning and Zoning Commission.

2.2.12. Jurisdiction

- A. The Planning and Zoning Commission is responsible for final action regarding:
 - i. Preparation and adoption of a comprehensive master plan;
 - ii. Preliminary plats; and
 - iii. Major site plans
- B. The Planning and Zoning Commission is responsible for review and recommendations regarding:
 - i. Special Use Permits
 - ii. Zoning Map Amendments; and
 - iii. Planned Unit Developments (PUDs)

2.3. Administrator

- A. For the purpose of administering and enforcing this ordinance an Administrator shall be appointed by the mayor, and shall be charged with the responsibility of administering and enforcing the provisions of this ordinance.

2.3.2. General Authority

- A. The Administrator is responsible for:
 - i. Maintaining a map showing the current zoning classification of all land in the Town of Sunset;
 - ii. Maintaining written records of all actions taken under this CZO; and
 - iii. Making interpretations of this CZO.

- B. The Administrator is responsible for final action regarding:

- i. Zoning permits;
 - ii. Minor plats;
 - iii. Final plats; and
 - iv. Minor site plans
- C. The Administrator is responsible for review and recommendations regarding:
 - i. Variances;
 - ii. Preliminary plats;
 - iii. Major site plans;
 - iv. Special use permits;
 - v. Zoning map amendments;
 - vi. Planned Unit Developments (PUDs);
 - vii. Text amendments; and
 - viii. Development agreements.
 - ix. Delegation of Authority
- D. The Administrative Official may designate any staff member to represent the Administrator in any function assigned by this CZO. The Administrator remains responsible for any final action.

2.4. ENFORCEMENT

2.4.1. Violations

- A. In case any building or structure is erected, structurally altered, or maintained, or any building, structure or land is used in violation of this CZO, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

2.4.2. Enforcement

- A. This CZO shall be enforced by the Administrator, and other duly authorized representatives as designated herein, who shall have the authority to make inspections of buildings or premises necessary to carry out their administrative duties in the enforcement of these regulations.
- B. The Administrator is empowered to:
 - i. Cause any building, structure, place or premises to be inspected and examined; and
 - ii. Order in writing the remedying of any condition found to exist in violation of any provision of this CZO.
- C. Any resident of the community who believes that a violation of any of the provisions of these regulations is occurring may file a written complaint with the Administrator, including the acts or omissions constituting the alleged violation and the site or sites at which such violation or violations are alleged to be occurring. The Administrator shall record properly such complaint, promptly investigate the allegations underlying said complaint, and take action on such complaint as provided by these regulations.

2.4.3. Notice of Violation

- A. If the Administrator finds that any of the provisions of this CZO are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

2.4.4. Enforcement Actions

- A. The Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this statute to ensure compliance with or to prevent violation of its provisions.

2.4.5. Penalties

- A. Whenever, in this CZO or in any ordinance or resolution of the Town of Sunset, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor or is prohibited, and no specific penalty is provided therefore, and State law does not provide otherwise or for a greater penalty, the violation of any such provision of this CZO or any ordinance shall be a misdemeanor punishable by a term of imprisonment of up to thirty (30) days in the Parish jail or a fine of up to \$500, or both. Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this CZO or any ordinance shall continue shall constitute a separate offense.

2.4.6. Liability

- A. The Administrator and other duly authorized representatives, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties described in this Code, or other pertinent law or ordinance, shall have qualified immunity and shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.
- B. A suit brought against any Town official or his duly authorized representative because of such act or omission in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting shall be assumed by this jurisdiction.
- C. This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this Code.

3. ZONING DISTRICTS

3.1. General.

3.1.1. Direct Classification.

A. In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas, and to regulate and determine the areas of yards, courts, and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this chapter.

3.1.2. Applications of District Regulations.

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein except where to do so would lead to lots that are less nonconforming than prior to the re-subdivision. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

3.1.3. Establishment of Zoning Districts.

- A. All land within the corporate limits of the Town of Sunset is hereby divided into the following ten (10) zoning districts:
 - i. Residential Single Family (R-1)
 - ii. Residential Two Family (R-2)
 - iii. Residential Multi Family (R-3)
 - iv. Mixed Use 1 (MU-1)
 - v. Mixed Use 2 (MU-2)
 - vi. Commercial (C)
 - vii. Light Industrial (LI)
 - viii. Open Space (OS)
 - ix. Agriculture (AG)

- x. Planned Unit Development (PUD)
- B. A district designation shall apply to each lot or parcel within the Town.

3.1.4. Zoning District Map.

- A. The boundaries of the zoning districts are established and shown on the "Town of Sunset Zoning District Map" and may be cited and referred to as the "Official Zoning Map". The Official Zoning Map is hereby made part of this zoning code. Said map and subsequent amendments thereto shall be considered as a part of this Code.
- B. The official zoning map shall be located in the Town of Sunset Town Hall. The Planning and Zoning Commission shall be the final authority as to the current zoning status of land, buildings, and other structures in the Town.
- C. The official zoning map must be properly attested and kept on file by the Administrator.

3.1.4.2. Interpretation of District Boundaries.

- A. Where uncertainties exist district boundaries shall be interpreted as follows:
 - i. District boundaries approximately following the centerlines of streets, highways, or alleys, the boundaries shall be construed to follow such centerlines.
 - ii. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
 - iii. Boundaries indicated as approximately following town limits shall be construed as following town limits.
 - iv. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
 - v. Boundaries indicated following other boundary lines, watercourses, and other natural topographical features, such lines shall be construed to be such boundaries.
- B. Where street or property layout existing on the ground is at variance with what is shown on the official zoning map, or in other circumstances not covered by this *section*, the administrator or his/her duly authorized representative shall interpret the district boundaries, provided such adjustment does not exceed one acre in area.

3.1.4.3. Changes of District Boundaries.

- A. The boundaries of zoning districts as shown on the zoning map may, from time to time, be amended or modified, or supplemented, as

determined by the Town Council as set forth in *Section 11.3.12: Zoning Map Amendment*.

- B. If, in accordance with the provisions of this ordinance, changes made in district boundaries shall be made on the official zoning map after the amendment has been approved by the City Council, and attached to this ordinance, on a quarterly basis. Each such quarterly change of the map shall be dated, signed, and certified. However, amendments shall become effective when adopted by the council.

3.1.5. Classification of Annexed Territory.

- A. All areas taken into the town limits of the Town of Sunset shall be initially classified as Agriculture (AG)
- B. Said areas taken into the Town may be classified as any district set forth in *Section 3.2: Zoning Districts* if the owner applies for a zoning change, as set forth in *Section 11.3.12: Zoning Map Amendment* and the Town Council approves such change.

3.2. Zoning Districts.

3.2.1. Residential Single-Family R-1.

3.2.1.1. Purpose and Intent.

- A. The purpose and intent of the R-1 district shall be to provide locations for low-density detached single-family residential development that offers residents the benefits of rural subdivision-style living and ensures the maintenance of the specific neighborhood character.

3.2.1.2. Zoning District Standards.

- A. Permitted Uses for the Residential Single-Family District are as set forth in *Section 3.3: Permitted Uses*
- B. Site Design Standards for the Residential Single-Family District are as set forth in *Section 3.3.4: Site Design Standards*
- C. Use Standards for the Residential Single-Family District are as set forth in *Section 4: Use Standards*.

3.2.2. Residential Two-Family R-2.

3.2.2.1. Purpose and Intent.

- A. The purpose and intent of the R-2 District is to provide locations for moderately dense, and thus walkable residential development around the town core and in selected residential areas, which is affordable for households with moderate incomes and suitable for senior living and first time homeowners.

- 3.2.2.2. Zoning District Standards.
 - A. Permitted Uses for the Residential Two-Family District are as set forth in [Section 3.3: Permitted Uses](#)
 - B. Site Design Standards for the Residential Two-Family District are as set forth in [Section 3.3.4: Site Design Standards](#)
 - C. Use Standards for the Residential Two-Family District are as set forth in [Section 4: Use Standards](#).

3.2.3. Residential Multi-Family R-3.

- A. The purpose and intent of the R-3 district shall be to provide moderate to high-density residential development, which is affordable for households with low incomes and suitable for single households and senior living. The R-3 district shall accommodate single-family attached dwellings, town houses, condominiums, and congregate and cluster developments as well as multifamily structures ranging in type from triplexes to apartment buildings.

- 3.2.3.2. Zoning District Standards.
 - A. Permitted Uses for the Residential Multi-Family District are as set forth in [Section 3.3: Permitted Uses](#)
 - B. Site Design Standards for the Residential Multi-Family District are as set forth in [Section 3.3.4: Site Design Standards](#)
 - C. Use Standards for the Residential Multi-Family District are as set forth in [Section 4: Use Standards](#).

3.2.4. Mixed Use 1 District (MU-1)

- 3.2.4.1. Purpose and Intent.
 - A. The purpose of the Mixed Use District 1 is to provide locations for medium to high density residential development and small-scale commercial, service and office establishments and institutional uses that support adjacent neighborhoods and is compatible with and beneficial to residential uses. This district includes establishments that conduct all business operations within an enclosed facility, and which have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Site design standards and permitted uses recognize the needs of a walkable environment.

- 3.2.4.2. Zoning District Standards.
 - A. Permitted Uses for the Mixed Use 1 District are as set forth in [Section 3.3: Permitted Uses](#)
 - B. Site Design Standards for the Mixed Use 1 District are as set forth in [Section 3.3.4: Site Design Standards](#)

- C. Additionally the following requirements shall be met.
- i. Building design shall be compatible in scale, materials, street level uses, and spatial relationships with existing development along the corridor.
 - ii. Development shall ensure compatibility between commercial uses and surrounding residential areas.
 - iii. Street façades shall be articulated with no blank walls along the street.
 - iv. All sides and areas of structures visible to the public shall be treated with materials, finishes and architectural details appropriate to primary street-facing façades.
 - v. Development shall encourage the use of non-motorized modes of transportation and promote safe, convenient, and attractive pedestrian and bicycle access.
 - vi. Neon signage is prohibited on the interior or exterior of windows, other than an “open” sign.
 - vii. Parking shall not be the dominant visual element of the site along the primary frontage.
 - viii. The number of required parking spaces as established in *Section 5.2 Offstreet Vehicle and Bicycle Parking Requirements* shall not be exceeded. The Administrator may allow a reduction of parking spaces to eighty percent (80%) of spaces required in *Section 5.2 Offstreet Vehicle and Bicycle Parking Requirements* within the MU-1 district.
 - ix. Shared parking facilities are strongly encouraged. Whenever new development, substantial rehabilitation or a change of use occurs the possibility of shared parking shall be explored.
 - x. Shared driveways are strongly encouraged. Whenever new development, substantial rehabilitation or a change of use occurs the possibility of shared driveways shall be explored.
- D. Use Standards for the Mixed Use 1 District are as set forth in *Section 4: Use Standards*.

3.2.5. Mixed Use 2 District (MU-2)

3.2.5.1. Purpose and Intent.

- A. The purpose and intent of the Mixed Use 2 District shall be to allow for a mix of uses along a major street in existing residential areas, including small to medium scale commercial and a variety of residential uses. The district regulations intend to ensure the compatibility of those uses with each other and to provide a safe and functional environment for all users and provide for efficient traffic

flow within the corridor.

3.2.5.2. Zoning District Standards.

A. Permitted Uses for the Mixed Use 2 District are as set forth in *Section 3.3: Permitted Uses*

B. Site Design Standards for the Mixed Use 2 District are as set forth in *Section 3.3.4: Site Design Standards*

C. Additionally the following requirements shall be met.

i. Building design shall be compatible in scale, materials, street level uses, and spatial relationships with existing development along the corridor.

ii. Development shall ensure compatibility between commercial uses and surrounding residential areas.

iii. Street façades shall be articulated with no blank walls along the street.

iv. All sides and areas of structures visible to the public shall be treated with materials, finishes and architectural details appropriate to primary street-facing façades.

v. Development shall encourage the use of non-motorized modes of transportation and promote safe, convenient, and attractive pedestrian and bicycle access.

vi. Neon signage is prohibited on the interior or exterior of windows, other than an “open” sign.

vii. Parking shall not be the dominant visual element of the site along the primary frontage.

viii. The number of required parking spaces as established in *Section 5.2 Offstreet Vehicle and Bicycle Parking Requirements* Standards shall not be exceeded. The Administrator may allow a reduction of parking spaces to eighty percent (80%) of spaces required in *Section 5.2 Offstreet Vehicle and Bicycle Parking Requirements* within the MU-2 district.

ix. Shared parking facilities are strongly encouraged. Whenever new development, substantial rehabilitation or a change of use occurs the possibility of shared parking shall be explored.

x. Shared driveways are strongly encouraged. Whenever new development, substantial rehabilitation or a change of use occurs the possibility of shared driveways shall be explored.

D. Use Standards for the Mixed Use 2 District are as set forth in *Section 4: Use Standards*.

3.2.6. Commercial District (C)

- 3.2.6.1. Purpose and Intent.
 - A. The commercial district is intended to accommodate a wide variety of commercial and retail uses, as well as offices, businesses and personal services that serve the needs of the community. The intent is to provide for large-scale commercial uses that are land intensive and are not well suited to being located in residential neighborhoods.
- 3.2.6.2. Zoning District Standards.
 - A. Permitted Uses for the Commercial District are as set forth in [Section 3.3: Permitted Uses](#)
 - B. Site Design Standards for the Commercial District districts are as set forth in [Section 3.3.4: Site Design Standards](#)
 - C. Use Standards for the Commercial District are as set forth in [Section 4: Use Standards](#).

3.2.7. Light Industrial District (LI)

- 3.2.7.1. Purpose and Intent.
 - A. The purpose of the Light Industrial district shall provide locations for a wide range of enterprises, including those engaged in light manufacturing, processing, and storage activities which are, based on their appearance and externalities, not compatible with residential neighborhoods and commercial districts but not considered dangerous to nearby residential or commercial areas.
- 3.2.7.2. Zoning District Standards.
 - A. Permitted Uses for the Light Industrial District are as set forth in [Section 3.3: Permitted Uses](#)
 - B. Site Design Standards for the Light Industrial District districts are as set forth in [Section 3.3.4: Site Design Standards](#)
 - C. Use Standards for the Light Industrial District are as set forth in [Section 4: Use Standards](#).

3.2.8. Open Space District (OS)

- 3.2.8.1. Purpose and Intent.
 - A. The purpose and intent of the open space district shall be to provide opportunities for outdoor recreation, protecting sensitive or fragile environmental areas, preserving scenic qualities, and providing pedestrian and bicycle transportation connections.
- 3.2.8.2. Zoning District Standards.

- A. Permitted Uses for the Open Space District are as set forth in [Section 3.3: Permitted Uses](#)
- B. Site Design Standards for the Open Space District districts are as set forth in [Section 3.3.4: Site Design Standards](#)
- C. Use Standards for the Open Space District are as set forth in [Section 4: Use Standards](#).

3.2.9. Agriculture District (AG)

3.2.9.1. Purpose and Intent.

- A. The purpose and intent of the Agriculture districts shall be to preserve large plots and clusters of undeveloped land for agricultural use to foster the rural character of the community, avoid sprawled development, and preserve land for larger, planned development projects.

3.2.9.2. Zoning District Standards.

- A. Permitted Uses for the Agriculture District are as set forth in [Section 3.3: Permitted Uses](#)
- B. Site Design Standards for the Agriculture District districts are as set forth in [Section 3.3.4: Site Design Standards](#)
- C. Use Standards for the Agriculture District are as set forth in [Section 4: Use Standards](#).

3.2.10. Planned Unit Development (PUD)

3.2.10.1. Purpose and Intent.

- A. The purpose of the PUD District shall be to provide for an improved level of aesthetics, safety and environmental sensitivity, and design flexibility in conjunction with a site plan for one contiguous development site by ordinance of the Town Council subsequent to the recommendation of the Planning and Zoning Commission.

3.2.10.2. Zoning District Standards.

- A. Permitted Uses for the zoning districts are as set forth in [Section 3.3: Permitted Uses](#)
- B. Site Design Standards for the zoning districts are as set forth in [Section 3.3.4: Site Design Standards](#)
- C. Use Standards are as set forth in [Section 4: Use Standards](#).

3.3. Permitted Uses.

3.3.1. Use Categories.

- A. Use categories have been established to provide a systematic basis for assigning land uses to appropriate categories with other, similar uses.
- B. Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

3.3.2. Uses Not Listed.

- A. If a proposed use is not listed in a use category, but is similar to a listed use, the Administrator may place the proposed use under that use category. The Administrator is responsible for categorizing all uses.
- B. When determining whether a proposed use is similar to a listed use the Administrator will consider the following criteria:
 - i. The actual or projected characteristics of the proposed use;
 - ii. The relative amount of site area or floor area and equipment devoted to the proposed use;
 - iii. Relative amounts of sales;
 - iv. The customer type;
 - v. The relative number of employees;
 - vi. Hours of operation;
 - vii. Building and site arrangement;
 - viii. Types of vehicles used and their parking requirements;
 - ix. The number of vehicle trips generated;
 - x. The likely impact on surrounding properties;

3.3.2.2. Principal Uses.

- A. Permitted principal uses by district are listed in the Permitted Use Table of each zoning district. When a proposed use is not identified on the allowed use table the Administrator may determine if the proposed use is sufficiently similar to an identified use.

3.3.2.3. Conditional Uses.

- A. Conditional uses are prohibited unless application for the use has been processed by the Town of Sunset, and the Planning and Zoning Commission and Town Council have favorably approved such use. For all conditional uses, the plan approval process is that as set forth in ***Section 11.3.6: Special Use Permit.***

- B. No conditional use may be established before a special use permit is issued by the Town of Sunset

3.3.2.4. Accessory Uses.

- A. Unless otherwise expressly stated, accessory uses are permitted in conjunction with allowed principal uses. Accessory uses must be clearly incidental and subordinate to a permitted principal use.
- B. No accessory use may be established on a lot prior to the establishment of a permitted principal use.
- C. The Administrator is authorized to determine when a structure or use meets the definition of an accessory use. In order to classify a structure or use as accessory, the Administrator must determine that the use:
 - i. Is subordinate to the principal use in terms of area, extent and purpose;
 - ii. Contributes to the comfort, convenience or necessity of occupants of the principal use served;
 - iii. Is located on the same lot as the principal structure or use, or on a contiguous lot in the same ownership;
 - iv. Does not involve operations not in keeping with the character of the principal use served; and
 - v. Is not of a nature likely to attract visitors in pivotally larger numbers than would normally be expected.

3.3.2.5. Temporary Uses.

- A. Unless otherwise specified in this zoning code, the following regulations govern temporary uses.
- B. The following temporary uses are exempt from obtaining a zoning permit:
 - i. Garage or Yard Sales - Private sales are limited to four (4) sales per dwelling unit each calendar year and the length of each permitted sale shall not exceed three (3) consecutive days.
 - ii. Storage Containers - One storage container for off-site storage of household or other goods located in any setback is permitted for a maximum of thirty (30) consecutive days. The storage container must be placed completely on-site and must be placed on a paved surface.
 - iii. Construction Dumpsters - One construction dumpster is permitted on onsite in association with a valid building permit. The use of such a dumpster is strictly limited to the period of construction. In no event can the use of dumpster continue past expiration of the building permit.

- iv. Grand Opening Sales - Grand opening sales, including on premises outside food and beverage vending , for three (3) consecutive days, once per zoning permit.
- C. The following temporary are subject to approval of a zoning permit as set forth in *Section 11: Permits and Procedures* in the frequency stated below except that no property may have more than six (6) of the events listed below in one calendar year.
 - i. Commercial Circuses, Carnivals or Fairs - Commercial circuses, carnivals or fairs, for not more than two (2) consecutive weeks in any calendar year.
 - ii. Temporary Religious or Revival Activities - Temporary religious or revival activities in tents in association with a place of worship, for not more than two (2) consecutive weeks in any calendar year.
 - iii. Special Events - Special events occurring no longer than seven (7) consecutive days once every three (3) months.
 - iv. Other Temporary Uses - Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Administrator.
 - v. Mobile home or trailer, used as a temporary office, security shelter, shelter for materials or tools, or sales office for the sale of properties within the development site, incidental to construction on or development of the premises upon which the mobile home or trailer is located. Such use is strictly limited to the period when construction or development is actively underway. In no event may the use continue more than six (6) months without the further approval of the Administrator.

3.3.3. Permitted Use Tables

3.3.3.1. General

- A. The *Permitted Use Tables (Tables 1 to 3)* establish the uses allowed within each district and any conditions or use standards associated with each use. The permitted use table key is set forth below.
 - i. Permitted Use (P)
Use is permitted by right in the respective district subject to any use standard. Such use is also subject to all other applicable requirements of this zoning code.
 - ii. Conditional Use (C)
Indicates a use may be permitted in the respective district only where approved by the Town Council in accordance with *Section 11.3.6: Special Use Permit*. Conditional use permits

are subject to all other applicable requirements of this zoning code, including all applicable use standards.

iii. Accessory Use (A)

Accessory uses are allowed in conjunction with an allowed principal use.

iv. Blank Cell

A blank cell indicates that a use is not allowed in the respective district.

B. Use Standards are stated in *Section 4: Use Standards*.

TABLE 1. PERMITTED USES: RESIDENTIAL DISTRICTS			
USE CATEGORY	R-1	R-2	R-3
Accessory dwelling unit	A	A	A
Agricultural use	P	P	
Bed and breakfast	P	P	
Care center	C	P	P
Community center	C	P	P
Conservatory, greenhouse	A	A	A
Neighborhood Commercial		P	P
Education facility	C	C	C
Farm Stand	P	P	
Garage, private	A	A	A
Green house	P		
House of worship	P	P	P
Incidental home occupation	A	A	A
Park	P	P	P
Playground, playfield	P	P	P
Poles and lines: telephone, telegraph, power distribution	P	P	P
Residential: Group home		P	P
Residential: Modular and manufactured home		P	P
Residential: Multifamily development, max density 1 unit / 3,500 SF of area			P
Residential: Single-family detached dwelling	P	P	P
Residential: Three-plex, four-plex			P
Residential: Townhouse development of up to six attached dwelling units		P	P
Residential: Two-family residence and/or duplex		P	P
Social club or lodge		P	P
Shed, accessory	A	A	A
Swimming pool, accessory	A	A	A
Utility, minor	P	P	P
P = PERMITTED USE; C = CONDITIONAL USE; A =ACCESSORY USE			

TABLE 2. PERMITTED USES: COMMERCIAL, MIXED USE, AND LIGHT INDUSTRIAL

USE CATEGORY	C	MU-1	MU-2	LI
All uses allowed in residential districts	P	P	P	
Adult use	C			P
Animal Care or Animal Hospital	P			P
Art gallery, museum, library	P	P	P	
Auction house	P	P	P	P
Automotive related business: sales, repair, rental, wash	P			P
Bank, financial institution	P	P	P	P
Bar, nightclub	P	C	C	P
Bed and breakfast	P	P	P	
Boarding house	P	P		
Building or garden material sales	P			P
Care center	P	P	P	P
Care center, rehabilitative: alcohol, drug treatment		C		P
Community center		P		
Concession, subsidiary business		P		
Cultural Facility		P	P	P
Drive-through facility	A			A
Education facility		P		
Farmers Market		P	P	
Fairground		C		P
Fire station, police station		P		P
Food processing: meat & seafood				C
Food processing produce & dairy				P
Funeral home, cemetery, crematory		C		P
Gas station	P			P
Health care facility, medical clinic	P	P	P	P
Heliport		A		P
Hospital		C		
Hotel	P	P	P	
House of worship	P	P	P	P
Laboratory; medical, dental, optical, pharmaceutical and related		P	C	P
Laboratory: research and testing				P
Light manufacturing				P
Live Performance Venue	P	C	C	P
Lumber Mill				P
Motel	P			
Municipal, parish, state or federal buildings or land use		P		P
Nursing home, rest home, convalescent home	P	P		
Office	P	P	P	P
Park, playground, playfield		P		
Parking garage	P	A		P
Pawnshop	P			P
Pharmacy, apothecary, drug store	P	P	C	P
Poles and lines: telephone, telegraph, power distribution	P	C		P
Psychiatric center		P		
Public market		C	C	
Radio broadcasting station	P			P
Recreation facilities, indoor	P	P		P
Recycling collection point (primary use)	C			P
Restaurant, conventional	P	P	P	P

Restaurant, Fast Food	P		C	P
Retail of medically-oriented product	P	P		
Retail, 5,000 sf and more	P	C	C	P
Retail, smaller than 5,000 sf	P	P	P	P
Service, 10 or more employees	P	C	C	P
Service, less than 10 employees	P	P	P	P
Solar farm, wind power facility				P
Storage yard				P
Theater		P	C	P
Transmission tower: radio, television, cellular	C		C	P
Transportation terminal	P			P
U.S. Post office, postal substation	P	P		P
Utility, major				P
Utility, minor	P	P	P	P
Utility, public, no externalities		P		
Warehouse, storage and distribution facility, wholesale				P
Water or sewer pumping or treatment facilities				P
Welding, machine shop				P
P = PERMITTED USE; C = CONDITIONAL USE; A = ACCESSORY USE				

TABLE 3. PERMITTED USES: OPEN SPACE AND DISTRICTS		
USE CATEGORY	OS	AG
Agricultural uses		P
Arboretum, wildlife reserve or sanctuary	P	P
Boat ramps or launches	P	P
Concession, subsidiary business	A	
Conservatory, greenhouse		P
Farmhouse		P
Farmstand		P
Food processing: produce & dairy		P
Golf course	C	
Livestock		P
Manmade water feature , canal, dam, retention area	C	C
Park, playground, playfield	P	
Picnic ground	P	
Poles and lines: telephone, telegraph, power distribution	C	C
Public Restroom	P	
Shed	P	P
Stable		P
Stormwater management	P	P
Swimming pool	P	
Trails paved	P	
Trails, unpaved	P	P
Transmission tower: radio, television, cellular	C	C
Utility, minor	P	P
P = PERMITTED USE; C = CONDITIONAL USE		

3.3.4. Site Design Standards.

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3.3.4.1. General

- A. Development shall comply with dimensional standards listed in the *Site Design Standards Tables (Table 4 to 6)* below.
- B. Planting shall be in accordance with the provisions of *Section 6: Planting and Stormwater Management*.
- C. Development within the FEMA 100-year floodplain shall be in accordance with the provisions of *Section 10: Flood Hazard Mitigation*.
- D. Parking shall be in accordance with the provisions of *Section 5: Parking*.
- E. Screening and fencing shall be in accordance with the provisions of *Section 6.5: Screening & Fencing*.
- F. Off-street loading areas shall be in accordance with the provisions of *Section 5.5: Off-Street Loading Space Requirements*

TABLE 4. SITE DESIGN STANDARDS: RESIDENTIAL DISTRICTS				
ZONING DISTRICT		R-1	R-2	R-3
Lot				
	Area (min)	10,000 SF	6,000 SF	3,600 SF
	Building Coverage (max)	40%	55%	70%
A	Width (min)	80'	50'	30'
Principal Structure				
B	Setback front (min)	30' or the average setback of the buildings within 100' on either side (whichever is more)	20' or the average setback of the buildings within 100' on either side	15' or the average setback of the buildings within 100' on either side
C	Setback side, street (min)	12'	7'	7'
D	Setback side, interior (min)	12'	7'	3'
E	Setback Rear	12'	7'	15'
F	Stories (max)	2	2	3
F	Height (max)	35'	35'	50'
Accessory Structure				
H	Setback behind front facade of principal structure (min)	10'	10'	15'
I	Setback side, street (min)	15'	10'	8'
J	Setback side, interior (min)	10'	5'	5'
K	Setback rear, common lot line (min)	10'	10'	3'
L	Setback rear, alley (min)	3' or 20'	3' or 20'	3' or 20'
F	Stories (max)	1	1	1
F	Height (max)	20'	20'	20'
Allowed Building Elements				
	Gallery, Awning			yes
	Double Gallery			yes
	Porch	yes	yes	yes
	Stoop	yes	yes	yes
	Balcony	yes	yes	yes

TABLE 5. SITE DESIGN STANDARDS: MIXED USE 1, MIXED USE 2, COMMERCIAL, AND LIGHT INDUSTRIAL					
ZONING DISTRICT	MU-1	MU-2	C	LI	
Lot					
	Area (min)	Hospitals: 3 acres; no requirements for other uses;	n/a	n/a	12,000 sf
	Building Coverage (max)	70%	70%	70%	65%
A	Width (min)	Hospitals: 60' for other uses;	60'	n/a	n/a
B	Depth (min)	120'	120'	n/a	n/a
Structure					
C	Setback front (min)	10'	5'	5'	10'
C	Build-to-line	25'	45'	10'	80'
D	Setback side, street (min)	10'	3'	10'	5'
D	Setback side, street (max)	30'	30'	n/a	5'
E	Setback side, interior (min)	no setback required abutting lots in commercial uses; 5' abutting lots in residential use;	no setback required abutting lots in commercial uses; 5' abutting lots in residential use;	no setback required abutting lots in commercial uses; 10' abutting lots in residential use	no setback required abutting lots in non- residential uses; 10' abutting lots in residential use
F	Setback Rear	no setback required abutting lots in non- residential uses; 5' abutting lots in residential use	no setback required abutting lots in non- residential uses; 5' abutting lots in residential use	no setback required abutting lots in non- residential uses; 5' abutting lots in residential use	no setback required abutting lots in non- residential uses; 5' abutting lots in residential use
G	Stories (max)	2 residential and commercial uses,3 institutional uses	2	3	1
G	Height (max)	35' residential and commercial uses, 45' institutional uses	35'	45'	20'
Transparency					
	Ground story (min)	no requirements for residential uses; 45% for all other uses;	no requirements for residential uses; 45% for all other uses;	45%	30%
	Blank wall area (max)	no requirements for residential uses; 45% for all other uses;	no requirements for residential uses; 45% for all other uses;	50%	50'
Building Entrance					
	Street facing entrance required	yes	yes	yes	yes
	Entrance spacing (max)	30' residential and commercial uses, 60' institutional uses	30'	60'	n/a

Allowed Building Elements					
	Gallery, Awning	yes	yes	yes	yes
	Double Gallery	yes	yes	yes	
	Porch (max SF)	yes	yes	yes	yes
	Stoop (max 24 SF)	yes	yes	yes	yes
	Balcony	yes	yes	yes	yes

TABLE 6. SITE DESIGN STANDARDS: OPEN SPACE AND AGRICULTURE DISTRICTS			
ZONING DISTRICT		OS	AG
Lot			
	Area (min)	2,000 sf; 10,000sf for buildable lots;	15,000 sf
	Building Coverage (max)	25%	15%
A	Width (min)	100' for buildable lots; other lots no requirements;	n/a
B	Depth (min)	n/a	n/a
Structure			
C	Setback buildings (min)	All buildings must be set back from all property lines one foot for each foot of building height.	All buildings must be set back from all property lines one foot for each foot of building height.
C	Setback facilities (min)	50' from residential uses; no requirements for non-residential uses;	30' from residential uses; no requirements for non-residential uses;
G	Stories (max)	1	2
G	Height (max)	20	35
Allowed Building Elements			
	Porch (max SF)	yes	yes
	Stoop (max 24 SF)	yes	yes
	Balcony		yes

3.3.4.2. Building Coverage.

- A. Building coverage requirements as stated in [Section 3.3.4: Site Design Standard Tables](#), apply to all zoning districts.
- B. Building coverage includes principle structures and accessory structures. Driveways, parking lots, pools, landscaped elements and similar elements do not count towards the building footprint.

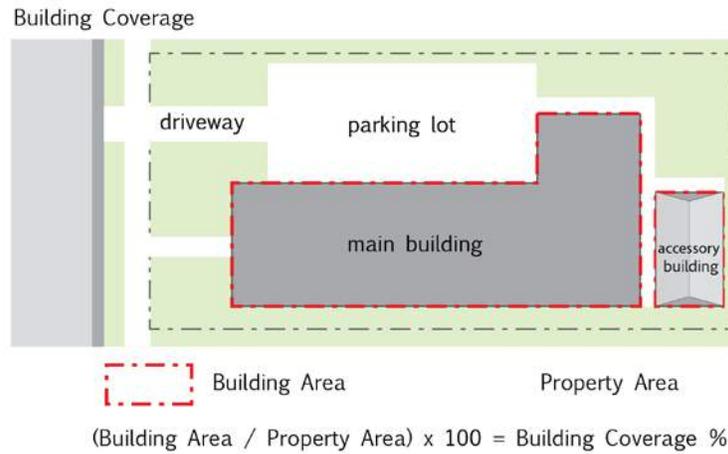


Figure 1

3.3.4.3. Setbacks.

- A. Setback requirements as stated in [Section 3.3.4: Site Design Standard Tables](#), apply to all zoning districts.
- B. No part of a setback or other open space required for any structure or use for the purpose of complying with the provisions of this development code may be counted towards any applicable open space requirements as set forth in [Section 9: Open Space](#).
- C. Front, side-street, and parking setbacks are measured from the edge of the right-of-way. Interior side setbacks are measured from the side property line. Rear setbacks are measured from the rear property line or the edge of the right-of-way, if there is an alley.

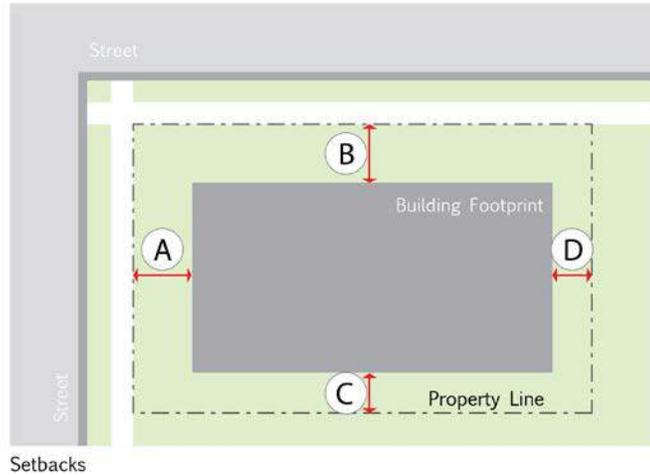


Figure 2

3.3.4.4. Build-To Area

- A. Build-to requirements as stated in [Section 3.3.4: Site Design Standard Tables](#), apply to all zoning districts.
- B. The build-to area is the portion of the lot that must be occupied with a building façade and is intended to provide a range for building placement that strengthens the street edge along the right-of-way, establishing a sense of enclosure by providing spatial definition adjacent to the street. The primary street and side street build-to areas are measured as minimum and maximum lines from the edge of the right-of-way. [\(See Figure 3\)](#)
- C. On corner lots, a building facade must be placed within the build-to area for the first thirty (30) feet along the street(s) extending from the block corner.

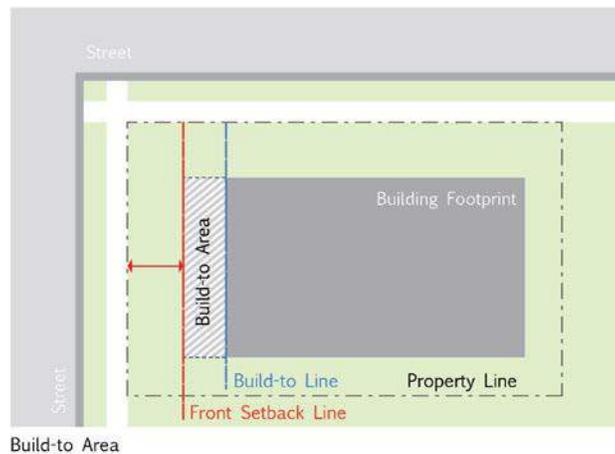


Figure 3

3.3.4.5. Encroachments

- A. The following encroachments may extend into any required setback.
- i. Building elements such as porches, stoops, balconies, awnings, and galleries where allowed, if in compliance with the regulations set forth in [Section 3.3.4.9: Building Element Standards](#).
 - ii. Fence and walls in compliance with the regulations set forth in [Section 6.5: Screening & Fencing](#)
 - iii. Chimneys, flues or smokestacks, building eaves or roof overhangs, cornices, belt courses, sills, buttresses, bay windows, entrances and similar features, unenclosed fire escapes, stairways patios, decks or terraces or other similar architectural features may encroach a maximum of three (3) feet into a required side setback.
 - iv. Minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures), mechanical equipment associated with residential uses, such as HVAC units and security lighting and solar and wind energy systems may extend into any required setback.
- B. All encroachments must remain at least three (3) feet from the property line and any common lot line.

3.3.4.6. Structure Height.

- A. Structure height limits as stated in [Section 3.3.4: Site Design Standard Tables](#), apply to all zoning districts.
- B. Structure height is measured in both number of stories and feet from the average grade to the top plate.
- C. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the setback line.

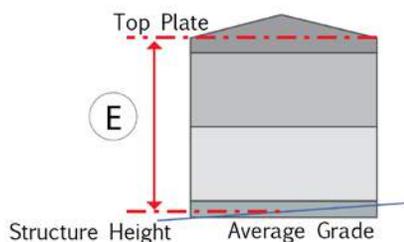


Figure 4

3.3.4.7. Façade

- A. In MU-1 and MU-2 districts the façade along the ground floor shall change visually in height, setback, materials, or colors at an average of at least every thirty-five (35) feet along the axis facing the street.

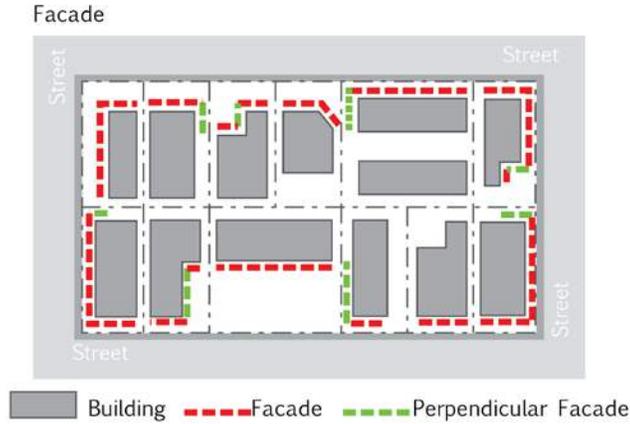


Figure 5

3.3.4.8. Transparency

- A. Transparency requirements as stated in [Section 3.3.4: Site Design Standard Tables](#), apply to all zoning districts.
- B. Transparent areas shall be comprised of doors or transparent windows that allow views into the ground floor. Non-reflective opaque glass and darkly tinted glass are prohibited. Ground floor transparency (windows and doors) is measured between two (2) and twelve (12) feet above the adjacent sidewalk. ([See Figure 6: Transparency](#))

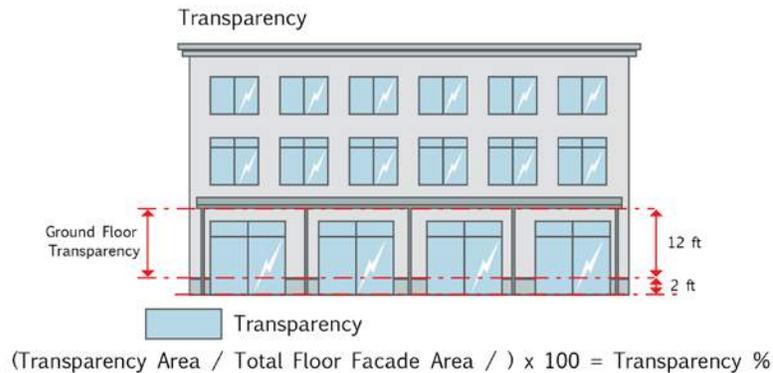


Figure 6

3.3.4.9. Building Element Standards

- A. Stoops, not including steps, may extend a minimum of three (3) feet from the building and area a maximum of six (6) feet wide. *(See Figure 7: Stoops)*
- B. Porches, not including steps, must provide a clear depth of at least six (6) feet from the building's façade, and extend across a minimum of fifty (50) percent of the width of the building facade. *(See Figure 8: Porches)*
- C. Awnings, light shelves, balconies, and arcades may extend a maximum six (6) feet from the building front with a ten (10) foot minimum height. *(See Figure 9: Awnings)*
- D. Galleries must provide a clear depth from the support columns to the building's facade of at least eight (8) feet and a clear height above the sidewalk of at least ten (10) feet and must extend across at least fifty (50) percent of the width of the building facade. *(See Figure 10: Galleries)* *(See Figure 5: Facades)*
- E. Double galleries must provide a clear depth from the support columns to the building's facade of at least eight (8) feet and a clear height above the sidewalk of at least ten (10) feet and must extend across at least fifty (50) percent of the width of the building facade. *(See Figure 11: Double Galleries)*
- F. All building elements except awnings, light shelves, arcades, galleries and double galleries must remain at least three (3) feet from the property line and any common lot line. Stoops, porches, awnings, light shelves, balconies, arcades, galleries, and double arcades may extend into a required setback.

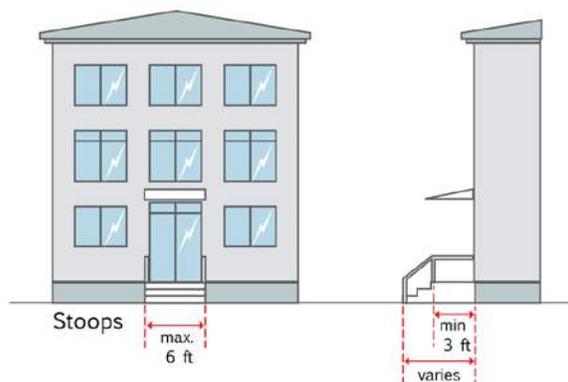


Figure 7 – Stoops

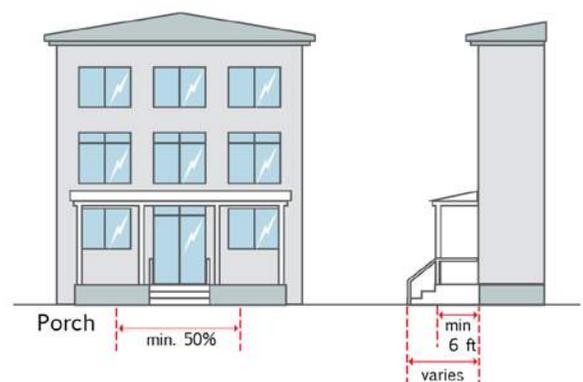


Figure 8 – Porches

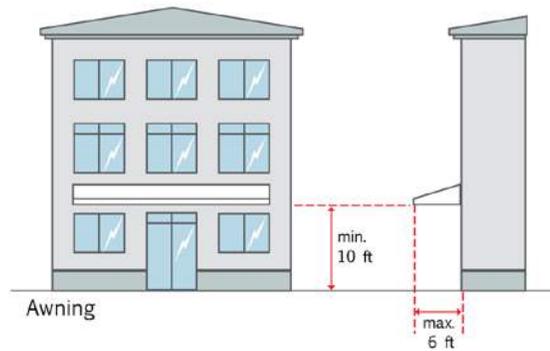


Figure 9 – Awnings

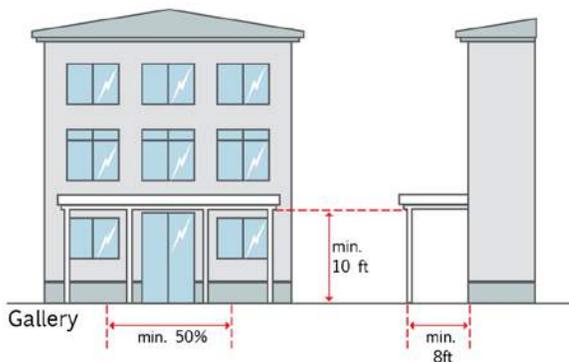


Figure 10 – Galleries

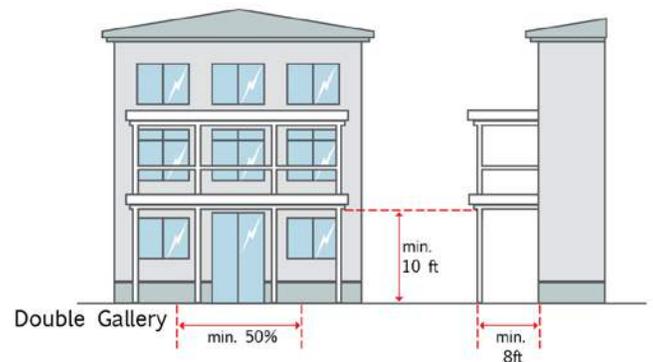


Figure 11 – Double Galleries

3.4. Non-Conforming Uses

3.4.1. In General

3.4.1.1. Continuation

A. A nonconformity may be continued in accordance with this section.

3.4.1.2. Types of Nonconformity

A. The following types of nonconformities that may exist.

- i. Nonconforming uses (*see Section 3.4.2: Nonconforming Uses*).
- ii. Nonconforming structures (*see Section 3.4.3: Nonconforming Structures*).
- iii. Nonconforming sites (*see Section 3.4.4: Nonconforming Sites*).
- iv. Nonconforming lots of record (*see Section 3.4.5: Nonconforming Lots of Record*).

3.4.1.3. Evidence of Status

- A. Evidence of the status of a nonconforming use shall be supplied by the owner of the property upon request of the Administrator.

3.4.1.4. Time Extensions

- A. The Town Council may permit one extension of up to twelve (12) additional months to the time periods for abandonment, obtaining a building permit or completing construction, provided the applicant can demonstrate circumstances out of his or her control have prevented a good faith attempt to reestablish or rebuild the nonconformity. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.

3.4.2. Non-Conforming Uses

3.4.2.1. Continuation

- A. A lawful use made nonconforming by the adoption of this zoning code or other ordinances may continue only for so long as such use is not expanded, increased or changed.

3.4.2.2. Change of Use

- A. No use shall be changed to a conforming use until the Administrator has determined that the requirements of the applicable district will be met. The Town Council may approve a different nonconforming use, provided such use is deemed by the Council to be less intense than the existing use. No change to a more intense nonconforming use is allowed.

3.4.2.3. Abandonment

- A. A nonconforming use that has been discontinued for any twelve (12) month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this zoning code. Evidence of intent to abandon the use is not required.

3.4.2.4. Destruction

- A. A nonconforming use that is damaged may be rebuilt following approval by the Town Council in accordance with the following:
 - i. A nonconforming use may only be reestablished within a conforming structure.
 - ii. All restorative and other work must be within adopted building codes.

- iii. A building permit must be issued within one year from the date of the damage.
- iv. The certificate of occupancy (or other final inspection) must be issued as provided by adopted codes.

3.4.2.5. Special Standards for Residential Nonconforming Uses

- A. As used in this paragraph, a “nonconforming residential use” is a structure which contains more dwellings than allowed by the district or a dwelling located in a district that does not permit residential uses.
- B. A nonconforming residential use other than a single family dwelling that has not been occupied for a continuous period of twelve (12) months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this zoning code. Evidence of intent to abandon the nonconforming use is not required.
- C. A nonconforming single-family dwelling that has not been occupied for a continuous period of twelve (12) months or longer shall not be considered to be abandoned and may be reoccupied at any time, provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.
- D. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of twelve (12) months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this zoning code. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.
- E. Nonconforming residential uses that are damaged may be rebuilt in accordance with the following:
 - i. All portions of the structure being restored are not and were not on or over a property line;
 - ii. The number of dwelling units does not increase;
 - iii. All construction is in compliance with current construction codes, such as the fire and building codes;
 - iv. A building permit is obtained within one year from the date of the damage; and
 - v. The certificate of occupancy (or other final inspection) is issued within two years of the issuance of the building permit.

3.4.3. Nonconforming Structures

3.4.3.1. Continuation

A. A lawful structure existing as of the effective date of this zoning code or any amendment to this zoning code may continue to be used for any purposes permitted in the district provided it is in conformance with the provisions of this section.

3.4.3.2. Maintenance and Restoration

A. A nonconforming structure may be maintained or restored provided no expansion of the nonconformity occurs.

3.4.3.3. Expansion

A. A nonconforming structure may be expanded, provided that no increase in the nonconformity occurs.

3.4.3.4. Change of Use

A. Changes of use that require an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with [Section 5: Parking](#). Where this calculation results in the addition of less than five spaces, no additional spaces shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this CZO.

3.4.3.5. Destruction

A. A nonconforming residential structure which is damaged may be restored within the existing footprint provided that all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within one year from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within two years of the issuance of the building permit.

B. A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within one year from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within two years of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable

requirements of this zoning code.

3.4.4. Nonconforming Sites

3.4.4.1. Continuation

- A. A site existing as of the effective date of this zoning code that is nonconforming due solely to failure to meet the site development standards of this zoning code may be used for any purposes permitted in the district provided the use is in conformance with the provisions of this section.

3.4.4.2. Maintenance and Restoration

- A. A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs.

3.4.4.3. Expansion

- A. Additions to structures, additional paving, or parking on nonconforming sites shall require correction of existing nonconforming parking, landscaping and screening.
- B. Complete redevelopment or expansions that result in a 25 percent or greater increase of the gross square footage of the existing structure require the entire property to meet all of the landscaping and screening requirements of this zoning code.
- C. Expansions that result in less than a 25 percent increase of the gross square footage of the existing structure require a corresponding percentage increase in compliance for landscaping and screening requirements of this zoning code until the site achieves 100 percent compliance.
- D. Expansions that require an increase in the number of parking spaces shall be required to provide 100 percent of the required parking spaces for the additional floor area in accordance with this zoning code. The additional parking area shall comply with all associated landscaping and drainage requirements of this CZO.
- E. Properties that are physically constrained from complying with these provisions shall comply with the maximum extent practicable as determined by the Administrator.

3.4.4.4. Change of Use

- A. Changes of use that require an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with [Section 5: Parking](#). Where this calculation results in the addition of less than five spaces, no additional spaces

shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this CZO.

- B. A nonconforming residential structure which is damaged may be restored within the existing footprint provided that all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within one year from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within two years of the issuance of the building permit.
- C. A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within one year from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within two years of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this zoning code.

3.4.5. Nonconforming Lots of Record

3.4.5.1. Residential Lots of Record

- A. All undeveloped lots of record in an agricultural or residential district that were recorded prior to the effective date of this zoning code that do not meet the minimum zoning district lot standards shall be allowed one single-family house.
- B. The building type standards of the closest applicable zoning district as determined by the Administrator shall be applied to qualifying lots.

3.4.5.2. Other Lots of Record

- A. All undeveloped lots of record in a non-residential district that were recorded prior to the effective date of this zoning code that do not meet the minimum zoning district lot standards as to width or area may be used for any purpose permitted in the district provided the use meets all other regulations prescribed for the district.

4. USE STANDARDS

4.1. General

- A. All permitted uses are subject to the design standards of the underlying zoning district.
- B. All permitted uses shall adhere to the requirements of Parish, State, and Federal regulations related to the specified facility.
- C. For uses listed below additionally the stated use standards shall apply.

4.2. Use Standards

4.2.1. Accessory dwelling unit

- A. On any existing lot which allows for residential uses one (1) accessory dwelling unit is permitted by right. The accessory unit is subject to the following standards.
 - i. The living area of the accessory dwelling unit may not exceed the living area of the principal structure. In no case shall the total floor area of the accessory dwelling unit exceed one-thousand (1,000) square feet.
 - ii. One additional parking space on the same premises is required for the accessory dwelling unit.
 - iii. Accessory dwelling units are subject to the setback and design standard requirements for the principal building.

4.2.2. Adult use

- A. No adult use may be located within one-thousand-two-hundred-fifty (1250) feet of a public or private elementary or secondary school, a public or private day care facility for children or kindergarten, a residential use, a public park, or any other adult oriented establishment;
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the adult oriented establishment is located, to the nearest property line of the premises of a public or private elementary or secondary school, public or private day care facility for children or kindergarten, residential use, public park or any other adult use establishment.

4.2.3. Agricultural use

- A. All structures and other improvements are subject to the bulk and yard regulations of the district.
- B. There are no yard requirements for the planting of crops.

No food or other products of any plants or livestock may be prepared, processed, or packaged in any residential district. However, the canning of plants or plant products is permitted as part of any agricultural use.

- C. Regulated materials, such as chemicals, fertilizers, and toxins, shall not drain onto adjacent properties, into waterways, or storm drainageways, or onto public rights-of-way. Chemicals and other flammable materials shall be kept in waterproof containers in a locked structure when unattended.
- D. Structures for keeping livestock shall meet the accessory use structure requirements of the district. The following standards for keeping of livestock shall apply.
 - i. A minimum site size of twenty-five-thousand (25,000) sf is required to keep livestock.
 - ii. A minimum of additional 50 square feet per chicken after first 6 chickens is required
- E. All livestock shall be kept so as not to cause any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property.
- F. Retail sales for an agricultural use are permitted at farm stands as well in permanent structures within the Agricultural (AG) District. The sale activity is limited to crops grown, livestock raised, and/or dairy produced on the farm where the farm stand or permanent sales structure is located. Additionally home processed food products such as jams, jellies, pickles, sauces, or baked goods created on the farm may be sold.

4.2.4. Animal Care or Animal Hospital

- A. Outdoor runs shall only be permitted on sites larger than two acres in size.
- B. When located within two-hundred-fifty (250) feet of a residential use, animal care facilities with outdoor runs shall install a buffer as established in [Section 6.5.4: Buffer Planting Area](#). An equivalent alternative buffer may be approved through the site plan review process established in [Section 11.3.3 Minor Site Plan Review](#).
- C. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the animal care facility, to the nearest property line of the premises where the residential use is occurring.
- D. All animal overnight boarding facilities shall be located indoors.
- E. All animal boarding quarters and exterior exercise areas shall be kept in a clean, dry, and sanitary condition.

- F. Fencing of exterior exercise areas and any animals boarding quarters is required. A seven (7) foot solid fence is required around all exterior exercise areas.
- G. Noise shall be mitigated so as not to create a public nuisance for adjoining properties and shall comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors.
- H. Exercise or training outdoors shall be conducted between dusk and dawn.
- I. Retail sales of pet supplies, grooming services, and dog-walking services are permitted as accessory to a pet day care service use.

4.2.5. Auction house

- A. All goods must be stored within the confines of the auction house.
- B. An off-street loading area must be provided. The loading and unloading of goods shall not be permitted on public streets.
- C. While viewing hours are not regulated, auctions may only be held between the hours of 8:00 AM and 9:00 PM.
- D. No speaker, megaphone, or other amplification device may be utilized to broadcast the auction outside of the auction house.

4.2.6. Automotive related business: sales, repair, rental, wash.

- A. Motor vehicle dealerships and vehicle rental establishments shall have a minimum lot size of twenty-thousand (20,000) square feet.
- B. Motor vehicle service and repair and tire retail shops shall have a minimum lot size of five-thousand (5,000) square feet.
- C. All facilities shall be fully enclosed. The site shall be fenced with an open fence along any lot line that abuts the right-of-way, and a solid fence a minimum of seven (7) feet in height along all other lot lines.
- D. A buffer as established in [Section 6.5.4: Buffer Planting Area](#) shall be installed along any common property line adjacent to a residential building type. An equivalent alternative buffer may be approved through the site plan review process established in [Section 11.3.3: Minor Site Plan Review](#).
- E. All outdoor lighting shall be directed downward and shall not glare onto any property occupied by a residential building type.
- F. No outside speaker system shall be allowed.
- G. Equipment producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four-hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount.

- H. Motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than twenty (20) days. Wrecked or junked vehicles may not be stored on-site.
- I. The open storage of tires is prohibited. Covers shall be adequate to exclude water from the waste tires. All facilities shall have the means to control standing or pooling water in the containment areas.

4.2.7. Bar, nightclub

- A. No bar or nightclub shall be located within three-hundred (300) feet, as measured from the closest property line of a lot accommodating a public or private elementary or secondary school, public or private day care facility for children or kindergarten, residential use, or public park.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the bar or nightclub is located, to the nearest property line of the premises of a public or private elementary or secondary school, public or private day care facility for children or kindergarten, residential use, or public park.
- C. The use shall be located on the first floor of a building.
- D. Maximum floor area of the use may not exceed three-thousand (3,000) square feet.
- E. The primary entrance of the establishment shall be located facing a street zoned nonresidential or mixed use.
- F. Music, loud speakers, and similar noise emanating from the establishment shall not exceed ambient noise levels in adjacent property.
- G. Parking on the lot shall be located at the side or rear of a building and not between the building and the street.
- H. A minimum six (6) foot high opaque fence or wall shall be erected alongside and rear parking areas adjacent to a residential zoning district.
- I. Neither drive-thru nor pick-up windows are allowed.

4.2.8. Bed and breakfast

- A. The maximum number of guest rooms is eight (8).
- B. The minimum number of guest rooms is two (2).
- C. The exterior of the building shall maintain a residential appearance.
- D. The facility shall be the residence of the operator, who is the owner or leaseholder of the building.
- E. Rooms may not be rented for more than twelve (12) consecutive days.

- F. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.
- G. One (1) off-street parking space will be required per two (2) guestrooms in addition to the number of spaces required for each dwelling unit.

4.2.9. Boarding house

- A. No boarding and rooming house shall be located within two-hundred-fifty (250) feet from any existing, group home or other boarding and rooming house.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the boarding house is located, to the nearest property line of the premises of another boarding house or group home.
- C. Only structures that were originally constructed as a residence may be used as a boarding or rooming house.
- D. A maximum of four (4) bedrooms may be used at any one time in the operation of the boarding or rooming house.
- E. The architectural appearance of the boarding and rooming house shall be compatible with the neighborhood and streetscape for the district in which it is located.
- F. A resident manager is required for the operation of the establishment.

4.2.10. Care center: child, adult

- A. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.
- B. Allowed uses are adult day care center, day care center for children, nursery school, preschool, recreational program, before- and after-school care, small group child care center, and similar uses.
- C. The maximum number of persons to be accommodated on-site shall be specified.
- D. Enrollment shall mean the total number of persons on-site at any one time.
- E. All Care centers shall be licensed by the State of Louisiana Department of Education, except when no more than four (4) children are cared for in the caregiver's residence.
- F. No care center proposed to be located in a residential district may be located within one-thousand-five-hundred (1,500) feet of any other care center.
- G. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from

the nearest property line of the premise where the care center is located, to the nearest property line of the premises of any other care center.

4.2.11. Care center, rehabilitative: alcohol, drug treatment

- A. No rehabilitative care centers or alcohol and drug treatment may be located within one-thousand-five-hundred (1,500) feet of a public or private elementary or secondary school, a public or private day care facility for children or kindergarten, any residential use, a public park, or any other rehabilitative care centers or alcohol and drug treatment.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the adult day care center is located, to the nearest property line of the premises of any public or private elementary or secondary school, public or private day care facility for children or kindergarten, residential use, public park, or any other rehabilitative care centers or alcohol and drug treatment.

4.2.12. Community center

- A. No community center proposed to be located in a residential district may be located within one-thousand-five-hundred (1,500) feet of any other community center.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the community center is located, to the nearest property line of the premises of any other community center.
- C. When located in any residential district, all parking shall be located on the same site, a contiguous site.

4.2.13. Concession, subsidiary business

- A. Concession stands and subsidiary businesses which are customarily incidental to a permitted principal use are allowed.

4.2.14. Conservatory, greenhouse

- A. Conservatories and greenhouses may be erected as principal use in the AG District and as accessory use to residential principal uses in R-1 and R-2 Districts. The structures are subject to setback requirements and design standards of the principal building.

4.2.15. Commercial, Neighborhood

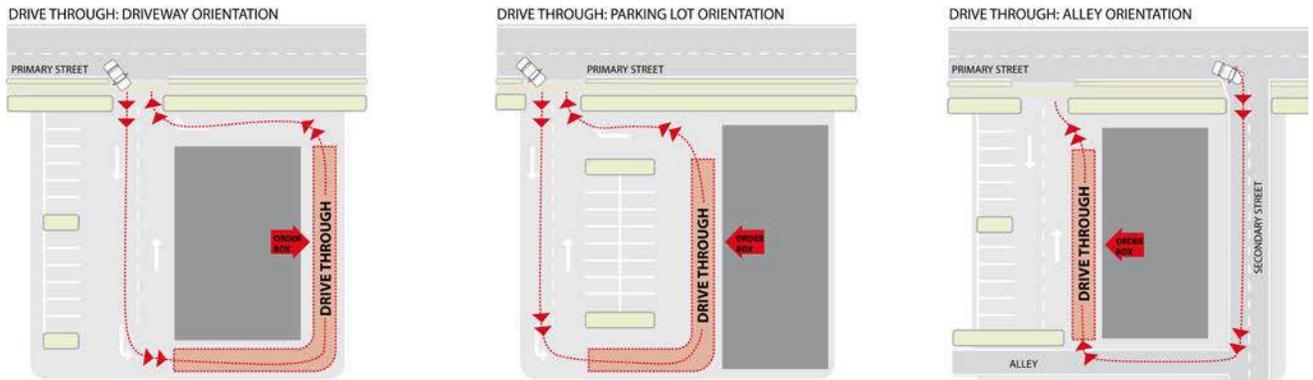
- A. The accommodation of a Neighborhood Commercial use is permitted only in structures that are located on the corner of a block.
- B. The structure must exist at the time this CZO is adopted and non-residential in its construction and original use. No new Neighborhood Commercial construction or adaption of existing residential structures to non-residential structures is allowed.
- C. The structure and the proposed use shall be pedestrian-oriented in design, including public entrances oriented to the street and storefront windows along the first floor.
- D. Neighborhood commercial establishments are limited to the first floor of the structure and three-thousand (3,000) square feet in gross floor area (GFA).
- E. The following uses are allowed within a neighborhood commercial establishment:
 - i. Art Gallery
 - ii. Arts Studio
 - iii. Office
 - iv. Personal Services Establishment
 - v. Restaurant, conventional
 - vi. Retail Goods Establishment
- F. The structure is limited to the existing building footprint. No increase in building footprint or intensity of use is permitted.
- G. The principal entrance shall be a direct entry from the street the property abuts.
- H. No off-street parking is required.
- I. Drive-through facilities are prohibited.
- J. Outside storage or display is prohibited. All business, servicing, processing, and storage operations shall be located within the structure.
- K. Any signs are subject to the requirements of the district regulations
- L. Hours of operation are limited to 6:00 a.m. through 10:00 p.m.

4.2.16. Cultural Facility

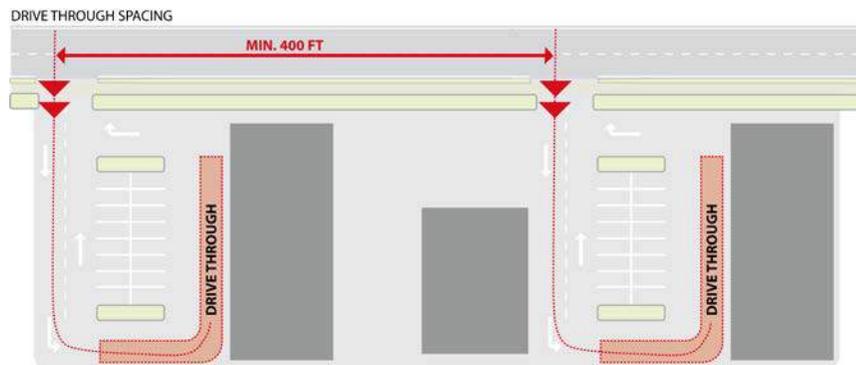
- A. Where located in any residential district, hours of operation for events at cultural facilities are limited to 8:00am to 10:00pm on Mondays through Thursdays, and 8:00am to 12:00 midnight on Saturdays and Sundays.

4.2.17. Drive-through facility

- A. A drive-through is permitted in conjunction with a permitted ground floor nonresidential use within Commercial (C) and Light Industrial (LI) districts.
- B. The drive-through facility must orient to an alley, driveway, or interior parking area, and not a street.



- C. None of the drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) may be located within twenty (20) feet of a street and may not be oriented to a street corner.
- D. The minimum spacing of drive-through facilities receiving access onto the same street is four-hundred (400) linear feet, measured along that street's block face (same side of street).



- E. Setback and design standard requirements are identical to the design standard requirements for the principal building.

4.2.18. Education facility

- A. An Institutional Master Plan shall be submitted with the application. The plan shall address the general layout of the entire area, including the following.
 - i. A development plan for the entire campus, including the location, square footage, and building heights of all existing and proposed structures and uses intended.
 - ii. A planting plan for the campus indicating all proposed planting within the first twenty-five (25) feet of the campus

boundaries. Planting shall be in accordance with *Section 6: Planting & Stormwater Management*.

- iii. A stormwater management plan, including all on-site filtration and detention facilities.
 - iv. Traffic circulation plans, including driveways and student pick-up locations shall be shown.
 - v. A traffic impact study.
- B. A permit will be issued under the following conditions:
- i. No education facility proposed to be located in a residential district may be located within one-thousand (1,000) feet of any other education facility.
 - ii. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the education facility is located, to the nearest property line of the premises of any other education facility.
 - iii. The structure shall be pedestrian-oriented in design, including public entrances oriented to the street
 - iv. Additional traffic is safely accommodated.
 - v. When located in any residential district, all parking shall be located on the same site, a contiguous site.

4.2.19. Fairground

- A. The hours of operation shall be limited to the hours between 9:00 AM and 12:00 AM (midnight).
- B. No structures, rides, lights, booths or other facilities associated with the fair may be erected or placed within five-hundred (500) feet of the property line of any residential use.
- C. Vehicle parking areas may be located no less than two-hundred (200) feet of the property line of any residential use.

4.2.20. Farm stand

- A. The sale of produce is limited to that produced on the property where the farm stand is located.
- B. The stand may not be larger than two-hundred (200) square feet.

4.2.21. Farmers Market

- A. Farmers markets are limited to the selling of foods and plants.
- B. All items sold must be produced, hunted or caught directly by the seller.
- C. No large livestock may be sold.
- D. Permanent structures are subject to the design standards of the underlying zoning district.

- E. The hours of operation of the farmers market are limited to 6:00 am to 8:00 pm daily.

4.2.22. Food Processing, meat and seafood

- A. The operations shall not be any closer than three-hundred (300) feet to any residential property line or zoning district. Neither shall any such operations be closer than three-hundred (300) feet to the property line of any school, hospital, or day care facility.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the structure in which the food processing facility is located, to the nearest property line of the premises of any school, hospital, or day care facility.
- C. Any outside storage shall be screened from view by a minimum of a six (6) foot solid fence or wall on all sides.
- D. Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four hundred (400) feet to the nearest residence. Upon request from the Town, the facility owner shall provide proof that the noise levels are in compliance with this limit. No noisy processing shall be carried on in connection with the business on holidays or at any time between the hours of 6:00 PM and 7:00 AM.
- E. No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- F. Emissions of dust and particulates shall be in accordance with the State of Louisiana rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved or hard-surfaced with either concrete or asphalt, pervious paving is encouraged.
- G. Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site.
- H. Odors resulting from food processing activities must be contained on site.
- I. The disposal of toxic and hazardous matter on site is expressly forbidden pursuant to State and Federal regulations.
- J. The facility shall obtain all applicable Parish, State, and Federal permits.
- K. All such uses shall adhere to the requirements of Parish, State, and Federal regulations related to the specified facility.

- 4.2.23. Food Processing, produce and dairy
- A. Odors resulting from food processing activities must be contained on site.
 - B. The facility shall obtain all applicable Parish, State, and Federal permits.
 - C. All such uses shall adhere to the requirements of Parish, State, and Federal regulations related to the specified facility.
- 4.2.24. Funeral home, cemetery, crematory
- A. The facility shall obtain all applicable Parish, State, and Federal permits.
 - B. All such uses shall adhere to the requirements of Parish, State, and Federal regulations related to the specified facility.
- 4.2.25. Garage, private
- A. A private garage building or parking space for not more than three automobiles may be erected as accessory building to residential principal uses.
 - B. If more than two households reside on the lot one additional automobile space for each housing unit in excess of two may be added.
 - C. One additional space may be added for an uncovered trailer, limited to one-ton capacity, that is not used for living or sleeping purposes.
 - D. Garages are subject to the setback and design standard requirements for the principal building.
- 4.2.26. Gas station
- A. Gas station canopies shall be designed with lighting recessed under the canopy to minimize light pollution. Light fixtures shall be shielded to direct light.
 - B. All gas station driveways shall be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Gas stations are limited to two (2) curb cuts. For a corner lot, curb cuts are restricted to one (1) curb cut on each street. Maximum driveway width allowed is thirty six (36) feet for a two-lane driveway and twenty four (24) feet for a one-lane driveway.
 - C. Gas stations may offer convenience items for sale.
 - D. All structures shall comply with the building design standards of the zoning district. Public entrances shall face the street.
 - E. Gas stations shall be effectively screened from view at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting and headlight glare.
 - F. Gas stations may also include an automatic car wash with one (1) bay.

- G. A minimum five (5) foot front landscape yard shall be provided along a public right-of-way. The site shall meet all applicable requirements of *Section 6: Planting and Stormwater Management*
- H. All development plans for gas stations shall indicate location of the main structure including parking area, the fuel pump island(s), and the fuel underground storage tanks (UST) area. The fuel tank UST-area shall include information on the number, size, and configuration of all underground storage tanks.
- I. All underground storage tanks and fuel delivery systems shall meet or exceed minimum requirements, as regulated by EPA, LDEQ, and LaDOTD, for leak detection and preventive measures.
- J. All stormwater runoff from site operations shall be managed per *Section 6: Planting and Stormwater Management*, subject to the following:
 - i. Stormwater from the main structure area is not permitted to run-off into the fuel pump island(s) and the fuel UST-areas.
 - ii. The fuel pump island(s) and the fuel UST-areas shall be sloped in such a way as to funnel stormwater into green infrastructure contained within the site. *Refer to Section 6: Planting and Stormwater Management.*
 - iii. The fuel pump island(s) and the fuel tank “tank farm” areas shall be constructed as a spill containment pad to prevent stormwater run-off onto the adjacent main structure areas and all other areas not protected by green infrastructure.

4.2.27. Golf course

- A. A master plan shall be submitted with the application. The plan shall include the following.
 - i. A complete site analysis including adjacent land uses, existing roads, water features including streams and sensitive areas on the site.
 - ii. A traffic impact analysis
 - iii. An environmental impact study.
 - iv. The potential number of members
 - v. The characteristics of the golf course
- B. A permit will be issued under the following conditions.
 - i. The golf course is environmentally sustainable.
 - ii. The golf course is compatible with adjacent land uses.
 - iii. The use does not adversely affect traffic conditions.
 - iv. The site allows the golf course to be designed in such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.

- v. The site plan includes retention ponds developed to mimic natural drainage conditions in terms of both aesthetics and habitat.
- vi. Structures and buildings are located such that impacts to habitats and significant natural areas are avoided.
- vii. Cart paths must be graded such that runoff from them generally does not flow directly into any marsh, creek or wetland.
- viii. Tee areas must be located at least fifty (50) feet from any street right-of-way. (B) Range Area. When located within one-thousand (1,000) feet of a street right-of-way, the range area shall be constructed so that it is as close to perpendicular to the street as possible.
- ix. Netting shall be provided in those areas where it is possible that a golf ball may travel onto adjoining property or streets.
- x. Parking areas shall not be located any closer than thirty (30) feet from the property line of any residential use.

4.2.28. Heliport

- A. Heliports must be in compliance with the most recent edition of Federal Aviation Administration Circular 150/5390-2A;

4.2.29. House of worship

- A. When located in any residential district a place of worship shall be located on a corner lot no smaller than twenty-thousand (20,000) square feet.
- B. When located in any residential district, all parking shall be located on the same site, a contiguous site, or in a district that allows commercial parking as principal use.
- C. A house of worship with a seating capacity in excess of six-hundred (600) persons shall be located with direct access to a road classified as a major or minor collector.

4.2.30. Incidental home occupation

- A. An incidental home occupation is a business, profession, occupation or trade conducted for gain or support within a residential dwelling or its accessory buildings. The home occupation may require employees, customers, clients or patrons to visit the home, provided such activity does not impact or detract from the residential character of the neighborhood.
- B. A permitted home occupation must meet the following conditions.
 - i. It is carried on by a person residing on the premises and employs no more than two employees not living on the premises.

- ii. No more than one third (1/3) of the total floor area of the residence is used for the home occupation.
 - iii. No more than two (2) vehicles are used in the conduct of the home occupation.
 - iv. No merchandise or commodity is sold on the premises, except what is incidental to the home occupation.
 - v. No mechanical equipment is installed or used except equipment normally used for domestic or professional purposes.
 - vi. No expansion is permitted outside the principal structure that houses the home occupation, except that which is necessary to house vehicles used in the conduct of home occupation.
 - vii. The use will not create undue traffic congestion or create a traffic hazard.
 - viii. Advertising signs shall be limited to one unlighted wall sign no larger than two (2) square feet in area, attached to the structure housing the home occupation.
- C. The following home occupations are prohibited.
- i. Vehicle or body and fender repair;
 - ii. Outdoor repair
 - iii. Food handling, processing or packing, other than services that use standard home kitchen equipment
 - iv. Medical or dental lab
 - v. Restaurant
 - vi. Bulk storage of flammable liquids
 - vii. Funeral homes and mortuaries
 - viii. Animal hospitals and kennels
 - ix. Commercial parking
 - x. Retail sales

4.2.31. Laboratories, research, and testing

- A. The operations of these uses shall not be any closer than three-hundred (300) feet to any residential property line or zoning district. Neither shall any such operations be closer than three-hundred (300) feet to the property line of any school, hospital, or day care facility.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the structure in which the laboratory is located, to the nearest property line of the premises of any school, hospital, or day care facility.
- C. Any outside storage or demonstration facility shall be screened from view by a minimum of a six (6) foot fence on all sides.

- D. Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 PM and 7:00 AM.
- E. No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- F. Odors resulting from laboratory activities must be contained on site.
- G. Emissions of dust and particulates shall be in accordance with the State of Louisiana rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved or hard-surfaced with either concrete or asphalt.
- H. Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site.
- I. The disposal of toxic and hazardous matter on site is expressly forbidden pursuant to State and Federal regulations.
- J. The facility shall obtain all applicable Parish, State, and Federal permits.
- K. All such uses shall adhere to the requirements of local, state, and federal regulations related to the specified facility.

4.2.32. Livestock

- A. An application has to be filed with the Zoning and Planning Administrator including the following.
 - i. Location, size, height, and materials of all structures, shelters, enclosures, and any other improvements proposed to be provided for the keeping, raising, care, maintenance, and/or other activities associated with the livestock.
 - ii. The maximum number of each type of animal proposed to be kept at the farm for any period of time.
 - iii. The storage and disposal of animal waste.
 - iv. Enclosure and Shelter
- B. A permit will be issued under the following conditions.
 - i. A minimum site size of one (1) acre is required to keep livestock.
 - ii. The maximum number of the following types of livestock animals that may be permitted on an agricultural use shall be in accordance with the standards provided below:

MINIMUM LOT AREA FOR LIVESTOCK	
Type of Livestock	Minimum Lot Area per Animal
Horse, Mule, Cow	1 acre
Goat, sheep	14,520 SF
Swine	4,356 SF
Rabbit	50 SF
Fowl (Except chickens)	50 SF
More than 6 chickens	50 SF per chicken

- iii. These standards will be used as the basis for establishing a standard for any animal not included in the table.
- iv. All livestock shall be kept so as not to cause any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property.
- v. All livestock shall be kept within fences, corrals, barns, enclosures, or pens.
- vi. All livestock shall be provided sanitary and sound shelter.
- vii. All agricultural uses with livestock shall provide an appropriate method of protecting livestock in the event of flooding.

4.2.33. Light manufacturing use

- A. The operations shall not be any closer than two-hundred (200) feet to any residential property line or zoning district. Neither shall any such operations be closer than two-hundred (200) feet to the property line of any school or day care facility.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the site where the light manufacturing use is located, to the nearest property line of the premises of any school, hospital, or day care facility.
- C. Any outside storage shall be screened from view by a minimum of a six (8) foot solid wall or fence on all sides.
- D. Equipment producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four-hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 PM and 7:00 AM.

- E. Odors resulting from light manufacturing activities must be contained on site.
- F. No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- G. Emissions of dust and particulates shall be in accordance with the State of Louisiana rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved or hard-surfaced with either concrete or asphalt.

4.2.34. Live Performance Venue

- A. An application has to be filed with the Zoning and Planning Administrator including the following.
 - i. A noise abatement plan, to be reviewed by all appropriate Town agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing.
 - ii. A security and operation plan, with the following added:
 - 1) Days and hours of operation for the establishment's general operations as a standard restaurant or bar,
 - 2) Days and hours of operation for the live entertainment component.
 - 3) The configuration of the live entertainment area within the establishment.
 - 4) Loading areas.
 - 5) Summary and map showing the location of educational facilities and parks and playgrounds within three-hundred (300) feet of the proposed location.
- B. A permit will be issued under the following conditions.
 - i. Live entertainment may only be established when allowed within a zoning district and in conjunction with a bar, standard restaurant, or indoor amusement facility.
 - ii. No outdoor live entertainment areas shall be located within fifty (50) feet of a residential district.
 - iii. Windows and doors shall be closed during indoor live entertainment performances.
 - iv. If the live entertainment and live performance venues use plans an increase in intensity, such as an expansion of floor area, increase in live performance area or increase in permitted occupancy, a security and operation plan shall be updated and resubmitted for approval. Revised security and

operation plans shall be approved prior to the issuance of any permits.

- v. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.

4.2.35. Nursing homes, rest homes, convalescent homes

- A. Allowed uses are nursing home, rest home, convalescent home, and similar uses.
- B. The maximum number of persons to be accommodated on-site shall be specified.
- C. No nursing home, rest home, or convalescent home proposed to be located in a residential district may be located within one-thousand-five-hundred (1,500) feet of any other nursing home, rest home, or convalescent home.
- D. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the nursing home, rest home, or convalescent home is located, to the nearest property line of the premises of any other nursing home, rest home, or convalescent home.
- E. When located in any residential district, all parking shall be located on the same site, a contiguous site.

4.2.36. Parking Garage

- A. Parking garages for employees, customers, residents, clients or guests may be erected in designated zoning districts. Parking garages are subject to the setback and design standards of the principal building.
- B. An application shall be filed with the administrator, including a traffic impact analysis.
- C. A permit will be issued under the following conditions.
 - i. The use does not adversely affect traffic conditions.
 - ii. All parking structures and parking lots are subject to the parking design standards of [Section 5: Parking](#) of this CZO.
 - iii. Parking structures located in the Commercial District shall include commercial uses along twenty-five percent (25%) of the ground floor, excluding required access areas from the calculation, when adjacent to a public right-of-way.
 - iv. Parking garages shall not exceed the maximum parking requirements set forth in [Section 5: Parking](#).

4.2.37. Pawnshop

- A. No pawnshop may be located within one-thousand-five-hundred (1,500) feet of a public or private elementary or secondary school, a

public or private day care facility for children or kindergarten, any residential use, a public park, or any other pawnshop.

- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the pawnshop is located, to the nearest property line of the premises of any public or private elementary or secondary school, a public or private day care facility for children or kindergarten, any residential use, a public park, or any other pawnshop.

4.2.38. Pharmacy, apothecary, drug store, subsidiary business.

- A. Retail and services customary incidental to medically-oriented product or service are allowed as accessory use to medically-oriented principal uses.

4.2.39. Park, playground, playfield.

- A. A buffer as established in [Section 6.5.4: Buffer Planting Area](#) shall be installed along any common property line adjacent to a ground floor residential use.
- B. All field lighting shall meet the requirements of [Section 7.3: Outdoor Lighting](#)

4.2.40. Poles and lines: telephone, telegraph, power distribution.

- A. Where functionally feasible, all new electric services shall be placed underground. Temporary construction service may be permitted above ground.
- B. All other utilities, including but not limited to telephone and cable, shall be located underground.
- C. The applicant shall make the necessary arrangements including the provision of any easements to or any construction or installation charges with each of the serving utilities for the installation of such facilities and shall be subject to all applicable laws and regulations for their construction.
- D. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities may be placed above the ground in a screened location approved by the Town of Sunset provided they remain clear of any sidewalk, bicycle or pedestrian way.
- E. Power poles in each and every location, shall be installed and maintained in accordance with the requirements and specifications of the National Electrical Safety Code, the latest requirements of the Occupational Safety and Health Act of 1970 and in compliance with Entergy construction standards.

4.2.41. Public Market

- A. Public markets shall occupy a maximum area of three-thousand (3,000) sf.
- B. Design standards of the underlying zoning district shall apply.
- C. No public market may be located within 2,500 feet of any other public market
- D. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the public market is located, to the nearest property line of the premises of any other public market.
- E. Public markets shall have a minimum of 4 vendors, representing 4 individual businesses.
- F. The hours of operation for public markets are limited to 6:00 am to 8:00 pm.

4.2.42. Radio broadcasting station

- A. Radio tower exceeding the height of sixty-five (65) feet are subject to the use standards for Transmission Tower: radio, television, cellular. Radio towers with the height of sixty-five (65) feet or less are subject to the following regulations.
- B. The tower shall be located so that no part of the antenna or its elements encroaches within the required side or rear setbacks or within ten (10) feet of any easement for overhead electric distribution or transmission lines.
- C. The tower height shall be established as the tallest point of the supporting tower and shall not include antenna mast or antenna elements affixed to the tower.
- D. No more than one such tower shall be located on a lot.
- E. The request for a building permit shall be accompanied by a copy of a valid Radio Operators licensed issued by the FCC for the location being requested.
- F. A tower shall not be structurally installed in such a way that it could fall onto a neighbor's property during normal operations or in the event of high winds. Installation shall conform to all local building code and structural design requirements pertaining to wind loading and structural strength characteristics protecting against collapse of the tower.
- G. A buffer as established in [Section 6.5.4: Buffer Planting Area](#) shall be installed around the base of any tower. An equivalent alternative buffer may be approved through the site plan review process established in [Section 11.3.3: Minor Site Plan Review](#) provided that the alternative landscaping buffer serves to reasonably screen the

tower from adjacent residential properties.

4.2.43. Residential: Group home.

- A. No group living facility shall be located within one-thousand (1,000) feet of any other group living facility.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premise where the group living facility is located, to the nearest property line of the premises of any other group living facility.

4.2.44. Residential: modular and manufactured home.

- A. Manufactured and modular homes, as defined in [Section 12: Definitions](#), shall be allowed and sited on all land zoned R-2 or R-3 Residential.
- B. Each lot shall contain no more than one (1) manufactured housing unit, and shall meet the minimum requirements of the underlying zoning district to which a conventional single-family residential dwelling on the same lot would be subjected.
- C. No manufactured housing unit shall be occupied for dwelling purposes unless it is placed on a lot of record and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to Building Official inspection and approval.
- D. A manufactured home shall be used only as a single-family dwelling.
- E. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
- F. The manufactured home shall be placed on an excavated and backfilled permanent foundation and enclosed with skirting at the perimeter to meet the following requirements:
 - i. Individual manufactured housing units shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured housing unit.
 - ii. Skirting shall be vented and be manufactured of certified fire-resistant material.
 - iii. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.
 - iv. All skirting shall be installed before the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.

- G. The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width.
- H. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Building Official;
- I. Any manufactured housing placed upon a residential lot shall be of a manufacturing origin dated not earlier than 1994 and not having had prior occupancy.

4.2.45. Residential: Townhouses.

- A. The minimum lot size for a town house shall be seventy-five percent (75%) of the minimum lot size for dwellings in the base zoning district for the first three (3) units and fifty percent (50%) of the minimum lot size for townhouse dwellings in the base zoning district for each additional unit above three (3).
- B. A side yard of zero (0) shall be allowed on the side of attachment to an adjoining townhouse.
- C. A twenty (20) feet side yard for the end town house units is required.
- D. No structure or building shall contain more than six (6) townhouse units.

4.2.46. Restaurant, conventional and fast food.

- A. An application has to be filed with the Zoning and Planning Administrator. including the following:
 - i. For restaurants with an outdoor component, the plan shall include provisions regarding how the facility will control the sales of alcoholic beverages to ensure consumption on-premises.
 - ii. If a restaurant contains a brewing or distilling facility on-site, a floor plan indicating the area reserved for brewing or distilling and a description of the facility and capacity.
 - iii. A summary of the number and location of educational facilities, and parks and playgrounds within three-hundred (300) feet of the proposed location.
 - iv. Loading areas.
- B. A permit will be issued under the following conditions.
 - i. Retail sales of packaged alcoholic beverages for consumption off-premises are prohibited.
 - ii. All restaurants that serve alcoholic beverages are limited to the following hours of operation:
 - 1) Sunday thru Wednesday: from 6:00 am to 10:00 pm.

- 2) Thursday thru Saturday: from 6:00 am to 12:00 am (midnight).
- iii. No new customers are permitted after the closing hour, and the restaurant shall be completely shut down, including no staff present on the premises, within two (2) hours of the closing time.
- iv. Other hours may be approved through the conditional use process.
- v. Hours of operation shall be posted on or near the restaurant entrance visible to the public.

4.2.47. Shed

- A. One storage shed, not exceeding one-hundred (200) square feet may be erected as accessory building to residential principal uses.
- B. Up to three (3) sheds, not exceeding three-hundred (400) square feet may be erected in the Agricultural and Open Space districts.
- C. The required rear setback for sheds is five (5) feet from the property line. The maximum height of sheds is limited to fifteen (15) feet. All other setback and design standard requirements are identical to the design standard requirements for the principal building.

4.2.48. Solar Farm.

- A. An application has to be filed with the Zoning and Planning Administrator including the following.
 - i. A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s).
 - ii. The site plan should also show any street buffer(s) and any project boundary buffer(s).
 - iii. Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.
 - iv. State and Local Stormwater permits may be required based upon ground cover.
- B. A permit will be issued under the following conditions.
 - i. Design Standards of the underlying zoning district apply.
 - ii. No portion of the system area may encroach into the required setbacks and any buffer area.
 - iii. The height of solar structures shall be restricted to 25 feet maximum.
 - iv. Solar farms with panels located at least 150 feet from an adjacent public street right-of-way, residentially-zoned property, or residential use shall not require screening.

- v. Solar farms with panels located less than one-hundred-fifty (150) feet from an adjacent public street right-of-way must meet the requirements of *Section 6.5.4: Buffer Planting Area* Approved Solar Components – Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- vi. All solar farms shall meet all requirements of the International Building Code.

4.2.49. Storage yard.

- A. Outdoor storage yards shall have a minimum of ten-thousand (10,000) square feet of lot area.
- B. All outdoor storage shall comply with the screening and buffering requirements of *Section 6.5.4: Buffer Planting Area* including a seven (7) foot high solid fence or wall surrounding all sides of outdoor storage areas.
- C. The outdoor storage area should be located to the rear of the lot where possible. All structures shall be located towards the front of the lot, but must comply with the front yard requirements of the underlying zoning district.
- D. Outdoor storage areas shall be surfaced and graded to drain all surface water and meet the stormwater management requirements of *Section 6: Planting and Stormwater Management*. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage, erosion, and dust control are provided.

4.2.50. Stormwater management.

- A. Stormwater management shall not drain towards adjacent lots.

4.2.51. Swimming pool

- A. A minimum six (6) foot high fence with a locking gate shall be erected around all private, public or commercial swimming pools.
- B. Swimming pools and wading pools may be built as accessory use to all residential uses for private, non-commercial use. Swimming and wading pools are subject to the setback requirements for the principal building.

4.2.52. Trails.

- A. Trails shall be designed according to accredited trail design standards.

4.2.53. Transmission tower: radio, television, cellular.

- A. The location, size and design of all transmission towers for radio, television or cellular phones shall be such that minimal negative impacts results from the facility.

- B. A new transmission tower may not be approved nor shall any zoning or building permit for a new transmission tower be issued unless the applicant certifies that the transmission tower equipment planned for the proposed tower cannot be accommodated on any existing or approved tower or other structure due to one or more of the following reasons:
- i. The planned equipment would exceed the structural capacity of existing or approved structure and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.
 - iii. There is no appropriate existing or pending structure to accommodate the planned equipment.
 - iv. Other technical reasons that make it impractical to place equipment planned by the applicant on existing or approved structures.
- C. Building type height restrictions do not apply to transmission towers for radio, television or cellular phones. Transmission towers height may not exceed the standards established in the table below.

STANDARDS FOR TRANSMISSION TOWERS	
District	Height (max)
Residential districts	120'
Mixed Use	120'
Commercial	150'
Light Industrial	200'
Open Space	150'
Agriculture	150'
STANDARDS FOR TRANSMISSION TOWERS	
District	Height (max)
Residential districts	120'
Mixed Use	120'
Commercial	150'
Light Industrial	200'
Open Space	150'
Agriculture	150'

- D. Any tower greater in height than permitted in the table above shall require a Variance.

- E. The minimum setback requirement for support structures, including associated attachments, shall correspond to the open lot building type for each context area, except that a minimum buffer equal to the height of the tower shall be maintained between any support structure and any lot line within a residential district.
- F. All wireless communication towers and facilities shall be separated by a minimum distance of one-quarter mile as measured from property line to property line.
- G. All proposed wireless communication towers and facilities shall be structurally designed to accommodate additional wireless communication tower sector antennas consistent with the following table.

STANDARDS FOR TRANSMISSION TOWERS	
Tower Height	Number of Antennas (Min.)
0' – 99'	3
100' – 149'	4
150' – 169'	5
170' and higher	6

- H. All co-located wireless communication tower antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.
- I. Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented as required by the Town of Sunset.
- J. Where the site is within or abuts a residential district, public park, or street, a buffer as established in [Section 6.5.4: Buffer Planting Area](#) shall be installed along the side of the abutting property.
- K. Security fencing shall be required around the base and guy anchors of any tower.
- L. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other governmental authority. Any lighting required by the FAA shall be of the minimum intensity and the number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Dual lighting standards shall be required and strobe lighting standards prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- M. All applicants for a wireless communication tower and facility shall submit the following documents to the Administrator.

- i. A site plan showing property boundaries, tower, guy wire anchors, existing structures, proposed transmission buildings and other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site.
 - ii. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number and type of antennas which it can accommodate.
 - iii. Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations; and
 - iv. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing.
- N. The following shall not be subject to the requirements of this paragraph:
- i. Regular maintenance or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, or associated support equipment on the facility or the placement of any new wireless communications facility.
 - ii. Any government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town of Sunset designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this section beyond the duration of the state of emergency.
 - iii. Antenna-supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.

4.2.54. Transportation terminal.

- A. An application has to be filed with the Zoning and Planning Administrator. A Master Plan shall be submitted. The plan shall address the general layout of the entire area and include the following.
 - i. A development plan for the entire terminal, including the location, square footage, and building heights of all existing and proposed structures and uses intended.
 - ii. A landscape plan for the terminal. Planting shall be in accordance with *Section 6: Planting and Stormwater Management*, of this CZO.
 - iii. A stormwater management plan, including all on-site filtration and detention facilities.
 - iv. Traffic circulation plans, including driveways, ingress and egress and internal circulation.
 - v. A traffic impact study.
- B. A permit will be issued under the following conditions.
 - i. Landscaping and stormwater management requirements shall be met.
 - ii. Design standards shall be met.
 - iii. The site design is appropriate for the use.
 - iv. The use does not adversely affect traffic conditions.

4.2.55. Utility

- A. Standards for utilities are as set forth in *Section 8: Utilities*.

4.2.56. Utility, public, no externality

- A. Utility uses which are located on property owned by the Town of Sunset and which are public may be located within the MU-1 district.
- B. For such uses site design standards of the LI district, as set forth in *Section 3.3.4: Site Design Standards*, shall apply.
- C. Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source is allowed.
- D. No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- E. Emissions of dust and particulates shall be in accordance with the State of Louisiana rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved or hard-surfaced with either concrete or asphalt.

4.2.57. Welding, machine shop

- A. The operations shall not be any closer than three-hundred (300) feet to any residential property line or zoning district. Neither shall any such operations be closer than three-hundred (300) feet to the property line of any school or day care facility.
- B. For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects, from the site where the welding or machine shop is located, to the nearest property line of the premises of any school, hospital, or day care facility.
- C. Any outside storage shall be screened from view by a minimum of a six (8) foot fence on all sides.
- D. Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four-hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount. No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 PM and 7:00 AM.
- E. No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- F. Emissions of dust and particulates shall be in accordance with the State of Louisiana rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved or hard-surfaced with either concrete or asphalt.

4.2.58. Wind power facility

- A. An application has to be filed with the Zoning and Planning Administrator including the following.
 - i. Certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.
 - ii. A wildlife assessment (impact study), conducted by a qualified wildlife expert having no less than ten (10) years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds.
 - iii. If applicable, a mitigation plan, developed by the applicant's wildlife expert, that addresses/mitigates any risk to wildlife, migratory birds and affiliated habitat.

- B. A use permit will be issued under the following conditions.
- i. The design of the wind farm shall conform to applicable industry standards, including those of the American National Standards Institute, as such standards exist as of the date construction is commenced.
 - ii. The wind farm shall comply with all applicable building and construction codes.
 - iii. All wind turbines at time of application shall be located out of bird and bat migration pathways/corridors to which wind turbine construction would pose a substantial risk.
 - iv. All wind turbines shall be newly manufactured as of the date of installation.
 - v. All wind farms shall be equipped with a redundant braking system.
 - vi. An engineer's certificate shall be completed by a structural engineer, licensed in the State of Louisiana, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
 - vii. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
 - viii. Within the wind farm, wind turbines shall be of a generally consistent size, design, and color, of similar height and rotor diameter, and shall rotate in the same direction.
 - ix. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation
 - x. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
 - xi. Non-essential appurtenances shall not be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
 - xii. A clearly visible warning sign advising persons of the presence of high voltage levels shall be placed at the base of all pad-mounted transformers and substations.
 - xiii. Wind turbines shall not be climbable up to a height of at least fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or

fenced, as appropriate, to prevent entry by non-authorized persons.

- xiv. Wind farms shall meet the following setback regulations:
 - 1) Wind turbines shall be set back from all occupied buildings and barns, garages, machine sheds, and livestock buildings located on a participating property owner's property a distance of no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the occupied building.
 - 2) All wind turbines shall be set back from the nearest property line a distance of not less than the normal yard requirements for that zoning district or one-hundred and ten percent (110%) of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations shall be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, shall comply with the regulations of the zoning district.
 - 3) All wind turbines shall be set back from the nearest public right-of-way a distance of one-hundred and ten percent (110%) of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
- xv. The facility owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any disruption or degradation of signals caused by the wind farm in a manner reasonably calculated to remedy such signal degradation.
- xvi. A wind turbine's shadow flicker shall not fall on any window of an existing structure or within the buildable area of an adjacent lot, as defined by current yard requirements.
- xvii. The facility owner and operator shall, at their sole expense, complete decommissioning of the wind farm, or individual wind turbines, within one (1) year after the end of the useful life of the wind farm or individual wind turbines. The wind farm or turbine will be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of one-hundred eighty (180) days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of forty-eight (48) inches, and any other element

constructed by facility owner or operator for the purpose of maintaining or operating the wind farm.

5. PARKING

5.1. Purpose and Intent

The purpose of the off-street parking and loading requirements shall be to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; to secure safety from fire, panic, and other dangers; and to encourage the most appropriate use of land. Minimum off-street and loading shall be provided as set forth in the following provisions.

5.2. Off-Street Vehicle and Bicycle Parking Requirements

5.2.1. Computation of Vehicle & Bicycle Parking

The total number of required parking and loading spaces is based upon the requirements for the principal use or uses located on the lot. In computing the number of parking spaces required for each use, the following rules shall apply.

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. Where fractional parking spaces result, the parking spaces required shall be rounded up to the nearest whole number.
- C. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature or as approved by the Planning & Zoning Commission in conjunction with a Site Plan.
- D. Except as otherwise provided in this Ordinance, the minimum numbers of off-street vehicle and bicycle parking spaces to be provided for a principal use are listed in [Table 1: Off-Street Vehicle and Bicycle Parking Requirements](#). All off-street parking shall be installed prior to the issuance of a certificate of occupancy.
- E. The maximum number of off-street parking spaces for any building or use shall not exceed one-hundred-ten percent (110%) of the minimum parking requirements, as specified in this section.
- F. Where bicycle parking is required, a minimum of two (2) bicycle parking spaces shall be provided.
- G. Bicycle parking requirements are calculated as a percentage of number of vehicle parking spaces required.
- H. Abbreviations in Table 1 are as follows: SF is square feet, GFA is gross floor area

TABLE 1: OFF-STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS		
LAND USE	VEHICLE PARKING CALCULATIONS	BICYCLE PARKING CALCULATIONS
Assisted Care or Living Facility	0.5 parking space per dwelling unit plus 2 parking spaces per 1,000 SF of office GFA	10%
Athletic Fields	20 parking spaces for fields without fixed seating	50%
Bank, Savings and Loan, or Credit Union	1 parking space per 300 SF of GFA	25%
Bed and Breakfast Facility	1 parking space per 5 guestrooms plus	25%
Boarding or Rooming House	1 parking space per sleeping room	25%
Bowling Alley	2 parking spaces per alley or lane	25%
Car Wash, Full Service or Self Service	2 parking spaces plus required stacking for each car wash bay	
Child-care, Kindergartens, Day Schools, or Similar	1 parking space per 500 SF of GFA	50%
Church, Rectory, or other Place of Worship	1 parking space per 100 SF GFA of main sanctuary	25%
College or University	0.75 space per each day student rounded up to the next whole space	50%
Community Center, Library, Museum, or Art Gallery	4 parking spaces plus 1 for each 300 SF of GFA over 1,000 SF	50%
Commercial Amusement (Indoor)	1 parking space per 300 SF of GFA	25%
Commercial Amusement (Outdoor)	1 parking space per 300 SF of GFA (including all outdoor areas)	25%
Convenience Store with Gas Pumps	2 parking spaces per pump plus 1 per 500 SF of retail GMA	10%
Dance Hall, Assembly or Exhibition Hall without Fixed Seats	1 parking space per 100 SF of GFA	5%
Dwellings, Single Family and Two Family	A maximum of 2 enclosed garage or covered (carport) parking spaces per lot	
Dwellings, Multifamily	1 parking space per dwelling unit bedroom	75%
Farmers/Flea Market	1 parking space per 500 SF of site area	10%
Gasoline Station/Fueling Station	2 parking spaces per pump	
Golf Course	4 parking spaces per hole	
Golf Course (Miniature and Driving Range)	1 parking space per hole or tee	

Health Studio or Club	1 parking space per 500 SF of GFA	25%
Hospital	1 parking space per room	25%
Hotel	1 parking space per room	
Lodge or Fraternal Organization	1 parking space per 300 SF of GFA	10%
Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop or Similar Establishment	1 parking space per 1,000 SF of GFA	25%
Mini-Warehouse (Mini-Storage)	1 parking space per 25 storage units	
Manufactured Home Park	2 parking spaces per home	50%
Mortuary or Funeral Home	1 parking space per 50 SF of floor space in slumber rooms, parlors, chapels, or individual funeral service rooms	
Motel	1 parking space per room	
Motor Vehicle Repair and Service	2 parking spaces per vehicle service bay	
Motor Vehicle Salesroom and Used Car Lots	1 parking space per 500 SF of GFA of indoor sales and display area	
Nursery (Large and Small)	1 parking space per 500 SF of GFA including outdoor sales and display area	
Office (Professional)	1 space per 500 SF of GFA	50%
Office (Medical or Dental)	1 space per 500 SF of GFA	50%
Recycling Center/Plant	1 space per 1,000 SF of GFA of the processing center	
Restaurants	1 parking space per 500 SF of GFA	10%
Retail	1 parking space per 250 SF of GFA	10%
Sanitarium, Convalescent Home, Home for the Aged or Similar Institution	1 parking space per 5 beds	10%
School (Elementary or Middle)	1 parking space per classroom	
School (High)	4 parking spaces per classroom	25%
School (College or Vocational)	1 parking space per 4,000 SF of GFA	50%

Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school)	1 parking space per 4 seats or bench seating spaces	10%
Truck Stops	1 truck parking space (75 feet by 12 feet) per 10,000 SF of site area plus 1 vehicle parking space per 250 SF GFA	
Warehouse, Wholesale, Manufacturing and Other Industrial Type Uses	1 parking space per 1,000 SF of GFA	
Maximum Parking Spaces Allowed	110% of required parking spaces	

5.2.2. Accessible Vehicle Parking

- A. Accessible parking spaces shall be provided according to the Louisiana Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards. Current standards are as follows:
- B. For lots with more than one-hundred (100) spaces, the standard is four (4), plus one (1) accessible space for each twenty-five (25) spaces (or fraction thereof)

TABLE 2: ACCESSIBLE VEHICLE PARKING CALCULATIONS	
Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

5.3. Special Off-Street Parking Requirements

5.3.1. Special Off-Street Parking Provisions for R-1 and R-2 districts.

- A. In residential districts off-street parking shall be provided on the same lot as the use it is to serve.
- B. A maximum of two (2) enclosed garage or covered (carport) parking spaces per lot is allowed.
- C. Enclosed parking and stacking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet long.
- D. Circular driveways shall be designed to accommodate any required parking behind the front building line.

5.4. Building/Use Changes or Enlargements

- 5.4.1. Whenever a building or use or floor area of a use constructed or established after the effective date of this ordinance, is changed, resulting in the change of the number of dwelling units, seating capacity, GMA or otherwise, and this creates a need for an increase or decrease of ten (10) percent or more in the number of existing parking spaces, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- 5.4.2. Whenever a building or use existing prior to the effective date of this ordinance is enlarged or decreased to the extent of thirty (30) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

5.5. Off-Street Loading Space Requirements

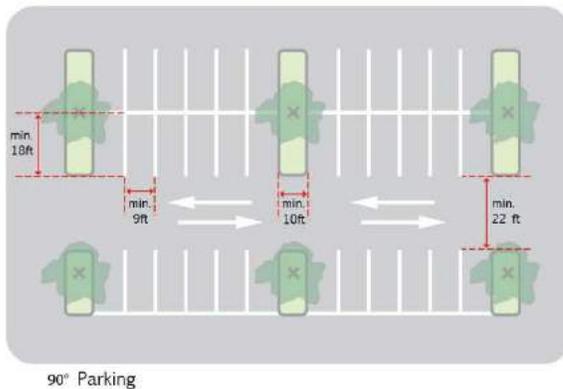
- 5.5.1. All non-residential uses having 35,000 square feet or more of gross floor area shall provide and maintain an off-street areas for loading and unloading of merchandise and goods.
- 5.5.2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- 5.5.3. Each site shall provide a designated maneuvering area for trucks. No maneuvering shall take place in the right-of-way.

5.6. Design of Vehicle Parking Spaces and Lots

- 5.6.1. Location of Parking Spaces
 - A. All parking spaces required herein shall be located on the same lot with the building or use served.
 - B. Required off-street parking and loading spaces in non-residential districts shall be used only for these respective purposes and shall not be used for storage or permanent display of boats, trailers, campers, motor vehicles or other goods, personal property, materials, or products for sale.
 - C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such spaces shall be located in a parking easement as shown on a Final Plat and Site Plan.
 - D. Stacking Requirements
 - i. Stacking spaces are spaces provide for vehicles to queue on site prior to receiving a service.
 - ii. A stacking space shall be a minimum of nine (9) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.
- 5.6.2. Parking Space Standards
 - A. Each standard off-street parking space shall be a minimum of nine (9) feet in

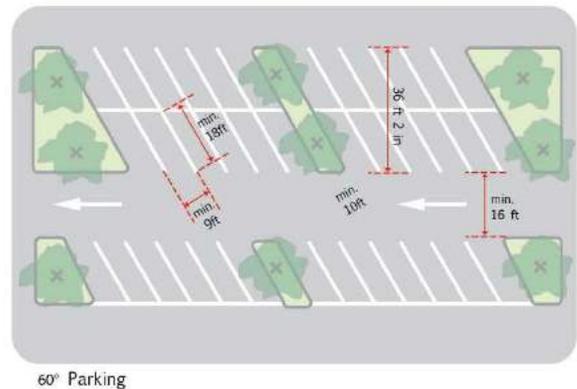
width and eighteen (18) feet in depth, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition.

- B. Alternatively parking facilities may reduce the paved length of a parking space to sixteen (16) feet, if wheel stops are provided and a minimum of two (2) feet of green infrastructure is installed at the front end of each parking space (see [Figures 3 and 4](#))
- C. A maximum of thirty percent (30%) of the vehicle spaces in any parking facility may be designated and labeled as compact car spaces. A compact car parking space shall be a minimum of seven feet six inches (7' 6") in width and a minimum of sixteen (16) feet in length.
- D. Accessible parking spaces shall be a minimum of eight (8) feet in width, eighteen (18) feet in depth, with an adjacent accessible aisle depth of eight (8) feet.
- E. No parking space shall allow a vehicle to overhang a required planted area, open space area, sidewalk, street right-of-way or adjacent property, except as illustrated in Parking Option with Green Infrastructure diagram above.
- F. Parking lot layout shall meet the dimensions shown in Figure 1 and 2.



90° Parking

Figure 1



60° Parking

Figure 2

- G. Head-in parking spaces adjacent to buildings shall have a minimum of four (4) foot wide clearance between the front of the vehicle and the building.
- H. The four (4) foot wide clearance shall be maintained by curbs or wheel stops, the face off which shall be located six (6) feet from the building, which allows a vehicle overhang of two (2) feet. Wheel stops shall only be used in parking spaces that are eighteen (18) feet long.
- I. Parallel off-street parking spaces must be a minimum of eight (8) feet in width and twenty (20) feet in depth.
- J. Parking spaces within structured parking garages shall be a minimum of eight and one-half (8 ½) feet in width and eighteen (18) feet in depth.
- K. Off-street parking shall be designed to avoid encroachment into the public right-of-way in any case.
- L. Off-street parking shall be designed to allow for all vehicle maneuvering to

take place on-site. No public right-of-way shall be used for backing or maneuvering into a parking space.

M. Dead-end parking is prohibited in non-residential developments.

5.6.3. Space Delineation

- A. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, and other approved methods.
- B. Non-permanent type marking such as traffic marking paint, shall be regularly maintained to ensure continuous clear identification of the space.

5.6.4. Circulation

- A. The regulations provided in this section shall apply to all non-residential development.
- B. The following design standards shall apply to ensure effective and safe circulation in parking facilities.
 - i. Parking aisles shall be designed perpendicular to the front of the primary building in the development.
 - ii. If curbs are not provided, then parking spaces that face and are adjacent to a building shall utilize wheel stops and/or bollards.
 - iii. Continuous drive aisles in front of buildings cannot be longer than three hundred (300) feet without a thirty (30) foot offset, a roundabout, raised crosswalks, or other acceptable traffic-calming feature approved by the Planning Commission and Fire Chief.

5.6.5. Surfacing

- A. All surface parking lots shall be paved with a durable, all weather material which may be impermeable or a permeable paving system. All uneven slabs shall be resurfaced to provide a smooth surface. See [Table 3](#) below.
- B. All single-family and two-family dwellings are permitted to construct driveways that consist of two (2) concrete wheel strips, each of which is at least eighteen (18) inches wide and at least twenty (20) feet long. A permeable surface, such as turf, shall be maintained between such wheel strips.
- C. Shells, gravel, crushed stone and bare earth are permitted paving materials only in the Open Space and Agricultural Development Districts.

TABLE 3: PARKING SURFACES				
	Impervious Surfaces: Concrete, Asphalt, Pavers	Hard Pervious Surfaces: Pervious Concrete, Pervious Asphalt, Pervious Pavers	Pervious Aggregate Surfaces: Limestone, Gravel, Recycled Concrete	Green Pervious Surfaces: Turf on Structural Soils, Fiber Soils, Grid of Structural Plastic
Aisles & Drives	Allowed	Encouraged		
Parking Spaces	Allowed	Encouraged	Allowed	Allowed
Accessible Parking Spaces	Allowed	Encouraged		
Parking Spaces in Excess of # Required		Encouraged	Allowed	Encouraged

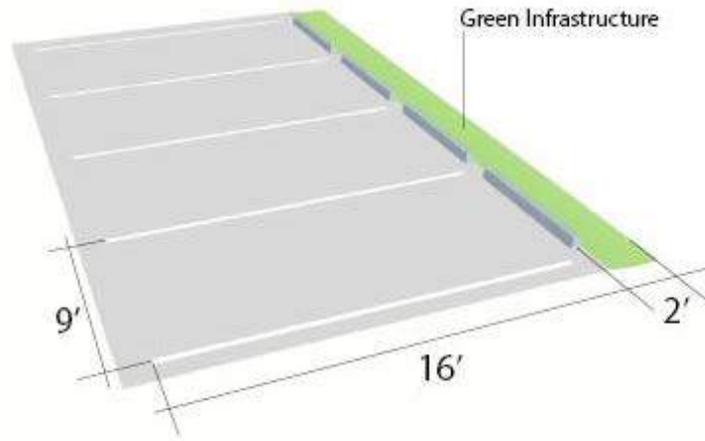
5.6.6. Pedestrian Access

A. A proper pedestrian access is provided such that pedestrians can access both uses within an acceptable distance and that such access is provided safely and conveniently to all uses.

5.7. Stormwater Management Requirements for Parking Lots

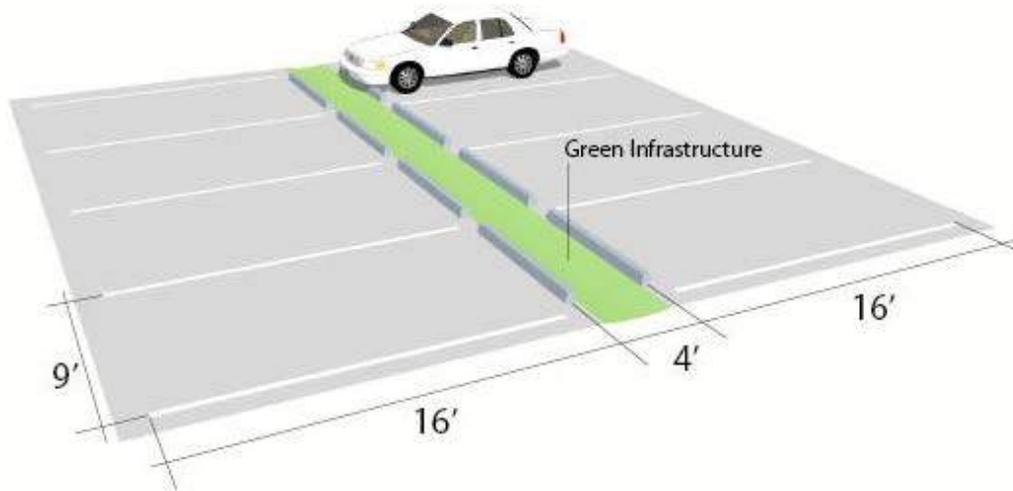
5.7.1. Stormwater Management requirements as set forth in [Section 6.3: Stormwater Management](#) shall apply to all parking lots.

5.7.2. For uses with more than 100 parking spaces, all parking spaces over 100 which are in excess of the minimum number of required parking spaces shall provide an additional landscape area equal to five (5) percent of the excess parking surface and provide one additional tree per 500 square feet of landscape area.



Parking Option with Green Infrastructure, Single Row

Figure 3



Parking Option with Green Infrastructure, Double Row

Figure 4

6. PLANTING AND STORMWATER MANAGEMENT

6.1. Applicability

- A. The provisions of this section shall apply to the following:
- i. All new development and substantial redevelopment of commercial, industrial, multi-family, religious, educational, institutional, public and semi-public land uses that are developed after *(insert date or code adoption here)*.
 - ii. Development that requires the issuance of a building permit for a building addition amounting to more than fifty percent of existing street facade.
 - iii. Issuance of an occupancy permit for uses of buildings that change from residential to commercial.
 - iv. Development and redevelopment of vehicular use areas (parking lots) or vehicular use area additions of five (5) parking spaces or more.

6.2. Tree Protection, Site Clearing, & Demolition

6.2.1. Land Clearing Requirements

- A. All activities related to disturbance shall require a Site Clearing Permit in accordance with requirements shown herein. Prior to disturbance of any development or redevelopment of a lot or parcel of land a Site Clearing Permit for such activity shall be obtained from the Administrator.
- B. A Site Clearing Permit application must be prepared by a Louisiana Licensed Surveyor, Landscape Architect, Architect, or Civil Engineer and submitted to the Administrator. The Site Clearing Permit application shall include the following
- i. Current aerial photo and topographical map;
 - ii. Existing hydrology;
 - iii. Existing vegetation, specifically identifying and locating the following tree species with a DBH of six (6) inches or greater:

Scientific Name	Common Name
Fagus grandifolia	American Beech
Magnolia grandiflora	Southern Magnolia
Quercus alba	White Oak
Quercus falcata	Red Oak
Q. falcata var. pagodifolia	Cherrybark Oak
Quercus lyrata	Overcup Oak

Quercus michauxii	Cow Oak
Quercus nuttallii	Nuttall Oak
Quercus phellos	Willow Oak
Quercus shumardii	Shumard Oak
Quercus virginiana	Live Oak
Taxodium ascendens	Pond Cypress
Taxodium distichum	Bald Cypress
Ulmus americana	American Elm
Ulmus alata	Winged Elm

- iv. Environmentally Sensitive Areas onsite;
 - v. A plan of conceptual intent for use after clearing, including the proposed site plan
 - vi. Limits of Construction shall be drawn and shall encompass only the proposed areas of improvement;
 - vii. Limits of Clearing which shall equal the Limits of Construction plus a maximum of ten (10) feet beyond;
 - viii. Stormwater Pollution Prevention Plan (SWPPP) for clearing activities;
 - ix. Start and end date of clearing activities;
- C. All clearing indicated on the plan shall occur only within the limits of clearing.
- D. Environmentally Sensitive Areas cannot be cleared unless the applicant can show there is no practicable alternative to the clearing of these areas on the site. A United States Corps of Engineers “404” Permit mitigates this requirement for federally recognized wetlands.
- E. Prior to the commencement of clearing activities, the SWPPP must be complete. The SWPPP must be implemented throughout the clearing process until the site is stabilized.
- F. All cleared areas shall have soil stabilization methods instituted within fourteen (14) days of clearing. If construction ceases for a period of fourteen (14) days or more, the land shall be stabilized by the fourteenth day.

6.2.2. Tree Preservation Standards

- A. The owner is encouraged to preserve as many existing mature trees as possible in the design and implementation of the landscape plan.
- B. Existing trees with a DBH of six (6) inches or greater which are preserved within street yard planting areas, buffer areas and other

areas of the site left undisturbed by construction may be credited towards the landscape materials required by this Section.

- C. Only species listed in the tree list in *Section 6.4.2: Selection of Planting Material* qualify for preservation credit.
- D. It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. If a preserved tree dies within five years, it is the responsibility of the owner to replace that tree with the number of caliper inches credited on a class matching basis within six months. The owner shall be responsible for maintaining all plant materials required by this Section in good living condition.

6.2.2.2. Tree Preservation Plan

- A. In order to receive credit for preserved trees, the owner must include as part of the Site Plan submittal a Tree Preservation Plan, which shall be approved by the Administrator.
- B. The Tree Preservation Plan shall include the location, size and condition of each tree or grove to be preserved, along with an indication of proposed development features which may impact such trees, and any other pertinent information to evaluate existing and proposed conditions.
- C. The Tree Preservation Plan shall include a detailed description of all methods to be used to ensure the survival of all trees scheduled for preservation credit.
- D. All tree preservation methodology shall conform to the standards of the Louisiana Department of Agriculture and Forestry and the International Society of Arboriculture.

6.2.2.3. Protection of Trees during Site Development and Construction

- A. The area directly beneath and covered by the canopy of a tree shall be designated as a Tree Protection Zone and shall be kept safe from harmful impact.
- B. In the erection of any building or structure, the builder, contractor or owner thereof shall place rigid tree protection fencing around all the nearby trees belonging to the Town of Sunset as shall be effective to prevent injury to them.
- C. Trees designated on the Tree Preservation Plan as Protected Trees must be completely enclosed by rigid tree protection fencing as approved by a licensed Louisiana Landscape Architect or ISA certified Arborist. Tree protection fencing must be located as described on the Tree Preservation Plan.
 - i. Failure to install tree protection fencing at the appropriate time will result in the loss of tree protection credits. Tree protection fencing must remain in place until all

construction has been completed or final occupancy permit has been issued, whichever is latest.

6.3. Stormwater Management Requirements

6.3.1. Applicability of Stormwater Management Requirements

- A. All new development or substantial redevelopment of a site accommodating multifamily-residential, commercial, institutional, or light industrial uses shall provide green infrastructure to manage stormwater runoff on site by providing one of the following.
 - i. A minimum of fifty (50) percent of the site's planting area, as required by this CZO, shall consist of green infrastructure. Green infrastructure (GI) types for planting areas include:
 - 1) Bioswales
 - 2) Bioretention cells
 - 3) Cisterns and underground stormwater chambers
 - 4) Dry detention ponds
 - 5) Stormwater planters
 - 6) Wet detention / retention ponds; or
 - ii. All hardscapes, including but not limited to parking spaces, drive aisles, and gathering spaces shall be surfaced with pervious paving.

6.3.2. Stormwater Management Alternative Compliance

- A. Requests for alternative compliance for stormwater management requirements will be accepted if the applicant submits a stormwater management plan, prepared by a Louisiana licensed Landscape Architect or Civil Engineer including stormwater management calculations.
- B. All calculations used in the design and construction of the permanent green infrastructure to retain, detain, or filter the first one (1) inch of stormwater runoff during each rain event.
- C. In addition to the green infrastructure types for planting areas listed in [Paragraph 6.3.1.A.i](#), green infrastructure types may include:
 - i. Constructed wetlands
 - ii. French drains
 - iii. Green roofs
 - iv. Porous paving
 - v. Structural soils

6.4. Planting

6.4.1. Planting Plan.

- A. All building permit applications for development and redevelopment including one of the following shall be accompanied by a planting plan.
 - i. A parking lot with eight (8) spaces or more, as set forth in [Section 6.4.3.1: Parking Lot Planting](#)
 - ii. A planted buffer area as set forth in [Section 6.5.4: Buffer Planting Area](#)
 - iii. Street frontage trees as set forth in [Section 6.4.3.1: Street Frontage](#)
- B. The planting plan shall include the following:
 - i. All buildings, walkways, vehicular use areas, utility areas, retention/detention areas, sight triangles, and miscellaneous site structures.
 - ii. All on- and off-site utilities, servitudes, rights-of-way, or easements. Show proposed routing of utility service to proposed buildings.
 - iii. All current land uses of adjacent properties.
 - iv. All protected trees and their trunk sizes using DBH (Diameter measured at Breast Height – four and one-half (4 ½) feet from root flare); actual canopy spread of all protected trees or groupings of trees.
 - v. Layout of all plant materials, sizes, and specifications as designed by the Louisiana licensed Landscape Architect.
 - vi. All other proposed site development amenities.
 - vii. All existing and proposed paved surfaces, curbs, steps, grade changes.
 - viii. Topography, existing natural features, and drainage information.
 - ix. Complete plant schedule of materials to be planted on the site.
 - x. Green Infrastructure as designed by the Louisiana licensed Landscape Architect.
 - xi. Irrigation or watering system plans if applicable.
 - xii. Summary tabulation of all planting requirements.
 - xiii. Official seal and signature of the landscape architect responsible for design preparation.
- C. Standards, as specified in [Section 6.4.2: Selection of Plant Material](#) shall apply to the design, installation and maintenance of all planting required.
- D. Two full size sets of the planting plans containing the information needed to evaluate the planting of projects shall be submitted to the

Administrator. Full size plans are to be printed at twenty-four (24) inches by thirty-six (36) inches or twenty-two (22) inches by thirty-four (34) inches. All plans reviewed will be returned to the designer marked “approved,” or “approved as noted,” or “denied.” Rejected plans may be returned to the Administrator for re- evaluation once noted corrections are made. A copy of the approved plan will be archived to use at a later date to ensure that the plan was implemented as permitted and maintained as required.

- E. The Landscape Architect shall submit, prior to issuance of an Occupancy Permit, a sealed letter of concurrence certifying that the project has been implemented in accordance with the approved plans signed and sealed by the Landscape Architect. Any as-built changes made during construction and approved by the Landscape Architect must be noted in digital or conventional drawings delivered to the Town with the written letter of certification. This certification does not make the Landscape Architect responsible for the success of the project, responsible for required maintenance, or responsible for the long-term survivability of the living materials used in the project.

6.4.2. Selection of Plant Material

- A. All planting plans shall incorporate native or naturalized plants to provide habitat for wildlife, reduce irrigation requirements, and promote the sustainability and survivability of plant material.
- B. Class A trees shall be planted at one (1) tree no less than forty (40) feet on center and Class B trees at one (1) tree no less than twenty (20) feet on center.
- C. Trees shall have a minimum two (2) inch caliper for single trunk trees and one and one-quarter (1.25) inches for multi-trunked trees at the time of planting.
- D. Trees shall be selected from the following pre-approved list of Class A and Class B trees.

Class A Trees	
Common Name	Scientific Name
American Beech	<i>Fagus grandifolia</i>
Black Gum	<i>Nyssa sylvatica</i>
Black Walnut	<i>Juglans nigra</i>
Cypress, Bald	<i>Taxodium distichum</i>
Cypress, Pond	<i>Taxodium ascendens</i>
Elm, Cedar	<i>Ulmus crassifolia</i>

Class B Trees	
Common Name	Scientific Name
American Hop Hornbeam	<i>Ostrya virginiana</i>
Catalpa	<i>Catalpa bignonioides</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Crabapple, Southern	<i>Malus angustifolia</i>
Dogwood	<i>Cornus florida</i>
Fringe Tree	<i>Chionanthus virginicus</i>

Elm, Winged	<i>Ulmus alata</i>
Elm, American	<i>Ulmus americana</i>
Ginkgo	<i>Ginkgo biloba</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Hackberry	<i>Celtis laevigata</i>
Honey Locust	<i>Gleditsia triancanthos</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Maple, Swamp Red	<i>Acer rubrum</i> var. <i>drummondii</i>
Oak, Cherrybark	<i>Quercus falcata</i> var. <i>pagodifolia</i>
Oak, Cow	<i>Quercus michauxii</i>
Oak, Nuttall	<i>Quercus nuttallii</i>
Oak, Overcup	<i>Quercus lyrata</i>
Oak, Sawtooth	<i>Quercus acutissima</i>
Oak, Shumard	<i>Quercus shumardii</i>
Oak, Southern Live	<i>Quercus virginiana</i>
Oak, Southern Red	<i>Quercus falcata</i>
Oak, White	<i>Quercus alba</i>
Oak, Willow	<i>Quercus phellos</i>
Pecan	<i>Carya illinoensis</i>
Pine, Loblolly	<i>Pinus taeda</i>
Pine, Longleaf	<i>Pinus palustris</i>
Pine, Slash	<i>Pinus elliotii</i>
Pine, Spruce	<i>Pinus glabra</i>
Persimmon	<i>Diospyros virginiana</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore	<i>Platanus occidentalis</i>
Tulip Poplar	<i>Liriodendron tulipifera</i>

Holly, American	<i>Ilex opaca</i>
Holly, Fosters	<i>Ilex x attenuata</i> 'Fosteri'
Holly, Savannah	<i>Ilex x attenuata</i> 'Savannah'
Ironwood	<i>Carpinus caroliniana</i>
Magnolia, Sweetbay	<i>Magnolia virginiana</i>
Mayhaw	<i>Crataegus opaca</i>
Parsley Hawthorn	<i>Crataegus marshallii</i>
Pistachio	<i>Pistacia chinensis</i>
Plum, American	<i>Prunus americana</i>
Red Bay	<i>Persea borbonia</i>
Redbud	<i>Cercis canadensis</i>
River Birch	<i>Betula nigra</i>
Sassafras	<i>Sassafras albidum</i>
Silverbell	<i>Halesia diptera</i>
Wax Myrtle	<i>Myrica cerifera</i>
Yaupon	<i>Ilex vomitoria</i>

- E. Evergreen shrubs or grasses shall have a minimum of thirty (30) inches height at installation and spaced no greater than four (4) feet on center.
- F. Mulch shall be a minimum of three (3) inches deep and maximum of four (4) inches deep. It shall be applied on all exposed soil surfaces of planting areas, except turf, and/or groundcovers. Cypress mulch is not allowed due to adverse environmental impacts. Pine straw and hardwood mulch are encouraged.

6.4.2.2. Plant Material Maintenance

- A. The owner is responsible for the maintenance, repair, and replacement of all plant materials, fences, steps, retaining walls, and similar elements over the entire life of the development. All plant

materials shall be maintained in good condition and present a neat appearance free of debris.

- B. Required plant materials that die or become diseased during the twelve (12) months following completion of construction are to be replaced with the same size and type of plant material originally specified on the landscape plan within six (6) months.
- C. Tree topping is not allowed without written approval from the Town of Sunset. This work must be performed by an ISA (International Society of Arboriculture) certified arborist.

6.4.3. Planting Requirements

6.4.3.1. Parking Lot Planting

- A. Parking lot planting is required for all parking lots that abut a public right-of-way, excluding alleys. Plantings designed as part of stormwater management, such as bioswales, bioretention cells, and raingardens, are encouraged.
- B. For parking lots with eight (8) or more spaces a minimum of one (1) Class A Tree or two (2) Class B Trees for every eight (8) parking spaces is required.
- C. Along the perimeter of all parking lots abutting the public right-of-way, screening is required as follows:
 - i. Perimeter shrub planting shall be a minimum of five (5) feet wide.
 - ii. Perimeter planting shall be planted with shrubs installed at one for every fifteen (15) square feet of planted area. Selected shrubs shall not exceed a mature or maintained height of three (3) feet.
 - iii. Grasses or evergreen shrubs shall have a minimum of thirty (30) inches height at installation and spaced no greater than four (4) feet on center.
- D. Parking lots of eight (8) or more spaces require a planting plan as set forth in [Section 6.4.1: Planting Plan](#), as a condition of obtaining a building permit.
- E. All plantings along public rights-of-way shall conform to the Louisiana DOTD standards and be located so as not to cause an obstruction to motorists. A sight triangle measuring ten (10) feet along the property line by a depth of ten (10) feet shall be established at access ways. No plantings over thirty (30) inches in height shall be allowed in this sight triangle.

- F. Standards, as specified in *Section 6.4.2: Selection of Plant Material* shall apply to the design, installation, and maintenance of all planting required.

6.5. Screening & Fencing

6.5.1. Yard Fencing

- A. Along lot lines, fences may be erected in compliance with the following requirements.
- i. Fences shall not exceed eight (8) feet in height.
 - ii. Wood fences, ornamental fences, or fences of substantially similar appearance are allowed.
 - iii. Chain link security fencing may be established on side and rear yards that do not face a street.
 - iv. Barbed and razor wire shall not be allowed.
 - v. In MU-1, MU-2, and C districts the following shall apply.
 - 1) Front yards shall not be fenced, with the following exceptions.
 - A fence not taller than six (6) feet measured from sidewalk elevation may be erected to enclose allowed customer areas along street frontages.
 - Dumpsters and recycling containers shall be fenced as set forth in *Section 6.5.2: Dumpsters and Recycling Containers*.
 - 2) All fences facing streets shall be constructed of wood, wrought or cast metal or a similar durable material approved by the Planning and Zoning Administrator, and may include a masonry wall a maximum height of two and one-half (2.5) feet.

6.5.2. Dumpsters and Recycling Containers

- A. Dumpsters and Recycling Containers shall be fully enclosed on three (3) sides by a solid fence, a masonry wall, or principal structure wall seven (7) feet in height. The enclosure shall be gated.
- B. The materials used for screening, including the enclosure, shall complement the architecture of the principal building.

6.5.3. Utilities

- A. Above-ground public utilities with the exception of utility poles shall be screened by a continuous hedge of no less than three (3) feet in height if surrounded by at least three (3) feet of exposed soil or grass. A setback of no less than one and one-half (1.5) feet must be provided around the equipment to allow for proper operation and maintenance of the equipment.
- B. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from view at the front property line and the side property line if the property is a corner lot. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

6.5.4. Buffer Planting Area

- A. Buffer planting areas shall be required between different uses and/or districts in accordance with the following table:

Adjacent Land Use	Proposed Development				
	RESIDENTIAL	COMMERCIAL	OPEN SPACE	LIGHT INDUSTRIAL	AGRICULTURE
RESIDENTIAL	NR	5'	NR	10'	10'
COMMERCIAL	5'	NR	NR	10'	10'
OPEN SPACE	NR	NR	NR	25'	5'
LIGHT INDUSTRIAL	10'	10'	25'	NR	5'
AGRICULTURE	10'	10'	5'	5'	NR

- B. The table indicates the minimum width of required buffer zones between proposed development and existing development. The minimum width listed in the table indicates the total required buffer between the properties. Provision of the buffer is the sole responsibility of the applicant for the proposed development.
- C. The buffer zone shall consist of an area not less than the required depth measured at right angles to the property line(s) along the entire length of and contiguous to the property line adjacent to the more restrictive zoning district.
- D. The landscape buffer planting area is required to be provided in conjunction with the issuance of a building permit for new construction on a development site or when a change in land use.
- E. Existing trees in buffers that are healthy, six (6) inches at DBH, or greater, and of a species listed in [Section 6.2.1 Land Clearing Requirements](#), shall be preserved regardless of the number of said

trees. All trees required to be preserved shall be indicated on the landscape plan (if applicable) and tree preservation plan.

- F. The buffer zone shall contain one (1) Class A Tree for every twenty-five (25) linear feet and one (1) Class B Tree for every fifteen (15) linear feet.

6.6. Alternative Compliance

- A. Requests for alternative compliance will be accepted for any permit application to which the requirements of this section apply, when one or more of the following conditions are met.
 - i. Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
 - ii. Improved environmental quality would result from the alternative compliance of the provisions of this section of the CZO.
 - iii. Spatial limitations, unusually shaped pieces of land, unusual servitude requirements or prevailing practices in the surrounding neighborhood may justify alternative compliance for in-fill sites.
 - iv. Change on an existing site where requirements of this CZO are not spatially possible. Public safety considerations make alternative compliance necessary.
 - v. Existing lots in approved multi-family, commercial and light industrial subdivisions that were in existence on *(insert date or code adoption here)*.
 - vi. The proposed design exceeds the minimum standards of this section.
- B. Request for alternative compliance shall be accompanied by sufficient written explanation and planting plan drawings to allow appropriate valuation and decision by the Town of Sunset.
- C. A request for alternative compliance shall be submitted to the Administrator at the time the Planting Plan is submitted.
- D. The Administrator shall not reduce landscape requirements by more than fifty (50) percent. The decision will be final, unless the applicant appeals.

6.7. Enforcement

- A. No building permit or certificate of occupancy may be issued for any development unless all requirements of this Section have been met. Failure to implement the planting and stormwater management plans

is cause for revocation of the certificate of occupancy and/or the application of fines and penalties as established.

- B. Planting and green infrastructure are subject to periodic inspection.
- C. Prior to issuance of a certificate of occupancy or building permit, the project landscape architect , licensed in Louisiana, shall certify with signature and seal that the landscape has been installed in accordance with all approved plans and specifications.
- D. Installation of plant materials may be delayed until appropriate planting season (Fall through Spring) if project is otherwise completed during summer months. A request must be submitted to the Town of Sunset Planning for approval of delay. Certificate of Occupancy shall be issued, contingent upon completion of planting at later, specified time.

7. SIGNS AND LIGHTING

7.1. Purpose and Intent

The purpose of these regulations is to provide uniform, comprehensive sign and lighting standards which promote a positive town image reflecting order, harmony, and pride and thereby strengthening the economic stability of Sunset's business, cultural, and residential areas. These regulations are necessary to ensure the public's safety by eliminating unsafe and distracting signs and lighting that may be a hazard to motorists or pedestrians.

7.2. Signs.

7.2.1. General

7.2.1.1. Sign Permit.

- A. It shall be unlawful to construct, erect, alter, relocate, or display any sign without first obtaining a sign permit from the Planning and Zoning Commission, unless specifically excluded from the requirement of a permit outlined in this section.
- B. Applications shall be filed with the Planning and Zoning Commission as set forth in [Section 11: Procedures](#)

7.2.2. Determination of Sign Area.

- A. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing. [\(Figure 1: Sign Area Computation\)](#)
- B. For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle, or triangle, or combination thereof that encompasses each individual letter or logo. Sign area does not include any supports or bracing.
- C. For freestanding signs, height is calculated as the vertical distance measured from the grade of the site where the sign is to be installed or the grade of the roadway, whichever is higher, to the highest point of the sign. Grade is considered the lower of the existing grade prior to construction or the newly established grade after construction.



Figure 1 – Sign Area Computation

7.2.3. Permanent Signs.

A. Signs shall be established in accordance with the standards stated in the sign standard table below.

TABLE 1. SIGN STANDARDS						
Type	Maximum Area	Maximum Height	Maximum Extension from the Wall	Position	Maximum Allowed Number	Allowed in Zone
Wall Sign, Attached Sign	1 sf per each linear ft of building frontage; not to exceed 32 sf	not to exceed the roof line of the building	3 ft	8 ft above ground or higher;	1 per unit; 2 on corner lots	C, MU, MU-D, LI
Awning & Canopy Sign	20 sf, not to exceed 40% of the total face area; vertical height not to exceed 5 ft	Not to exceed ground floor height	3 ft	8 ft above ground or higher;	1 per unit;	C, MU, MU-D, LI
Free Standing Sign or Monument Sign, commercial, mixed use, and industrial districts	1 sf per each linear ft of building frontage, not to exceed 30 sf; vertical height not to exceed 5 ft	15 ft	n/a	10 feet from Right of Way; placed in a landscaped area of 40 sf or larger;	1 per site, if building setback is larger than 25 ft	C, MU, MU-D, LI
Hanging Sign	6 sf; 3 ft length	n/a	n/a	8 ft above ground or higher; within 2 ft of the front entrance;	1 per unit	R3, C, MU, MU-D, LI
Monument Sign, residential districts	40 sf, vertical height not to exceed 5 ft.	12 ft	n/a	Placed in a landscaped area of 30 sf or larger	1 per 50 dwellings	R-1, R-2, R-3
Address & Building Name	8 sf	n/a	n/a	n/a	1 per address	R3, C, MU, MU-D, LI
Window Sign	10% of window area	n/a	n/a	n/a	n/a	C, MU, MU-D, LI

7.2.3.1. Allowed Materials.

- A. All permitted signs shall be constructed only of the following materials:
 - a. Non-combustible materials
 - b. Fiberboard
 - c. Plywood
 - d. Approved plastics
 - e. Glass
 - f. Wood structure
 - g. Metal structure
 - h. Masonry Structure

7.2.4. Temporary Signs.

- A. A “temporary sign” is any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently. Temporary signs include, but are not limited to real estate signs, garage / yard sale signs, signs announcing events, and political campaign signs.
- B. Temporary signs are allowed without obtaining a permit.
- C. Temporary signs must be removed within twenty-four (24) hours of the event ending.
- D. Temporary signs may not exceed six (6) square feet in area.
- E. Temporary signs must not be located in the public right-of-way, but instead on the property affected. Four (4) additional signs, a maximum of four (4) square feet may be placed off-premises on private property with permission from the property owner.
- F. The height of temporary signs shall not exceed five (5) feet.
- G. Lighting of temporary signs is prohibited.

7.2.5. Murals.

- A. Murals may be allowed on building walls and masonry fences or enclosures upon review by the Planning and Zoning Department.
- B. Murals are subject to the following criteria:
 - a. Any portion of a painted or applied sign containing advertising, commercial messages, or logos shall not be considered a mural but a wall sign.
 - b. The area of a mural shall not be included in the computation of total sign area.
 - c. A mural shall not extend more than six (6) inches from the surface on which it is applied, shall not extend beyond the height of the structure on which it is applied, and shall not include moving or protruding elements.

- d. Murals must be applied in a durable material or paint finish that can withstand five (5) years of regular wear and weathering.

7.2.6. Bulletin Boards.

Bulletin boards limited to twelve (12) square feet in area or less are allowed on public, charitable, or religious institutions.

7.2.7. Prohibited Signs.

All other sign types, including, but not limited to, off-premise commercial signs and projector, animated, or electronic variable message signs are prohibited.

7.2.8. Illumination.

- A. A wall, projecting, hanging, or window sign may be illuminated internally.
- B. All signs may be illuminated externally except that a sign shall not be illuminated both internally and externally.
- C. Illumination shall not be aimed, directed or reflected, focused, or mounted to cause direct light from the luminaire to be directed toward residential uses or adjoining uses, or to create up light, spill light, or glare perceptible to persons operating motor vehicles on public ways.
- D. Illumination of the sign face shall not exceed fifty (50) lumens per square foot and flashing, blinking, or scintillating lights are prohibited.

7.2.9. Abandoned Signs.

- A. An Abandoned sign is one in which the business has moved or changed name or type of business such that the sign information is no longer relevant.
- B. Abandoned signs must be removed within three (3) months after termination of the use.
- C. Failure to comply with such notice will result in the Town of Sunset being authorized to remove the sign at the expense of the building owner, business owner, or lot owner.

7.2.10. Non-conforming Signs.

- A. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, height, location, and/or size shall be considered a legal nonconforming use or structure and shall be permitted to continue as such until such a time as it is either abandoned or removed by its owner.
- B. If an existing nonconforming sign undergoes structural alterations, enlargement, or re-erection, it shall be exempt from complying with

the new ordinance standards only if the alterations will not increase the degree of nonconformity.

7.2.11. Maintenance

- A. Each sign shall be maintained to the same condition as when the final inspection was made. Failure to maintain the sign shall constitute a violation of this section and possible fine as determined by the Planning and Zoning Commission.

7.3. Outdoor Lighting.

- A. Outdoor illumination of any building, seating area, plaza, courtyard, planting, or similar purpose shall not be aimed, directed or reflected, focused, or mounted to cause direct light from the luminaire to be directed toward residential uses, or to create up light, spill light, or glare perceptible to persons operating motor vehicles on public ways.
- B. Lighting levels on the ground within five (5) feet of the property line shall not exceed one (1) foot candle.
- C. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.
- D. Lighting mounted on buildings, fences, or walls shall be no more than seven (7) feet above the ground.
- E. Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and a maximum of 250 watts per fixture.

7.4. Violations

- A. The Town of Sunset shall have the power and authority to make inspections of signs and outdoor lighting at any time.
- B. Violations of any standards set forth in this article shall be guilty of a misdemeanor, and/or given a fine not exceeding \$500.00. Each day any violation of this article shall continue shall constitute a separate offense.
- C. Any resident of the Town of Sunset who believes that a violation is occurring may file a written complaint with the Planning and Zoning Commission. The Planning and Zoning Commission shall record properly such complain, investigate the allegations, and take action on such complaint.

8. UTILITIES

8.1. General

- A. Where the proposed development is connected to an existing development and uses that development's infrastructure, upgrading the existing infrastructure or development of new infrastructure may be required by the Planning and Zoning Commission to protect the health, safety, and welfare of the existing development.
- B. Furthermore, infrastructure improvements which are anticipated to be dedicated to the Town of Sunset may be required by the Planning and Zoning Commission to extend to property lines to accommodate future development.

8.2. Utility Servitudes

- A. A servitude of a minimum of five (5) feet in width shall be provided along each side or rear lot lines as may be necessary for utility purposes.
- B. Servitudes and certain locations within the street rights-of-way shall be designated for subsurface drainage, sanitary sewers, and public facilities, and provisions shall be made for the maintenance and operation thereof. The street right-of-way shall be designated for drainage, sanitary sewers and other public facilities, and provisions shall be made for the maintenance and operation thereof.
- C. Sanitary sewer lines may be located in rear or side lot servitudes as approved by the Sunset Department of Public Works Director.
- D. Electric, gas, cable T.V., and telephone facilities may be located in servitudes at the rear or sides of the lots.

8.3. Street Lighting

- A. Light standards may be located on either side of the street right-of-way or in the median of the boulevard. There shall be one (1) standard at each intersection and the spacing of standards shall not exceed one hundred fifty (150) feet and shall not be less than one hundred (100) feet. Light standards may be functional cobra head or decorative type. Placement, height, style, and lamping of the lighting standards to be dedicated for public benefit are at the discretion of the developer, subject to approval of the Town of Sunset Department of Public Works Director. When a private entity is paying for and maintaining the lights, the spacing may be reduced.
- B. When any part of a wiring installation is to be buried or concealed from view, the person supervising and installing the duct or wiring shall notify the Town of Sunset Department of Public Works, and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the Public Works Director, provided that on such installations, if not approved in advance of concealment,

trenches will remain open and wiring uncovered until further inspection as is necessary has been made.

- C. The following regulations regarding the responsibility for underground streetlight installation, raceways, etc. apply.
 - i. It shall be the responsibility of any person to install or cause to be installed underground street lighting systems in any area where it is deemed necessary to conform to existing street lighting conditions, or, when any person enters into an agreement with local electric utility company providing for rear lot line or underground electric distribution.
 - ii. It shall be the responsibility of the persons to:
 - 1) Furnish copies of plans and specifications for proposed underground street lighting systems including manufacturer spec-sheets and manufacturer and distributor name for proposed street light standards. Discontinued light standards will not be allowed.
 - 2) Provide proposed details of street light locations and wiring with feed points on development plans.
 - 3) Coordinate with the appropriate utility company and have lights connected before dedication to conduct a functional test to be witnessed by Town of Sunset Department of Public Works Director at final inspection.
 - 4) Provide a one-year warranty for street lights. Should lights prove to be defective it is the responsibility of the developer to provide replacement.
- D. The above is to be provided to the Town of Sunset Department of Public Works for approval by the Director prior to starting construction. Plans shall be thoroughly checked for proper standard spacing, standard conformance, and the type of fixture and glassware before approval is given.
- E. Street light standards shall be commercially available and of aluminum, galvanized steel, fiberglass, or reinforced concrete construction of a design acceptable to the Town of Sunset Department of Public Works Director. Standards shall be equipped with a bracket of acceptable construction and size and provide a one and one-fourth-inch slip fitter luminaries mounting not less than twenty-two (22) feet above grade if it extends over the street and such other height as approved by the Town of Sunset Department of Public Works Director. When anchor base standards are used, the size of the standard foundation and the proposal for piling under the foundation will be approved by the Town of Sunset Department of Public Works Director at the time that plans for street lighting are approved.

- F. All underground conductors supplying current for street lighting systems shall be installed in a nonmetallic, watertight raceway. Where these run under streets, the conductor and nonmetallic raceway assembly shall be enclosed in metallic conduit coated and wrapped with a protective coating. The coating shall be a type normally used for protection purposes and shall be applied in accordance with the manufacturer's specifications. All raceways shall have a minimum trade size of one and one-fourth (1¼) inches and shall be buried a minimum of twenty-four (24) inches below grade. Where the raceways enter the base of the light standards, they shall extend up to the hand hole provided for electrical connections above grade near the base of the standard. All nonmetallic raceway installed above grade on the exterior of any pole, light standard, or pedestal shall be enclosed in galvanized metallic conduit extending a minimum of twenty-four (24) inches below grade. All "turns" of raceway or raceway encasement shall have a minimum radius of twenty-four (24) inches.
- G. The installation of all street lighting standards shall be in strict compliance with rules and regulations set forth herein.

8.4. Gas Mains

- A. Within the Town of Sunset, the owner shall provide two (2) inch nominal inside diameter minimum gas mains along the street, with proper valves, which mains shall be buried with a covering of not less than three (3) feet. The gas mains shall be sufficient to service the area to be served in accordance with the specifications of local government. The gas mains shall be laid in accordance with the specifications of local government and shall be inspected and approved by the Town of Sunset Department of Public Works Director before acceptance.
- B. Servitudes for gas mains shall be provided in all proposed subdivisions within the Town of Sunset.

8.5. Sewerage

- A. Waste disposal shall be as required by the state Department of Health and Hospitals or applicable federal agencies in addition to applicable Town of Sunset standards. All subdivisions within the Town of Sunset shall tie into Sunset community sewerage system in compliance with local sewer codes.

8.6. Water Mains

- A. Water mains shall be laid in accordance with the specifications of the Town of Sunset Public Works Department. Final approval by the Planning and Zoning Commission shall not be granted until Public Works Director has granted approval to the constructed water mains.

8.7. Miscellaneous Utility Specifications and Standards

- A. The underground feeder conductors and the grounding conductors shall be aluminum or copper, with type (R.R.-U.S.F.) R.W., or R.H.W. insulation, and shall be of sufficient size so that the voltage drop to the last light standard will not exceed five (5) percent. A minimum of six (6) feet of conductor shall be left extending out of the service head to allow the local utility to make the necessary connections to this system.
- B. All electrical connections shall be made with the use of mechanical connectors approved by the Underwriters' Laboratories, Inc., and shall be made in the junction box at the base of the service pole or in the hand hole at the base of the light standard. No splices or connections shall be made in conduit or raceways. Each connection shall be covered with insulation equal to the insulation of the conductor. All lighting shall be fused at the hand hole of the light and in the feed source.
- C. The service equipment shall be grounded at the utility company's pole to a driven electrode. There shall be run the length of the system an equipment grounding conductor of No. 8 or larger B and S gauge aluminum or copper for grounding all light standards, metallic sections of raceways and other metallic equipment. The equipment grounding conductors shall be an insulated conductor.
- D. Luminaires shall be standard size street lighting luminaires equipped with aluminum head and separated aluminum reflector, with Moguel screw multiple socket and ballast for one hundred (100) watt or two hundred fifty (250) watt high pressure sodium lamp, with IES, open bottom glassware, with automatic latch glassware fastener and with one and one-fourth (1¼) inches slip fitter type head. Suitable automatic controls, approved by the Town of Sunset department of Public Works Director shall be provided and installed for the energizing and de-energizing of individual streetlights. Spacing of lights shall be as defined in [Section 8.1.3: Light Standards](#).

8.8. Streets

8.8.1. General

- A. The Town of Sunset and its duly created legal entities shall have the right to maintain and expand existing streets, sewers, waterlines, electrical lines (owned by the Town of Sunset) and storm drainage facilities within the area designated as public street servitudes or rights-of-way on the subdivision plat or map.

8.8.2. Classification of Streets

- A. Streets shall be classified and designed in accordance with projected street vehicular loading or average daily traffic (ADT). The following table should be used to calculate vehicular traffic on proposed streets and the increased vehicular loading of a proposal subdivision on

existing streets. Streets that will not be completed in their entirety as part of a proposed development, or phase of a development, will be designed to be adequate for the maximum ADT of their classification.

LAND USE TYPE	AVERAGE WEEKDAY TRIP GENERATION RATES TRIPS PER INDICATED MEASURE PER DAY
Residential	Trips Per Indicated Measure Per Day
Single-family detached	10.06
Condominium/townhouse	5.86
Apartments	6.6
Mobile home park	4.81
Retirement community	3.3
Recreational community (camps)	3.16
Commercial	Trips Per 2,000 sq. ft. of Lot
General office (lot size less than 20,000 sq. ft.)	24.39
General office (lot size greater than 20,000 sq. ft.)	16.31
Medical office	34.17
Office park	11.4
Research center	6.09
Retail shopping	94.71
Hotels	19.33
Apartments	8.25
Industrial	Trips per 2,000 sq. ft. of lot
Light industrial	6.97
Heavy industrial	1.5
Warehouse	4.88
Mini-warehouse	2.61

Source: Trip Generation, 7th Edition. ITE.

8.8.3. Street Design Standards

- A. The following street classifications and right-of-way widths shall apply.

- i. Minor street - Minor street shall be designed so that no section of the street conveys an ADT greater than two hundred fifty (250) with the total traffic volume generated by the minor street not exceeding an ADT of five hundred (500). Minor streets shall have a minimum right-of-way of forty (40) feet where subsurface drainage exists, fifty (50) feet where open ditches are used, or an additional right-of-way where the Planning and Zoning Commission deems necessary or where these regulations specify a greater right-of-way width.
- ii. Local street - Local streets shall be designed so that no section of the street conveys an ADT greater than five hundred (500) with the total traffic volume generated or carried by the local street not to exceed an ADT of one thousand (1,000). Local streets shall have a minimum right-of-way of forty (40) feet where subsurface drainage exists, fifty (50) feet where open ditches are used, or an additional right-of-way where the Planning and Zoning Commission deems necessary or where these regulations specify a greater right-of-way width.
- iii. Collector street - Collector streets shall be designed so that the total traffic volume carried by the collector street shall not exceed an ADT of three thousand (3,000). Collector streets shall have a minimum right-of-way of fifty (50) feet where subsurface drainage exists, or sixty (60) feet where open ditches are used, or an additional right-of-way where the Planning and Zoning Commission deems necessary, or where these regulations specify a greater right-of-way width.
- iv. Major street - Major street rights-of-way shall conform to the widths designated on the major thoroughfare plan. Major streets shall be designed to carry the total traffic volume designated on the major thoroughfare plan but not less than an ADT of three thousand (3,000).
- v. Special purpose streets - Some special purpose streets will be designed for a maximum ADT with no calculation made to determine ADT. Alleys would typically be considered a type of these special purpose streets. Alleys or special purpose streets are service streets that will have a width of twenty (20) feet of either curb and gutter or shoulder design that cannot be used to provide primary access. Alleys or special purpose streets shall have a minimum right-of-way of twenty-five (25) feet. Alleys or special purpose streets

shall be designed to discourage through traffic. Alleys or special purpose streets will be designed for an ADT of five hundred (500) with twenty (20) percent of the ADT being trucks with H-20 loading. Alleys or special purpose streets will not be designed to service more than fifty (50) residential lots or twenty-five (25) commercial/industrial lots.

- B. In cases where the subdivision includes or adjoins an existing street having a width of less than the minimum established herein, the Planning and Zoning Commission may require the dedication of additional right-of-way width. Whenever a proposed street and/or extension adjoins an existing dedicated street, the new facility must be integrated in conformity with the existing street alignment and design.
- C. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- D. Cul-de-sacs shall be designed in accordance with A.A.S.H.T.O. Specifications: A Policy on Geometric Design of Highways and Streets, 1984, pages 376 thru 480, which allows nine (9) different types of cul-de-sacs. These permit the designer to fit the cul-de-sac to his plan to achieve optimum configuration. On dead-end streets, except those temporary turnarounds provided for future side streets, the owner shall provide for a vehicle turnaround having a turning circle with an inside radius of not less than thirty-five (35) feet or turning "T" with the top of said "T" being not less than eighty (80) feet wide and extending forty (40) feet on each side of the centerline of the principal street which shall be surfaced in accordance with Town standards. Cul-de-sacs with open centers or islands will be permitted. The maximum distance of six hundred (600) feet will be allowed for the lot corner of the nearest cross street to the beginning of the cul-de-sac turnaround in the Town of Sunset.

8.8.4. Street Names

- A. Proposed street names shall be checked by local 911 Communication District so as to avoid any duplication thereof.

8.8.5. Signs

- A. Street name signs shall be located eight (8) feet above the ground with a minimum height sign of four (4) inches and shall conform to applicable standards.
- B. Traffic control signs shall be installed in accordance with the regulations set forth in the Louisiana Manual On Uniform Traffic Control Devices as required in R.S. 32:235.

8.8.6. Fire Hydrants

- A. Fire hydrants shall have a maximum spacing of five hundred (500) feet on center, and three hundred (300) feet on center in commercial and industrial developments. Fire hydrants should be located as near to block corners as possible. Legal lots of record in a residential development shall have a portion of the lot within two hundred fifty (250) feet of the hydrant and commercial/industrial developments shall have a similar requirement of one hundred fifty (150) feet.
- B. Fire hydrant installations shall be as per the requirements of the Town of Sunset Public Works Department and no subdivision shall be approved until it is confirmed that the hydrant installations meets their requirements.
- C. Subject to case-by-case approval by the Planning and Zoning Commission, dry hydrants may be permitted in accordance with the provisions of the International Building Code and the National Fire Code. The relevant fire district shall certify that the dry hydrant meets the applicable standards.

8.8.7. Structural Standards

- A. Street for residential purposes shall have a minimum six (6) inch thickness of Portland cement concrete with a minimum twenty-eight (28) day compressive strength of four thousand (4,000) psi or an asphaltic concrete pavement of equivalent design. This is a minimum structural design and all streets shall be designed to be adequate for the projected usage of the street, the strength properties of the subgrade supporting the surface, and for a ten (10) year design life. For structural design purposes twenty (20) percent of the projected vehicular usage (ADT) shall be considered to be trucks with H-20 loading.
- B. Streets for commercial and/or light industrial, and industrial purposes shall have a minimum eight (8) inch thickness of Portland cement concrete with a minimum twenty-eight (28) day compressive strength of four thousand (4,000) psi or an asphaltic concrete pavement of equivalent design. This is a minimum structural design and all streets shall be designed to be adequate for the projected usage of the street, the strength properties of the subgrade supporting the surface, and for a ten (10) year design life. For structural design purposes forty (40) percent of the projected vehicular usage (ADT) shall be considered to be trucks with H-20 loading.

8.8.8. Construction Standards

- A. All materials for construction and construction methods shall be in accordance with the latest Louisiana Standard Specifications for Roads and Bridges by the LaDOTD. Details for joint construction in concrete roadways shall comply with the latest LaDOTD Standard Plan (currently standard plan No. CP-01 sheets 1 through 3 of the

1987 version of the LaDOTD Standard Plans or latest version). Starlugs will not be allowed. Structures, i.e., manholes, catch basins, headwalls, etc., shall be in accordance with the latest LaDOTD Standard Plan.

- B. Exceptions to the use of the details and standards for workmanship and materials will only be allowed with written approval by the Town of Sunset Public Works Director. No processed industrial waste may be used in constructing streets in subdivisions.
- C. Two concrete cylinders will be taken for every five (500) hundred linear feet of paving or for each day's pour during the paving operation by the developer, and the developer, at this expense, shall furnish certificates by an independent testing laboratory, acceptable to the Town of Sunset Department of Public Works Director, showing the results of compression tests on such cylinders.

8.8.9. Drainage

- A. Whenever drainage channels are proposed to exist within, or to service, a proposed new subdivision, proposed addendum of an existing subdivision, or additional phase of an existing subdivision, adequate servitudes shall be dedicated on both sides of the faculty for construction improvements and future maintenance.
- B. The widths of the servitudes for ditches not adjacent to a roadway shall be:
 - i. Fifteen (15) feet on both sides of a ditch that is less than four (4) feet in depth and less than eighteen (18) feet in width, plus the width of the ditch.
 - ii. Fifteen (15) feet on one side of the ditch and twenty (20) feet on the other side of the ditch, for ditches greater than four (4) feet in depth or greater than eighteen (18) feet in width, plus the width of the ditch.
- C. An existing ditch adjacent to an existing subdivision may only be enlarged to provide for the additional runoff from a new subdivision, and the addendum or new phase of an existing subdivision when either of the following condition(s) can be met:
 - i. A minimum fifteen (15) foot servitude exists and will continue to exist between the top of the ditch on the existing subdivision lots of record; or
 - ii. In the event that a minimum fifteen-foot servitude does not exist between the top of the ditch on the existing subdivision lots of record, the ditch shall be relocated away from the existing subdivision during the enlargement so as to create the minimum fifteen (15) foot servitude.
- D. Whenever an existing ditch along a property line is to be widened because of a new development, all widening will be on the side to be

developed. The widening shall include providing the necessary land and servitudes for the final ditch to meet the requirements of having the appropriate servitudes on both sides as required by paragraph (2).

- E. No ditch adjacent to a roadway to be dedicated to the Town of Sunset shall be greater than four (4) feet deep and eighteen (18) feet wide measured from the shoulder's edge.
- F. The above requirements are minimum standards and the Town of Sunset Planning and Zoning Commission shall approve all drainage facility layouts, designs and servitudes widths if it deems them necessary. All lots sold along servitudes shall be subject to the servitude.
- G. All drainage systems designs shall conform to the requirements of the Town of Sunset Department of Public Works Director as amended.
- H. All materials for construction and construction methods shall be in accordance with the latest Louisiana Standard Specifications for Roads and Bridges by the LaDOTD. Details of construction for drainage structures, i.e., manholes, catch basins; headwalls, etc., shall be in accordance with the latest LaDOTD Standard Plan.

8.8.10. Blocks

- A. Blocks shall be no greater than six hundred (600) feet in length in the Town of Sunset. Block length will be determined by actual lot street frontages, not the centerline to centerline distance between cross streets.

8.8.11. Cross Streets.

- A. Cross streets are intended for the continued development between properties and while they do provide access to adjoining property no more than one lot may be created at the end of a stub out cross street.

8.8.12. Benchmarks

- A. For subdivisions with newly constructed concrete streets, the vertical reference monument shall be a brass or aluminum disk located in the street near the centerline of each road intersection and set flush with the road surface during construction. The brass or aluminum disk shall be stamped with the elevation and date set. For subdivisions other than those with newly constructed concrete streets, permanent benchmarks shall be concrete or steel pipe filled with concrete and a minimum of four (4) inches square or four (4) inches in diameter with a brass or aluminum disk embedded in the top. The disk shall have the elevation and date set in the top, and shall be placed within the public rights-of-way, but not more than two (2) feet from any property line measuring perpendicular to the property line that

parallels the right-of-way. Final survey plat shall record the location, three-point tie, datum, date, and elevation of the referenced public set benchmark.

8.9. Sidewalks

8.9.1. General

- A. Sidewalks are required to be constructed in conjunction with the issuance of building permits for new construction or substantial improvements in all new residential subdivision developments, in all new commercial subdivisions, and in front of lots in existing subdivisions where segments of existing sidewalks currently exist.
- B. Plans for the installation of sidewalks meeting the minimum standards of this section shall be required to be submitted to the *Planning and Zoning Administrator*, and approved by the *Town of Sunset Department of Public Works Director* and included in the permit fee.

8.9.2. Sidewalk Design Standards

- A. When provided for public use, sidewalks shall be placed within the street right-of-way and parallel the street. Where sidewalks abut the curb they shall be a minimum of six (6) feet in width. Where sidewalks are separated from a street curb they shall be minimum of four (5) feet in width. Sidewalks shall be constructed of Portland cement concrete with a compressive strength of a minimum three thousand (3,000) psi compressive strength within twenty-eight (28) days of placement. Sidewalks shall be a minimum of four (4) inches in thickness, except at points of vehicular crossing they shall be at least six (6) inches thick reinforced with welded wire fabric.
- B. Sidewalks are also allowed to be constructed of pervious concrete or pervious pavers.
- C. All sidewalks must be constructed in compliance with the latest edition of the ADA Accessibility Guidelines as well as the most current fire and building codes.

8.9.3. Responsibility

- A. The owner(s) of land abutting any street located within the town limits of the Town of Sunset shall be responsible for constructing, reconstructing, maintaining, and repairing the sidewalks, curbs, driveways abutting or immediately adjacent to said land.

9. COMMON OPEN SPACE

9.1. Generally.

9.1.1. Purpose and Intent.

The purpose of public open space is to preserve and enhance public natural open spaces, and improved park and recreational areas for the Town of Sunset, and thus ensure the allocation of sufficient outdoor recreational spaces, the provision of pedestrian and bicycle facilities, and the protection of sensitive environments.

9.1.2. Applicability

Open Space requirements are applicable to the following development types.

- A. New development and substantial rehabilitation of existing Commercial, Multi-Family, and Mixed-Use development on sites larger than fifteen thousand (15,000) square feet.
- B. Planned Unit Developments (PUD's)
- C. New subdivision for residential use which result in more than 6 lots or cover more than one (1) acre of land.

9.2. Common Open Space Standards

9.2.1. Size Requirements for Total Common Open Space.

TOTAL COMMON OPEN SPACE REQUIRED	
Type of Development	Minimum Total Open Space Required
New development or substantial rehabilitation, Multi-Family	20%
New development or substantial rehabilitation, Commercial	15%
New development or substantial rehabilitation, Mixed-Use	20%
Planned Unit Development	20%
Subdivision, more than 6 lots or more than 1 acre of land for residential use.	20%

9.2.2. Share Requirements for Common Open Space Elements.

- A. Green space, such as easily accessible parks, must account for at least fifty percent (50%) of the common open space.
- B. Ponds and lakes, including stormwater management features, may be included as part of the common open space requirement provided a minimum twenty percent (20%) of the abutting shoreline or three-hundred (300) feet of frontage, whichever is greater, is made accessible for the common use of the development.
- C. Stormwater dry detention basins may not exceed twenty-five percent (25%) of the common open space.
- D. Hard surface areas, such as recreational courts and pedestrian plazas, may account for up to twenty-five percent (25%) of the common open space.
- E. Natural wetlands should not exceed fifty percent (50%) of common open space.
- F. Trees along thoroughfares and located within designated planting common areas or planting servitudes and located within a street right-of-way may only constitute twenty-five percent (25%) of the common open space.

9.2.3. Restrictions.

Common Open Space shall not include the following.

- A. Building setbacks.
- B. Playfield setbacks.
- C. Green common open space within vehicle use areas including parking lots, roads, and driveways.
- D. Required yards which are not accessible for the common use of the development; this includes utility with above ground improvements or road easements/servitudes, or paved lakes, pond, bayous, streams, or creeks.
- E. Structures, unless a part of the open space, such as gazebos.
- F. Drainage ditches or canals.
- G. Areas reserved for the exclusive use and benefit of an individual tenant or owner.

9.2.4. Common Open Space Design Standards

- A. The minimum width of any required open space is thirty (30) feet. Exceptions may be granted for trail easements, mid-block crossings, and linear parks. This is subject to review by the Planning and Zoning Commission.

- B. Access to the open space must be provided either by an abutting street or easement. Such easement cannot be less than twenty (20) feet wide.
- C. The amount of common open space required is based on the total acreage of the proposed development.
- D. Land areas proposed for common open space must be integrated within the entire development.
- E. Trails must be designed and constructed according to trail design guidelines recommended by the National Trails Training Partnership, be in compliance with ADA requirements, connect well to existing sidewalk and bicycle networks of the Town, and be designed to minimize disturbances on the natural environment and open spaces.

9.3. Maintenance and Liability.

- A. The Town of Sunset will accept maintenance and liability, similar to its responsibilities for publicly owned park property, for a common open space if the *Planning and Zoning Department* finds all of the following.
 - i. The applicant requests that the Town assume the responsibilities;
 - ii. The common open space lies within an easement or right-of-way granted to the Town for public recreation purposes;
 - iii. If the applicant desires to use a private security force to patrol the common open space, the owner has signed an agreement holding the Town harmless from all claims, suits, or actions of any nature, caused or arising out of the actions of the private security force, its subcontractors, agents, or employees.
- B. The applicant retains maintenance and liability responsibilities unless these responsibilities are accepted by the Town. Where the applicant retains maintenance and liability responsibilities, the common open space must be maintained at a level at least equal to common open spaces maintained by the Town.

9.4. Variances and Exemptions.

- A. No variances or Exemptions of open space requirements which result in a reduction of the minimum Common Open Space requirements shall be allowed.

10. FLOOD HAZARD MITIGATION

10.1. General

10.1.1. Statutory Authorization

A. The Legislature of the State of Louisiana has in statute LA R.S. 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town of Sunset does ordain as follows.

10.1.2. Purpose and Intent

A. The purpose of this Section shall be to apply special regulations to the use of land in areas that are subject to frequent and severe flooding determined by proper authority. The intent is to permit reasonable economic use of such land while helping to protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by the occupancy of such flood areas.

10.1.3. Abrogation and greater restriction.

A. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.1.4. Methods of Reducing Flood Losses

A. The following methods shall support the Town of Sunset to accomplish the purposes of this Section.

- i. Restriction or prohibition of uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- ii. Establishment of regulations that protect uses vulnerable to floods, including facilities which serve such uses, against flood damage at the time of initial construction;
- iii. Control of the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- iv. Control of filling, grading, dredging and other development which may increase flood damage;
- v. Prevention or regulation of construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

10.1.5. Applicability

- A. The chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Sunset as identified by the Federal Emergency Management Agency as 100-year floodplain.

10.1.6. Establishment of Development Permit

- A. A floodplain development permit shall be required for all new development and redevelopment located completely or partly in areas of special flood hazard, to ensure conformance with the provisions of this chapter.
- B. Applications shall be filed with the administrator as set forth in *Section 11: Procedures*

10.1.7. Compliance

- A. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Section.

10.1.8. Warning and Disclaimer or Liability

- A. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

10.1.9. Severability

- A. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

10.1.10. Penalties for Noncompliance

- A. Violation of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.
- B. Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than

five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Sunset from taking such other lawful action as is necessary to prevent or remedy any violation.

10.2. Floodplain Standards

10.2.1. Standards for New Construction and Substantial Improvements

- A. In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements.
- i. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - ii. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - iii. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 - iv. All new construction or substantial improvements as defined by FEMA shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - v. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - vi. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
 - vii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. In all Special Flood Hazard Areas (SFHA) where base flood elevation data has been provided the following provisions are required:

- i. All new construction and substantial improvement shall have the lowest floor (including basement), elevated to be one (1) foot above the base flood elevation on stilts. The room between the ground and the elevated structure shall not be filled. A registered professional engineer, architect, or land surveyor, licensed by the State of Louisiana, shall submit a certification to the Administrator that the standard of this subsection as proposed is satisfied.
- ii. A professional engineer or architect, licensed by the State of Louisiana, shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this *Subsection 10.2: Floodplain Standards*. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Administrator.

10.2.2. Standards for Subdivision Proposals

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with provisions of *Section 13: Subdivision Regulations*.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements as set forth in *Section 11.3.8: Floodplain Development Permit*.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

11. PERMITS AND PROCEDURES

11.1. When Required

- A. Applications must be filed for the following permits, zoning changes, and amendments as set forth in *Section 11.3: Permit Procedures*.
- i. Zoning Permit
 - ii. Variance
 - iii. Minor Site Plan
 - iv. Major Site Plan
 - v. Special Use Permit
 - vi. Planned Unit Development (PUD)
 - vii. Floodplain Development Permit
 - viii. Sign Permit
 - ix. Zoning Map Amendment
 - x. Text Amendment
 - xi. Major Subdivision
 - xii. Minor Subdivision
- B. In addition to the major development activities listed above a permit is required for the following development/building activities in the Town of Sunset.
- i. Building Permit
 - ii. Demolition Permit
 - iii. Drainage and Driveway Permit
 - iv. Electrical Permit
 - v. Fence Permit
 - vi. Lot and Land Clearing Permit
 - vii. Grading Permit (May be obtained with Clearing Permit if presented on Clearing Plan)
 - viii. Mechanical Permit
 - ix. Mobile Home Permit
 - x. Move A Building Permit
 - xi. Noise Variance (Long Term)
 - xii. Noise Variance (Temporary)
 - xiii. Pave Public Right of Way Permit
 - xiv. Plumbing Permit
 - xv. Portable Building Permit
 - xvi. Use Of Public Sidewalk Permit
 - xvii. Swimming Pool Permit
 - xviii. Temporary Trailer Permit
 - xix. Use of Public Right of Way Permit

- C. A permit for all development activities listed above is contingent on verification that the Use, Structure, Site, and Lots of Record are in compliance with [Section 3.4.2: Nonconforming Uses](#).

11.2. Common Review Procedures

11.2.1. General

- A. The following requirements are common to many of the following procedures, and apply to applications submitted under this section. Additional details may be included in the specific procedure.

11.2.1.1. Pre-Application Meeting

- A. A Pre-Application Meeting with the Administrator must be conducted to discuss the procedures, standards, and regulations required for approval before submitting an application for the following types of review.

- i. Major Subdivision
- ii. Minor Subdivision
- iii. Major Site Plan Review
- iv. Special Use Permit
- v. Zoning Map Amendment
- vi. Planned Unit Development (PUD)
- vii. Text Amendment

11.2.1.2. Application Initiation.

- A. The owner or his legal representative may file applications for all permits.
- B. The Planning and Zoning Commission may file an application for the following.
 - i. Zoning Map Amendment
 - ii. Text Amendment
- C. The Town of Sunset may file an application for the following.
 - i. Zoning Map Amendment
 - ii. Text Amendment

11.2.1.3. Application Forms

- A. Applications, containing all information requested must be submitted on forms and in such numbers as required by the Administrator.
- B. Applications shall be complete and sufficient for processing before the Administrator is required to review the application.
- C. The Administrator may require the submission of information additional to that listed on the form, if determined as necessary to decide whether or not

the development as proposed will comply with all of the requirements of this zoning code.

- D. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.

11.2.1.4. Concurrent Applications

- A. Applications may be filed and reviewed concurrently, at the option of the applicant.
- B. Applications submitted concurrently are subject to approval of all other related applications; denial of any concurrently submitted application shall stop consideration of any related applications until the denied application is resolved.

11.2.1.5. Modification of Application

- A. An application may be modified at the applicant's request following approval of the Administrator. Any modification after a hearing but prior to a final decision shall require a new hearing and associated notice.

11.2.1.6. Fees

- A. Filing fees are established from time to time by the Town of Sunset in an ordinance or resolution designed to defray the cost of processing the application. Prior to review of an application, all associated fees must be paid in full. Where the Town of Sunset Town Council or the Planning and Zoning Commission initiates an application, no fees shall be required.

11.2.2. Public Notice and Hearings

11.2.2.1. Public Notice Required

- A. Public notice is required for the following.
 - i. Variance
 - ii. Subdivision: Minor Plat
 - iii. Subdivision Major Plat
 - iv. Special Use Permit
 - v. Zoning Map Amendment
 - vi. Planned Unit Development (PUD)
 - vii. Text Amendment

11.2.2.2. Written Notice of Public Hearing

- A. Written notice of the public hearing is required for all permits that require a public hearing, except for a text amendment
- B. At least ten (10) days prior to the hearing, a good faith attempt to notify the owner of record of all adjacent property shall be made by sending an official notice by regular U.S. mail of the time, place, and subject matter of the hearing. Where more than ten (10) parcels are to be initially zoned or rezoned, no written notice is required.

11.2.2.3. Posted Notice of Public Hearing

- A. Posted notice of the public hearing is required for all permits that require a public hearing, except subdivision permits.
- B. Notice shall be posted for at least fifteen (15) days prior to the hearing. A posted notice shall be in number, size, location, and content as prescribed by the Administrator and shall indicate the time and place of the public hearing and any other information prescribed by the Administrator.

11.2.2.4. Published Notice of Public Hearing

- A. Published notice of the public hearing is required for all permits that require a public hearing, except Variances.
- B. Notice of the time and place of a public hearing shall be published once a week in three different weeks in the official journal, if designated, or a newspaper of general circulation in the area. The first notice shall be published at least fifteen (15) days prior to the hearing.

11.3. PERMIT PROCEDURES

11.3.1. Zoning Permit



11.3.1.1. When Required

- A. A zoning permit is required for the following.
 - i. Change in use.
 - ii. Building permits that do not require site plan review.

- iii. Temporary uses.
- iv. Sign permits.
- B. It shall be unlawful to begin moving, constructing, altering or repairing (except ordinary repairs) any building or other structure on a site, including an accessory structure, until a zoning permit has been issued.
- C. It shall be unlawful to change the use of land or the occupancy of any building until a zoning permit has been issued for the intended use.
- D. No certificate of occupancy may be issued without a properly issued zoning permit.

11.3.1.2. Application and Fees

- A. All applications for zoning permit review shall be filed in writing with the Administrator as set forth in *Section 11.2: Common Review Procedures*.
- B. Application shall be made prior to or concurrent with the application for a building permit.

11.3.1.3. Review Criteria

- A. In deciding to approve, approve with conditions, or deny the proposed zoning permit, the Administrator shall consider relevant comments of all interested parties.
- B. The decision of the Administrator must be consistent with prior decisions.
- C. The proposed development must meet the requirements of this zoning code. The Administrator may attach any condition to the permit necessary to ensure compliance with the standards of this zoning code.
- D. The proposed development is consistent with the goals stated in the Town of Sunset Comprehensive Plan and any other adopted plans.

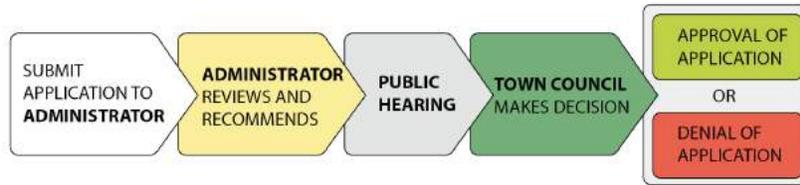
11.3.1.4. Appeal

- A. Recourse from the decisions shall be filed to the Town Council.

11.3.1.5. Expiration

- A. A zoning permit expires after six months if a building permit application has not been filed.

11.3.2. Variance



11.3.2.1. When Allowed

- A. The Town Council shall have the authority to authorize such variances from the terms of this zoning code, subject to terms and conditions fixed by the Commission, as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this zoning code will result in practical difficulties or unnecessary hardship.

11.3.2.2. Application

- A. All applications for administrative review shall be filed in writing with the Administrator as set forth in [Section 11.2: Common Review Procedures](#).

11.3.2.3. Review by Administrator

- A. The Administrator may refer the application to other affected or interested agencies for review and comment.

11.3.2.4. Public Hearing and Decision by the Town Council

- A. Following notice and a public hearing as required in [Section 11.2: Common Review Procedures](#), the Town Council shall approve, approve with conditions, or deny the variance request based on the recommendation of the Administrator and the review criteria below.
- B. The Town Council may attach any condition to the permit necessary to protect the health, safety, and welfare of the community and minimize adverse impacts on adjacent properties.

11.3.2.5. Review Criteria

- A. No variance shall be authorized unless the Town Council finds that all of the following conditions exist.
- B. The variance will not authorize a use other than those uses allowed in the district.

- C. Due to exceptional and extraordinary circumstances, literal enforcement of the provisions of this zoning code will result in practical difficulties or unnecessary hardship.
- D. The exceptional and extraordinary circumstances were not created by the owner of the property or the applicant and are not due to or the result of general conditions in the district in which the property is located.
- E. The practical difficulties or unnecessary hardship are not solely financial.
- F. The variance will not substantially or permanently injure the allowed uses of adjacent conforming property.
- G. The variance will not adversely affect the public health, safety or welfare.

11.3.2.6. Appeal

- A. A final decision by the Town Council on a variance may be appealed to the District Court, as provided by law.

11.3.2.7. Expiration

- A. A variance runs with the land and does not expire unless an expiration date is assigned as a condition by the Planning and Zoning Commission.

11.3.3. Minor Site Plan Review



11.3.3.1. When Required

- A. Minor site plan review by the Administrator is required for:
 - i. Construction or expansion of up to five-thousand (5,000) square feet of Town House, Apartment, Mixed Use, or Industrial building types.
 - ii. Construction of more than two, but less than ten (10), residential units on a platted lot of record.
 - iii. Creation of more than three-hundred (300) square feet of additional impervious surface (paving).
 - iv. Construction of accessory structures in nonresidential districts.

11.3.3.2. Application and Fees

A. All applications for site plan review shall be filed in writing with the Administrator as set forth in *Section 11.2: Common Review Procedures*.

11.3.3.3. Review by Administrator

- A. The Administrator may refer the application to other affected or interested agencies for review and comment.
- B. The Administrator shall provide notice as set out in *Section 11.2: Common Review Procedures*.

11.3.3.4. Minor Site Plan Decision by Administrator.

- A. In deciding to approve, approve with conditions or deny the proposed minor site plan, the Administrator shall consider relevant comments of all interested parties and the review criteria below.
- B. The Administrator may attach any condition to the site plan necessary to ensure the site plan meets the requirements of the zoning code.

11.3.4. Major Site Plan



11.3.4.1. When Required.

- A. Major site plan review by the Planning and Zoning Commission is required for:
 - i. Construction of ten (10) or more residential units on a platted lot of record.
 - ii. Construction or expansion of five-thousand (5,000) or more square feet of Town House, Apartment, Mixed Use, or Industrial building types.

11.3.4.2. Application and Fees.

- A. A pre-application conference is required for a major site plan.
- B. All applications for site plan review shall be filed in writing with the Administrator as set forth in *Section 11.2: Common Review Procedures*.

11.3.4.3. Review by Administrator.

- A. The Administrator may refer the application to other affected or interested agencies for review and comment.
- B. The Administrator shall provide notice as set out in *Section 11.2: Common Review Procedures*.
- C. The Administrator shall recommend approval, approval with conditions, or denial of a Major Site Plan to the Planning and Zoning Commission

11.3.4.4. Major Site Plan Decision by Planning and Zoning Commission

- A. The Planning and Zoning Commission shall approve or deny the major site plan.
- B. In deciding, the Planning and Zoning Commission shall consider the recommendation of the Administrator, relevant comments of all interested parties and the following review criteria.
 - i. The proposed development is consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans.
 - ii. The proposed development meets the requirements of this zoning code;
 - iii. The site plan demonstrates compliance with any prior approvals.
- C. The Planning and Zoning Commission may attach any condition to the site plan necessary to ensure the site plan meets the requirements of the zoning code.

11.3.4.5. Building Permit

- A. No building permit shall be issued for any development requiring a site plan until the site plan has been approved.

11.3.4.6. Dedication and Improvements

- A. In developing property requiring a site plan under this zoning code, the applicant must dedicate any additional right-of-way necessary for streets adjoining the property, install curbs and gutters, and pave all streets adjoining the property, and install sidewalks and street trees, all based on the requirements as set forth in *Section 8.9: Sidewalks, Section 6: Planting & Stormwater Management, and Section 13: Subdivision Regulations*.
- B. The applicant shall bear the costs of installation of any on-site or off-site improvements required by this zoning code, including provisions for stormwater management, paving, and utilities.

11.3.4.7. Improvement Guarantee

- A. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of site improvements.
- B. A bond shall be required guaranteeing all on-site and off-site improvements. The bond shall be in an amount equal to one-hundred-twenty-five (125) percent of the improvement cost estimate, and in a form approved by the St. Landry Parish District Attorney.
- C. As each phase of improvements is installed and inspected by the Town of Sunset the bond may be reduced by the cost of the installed improvements.

11.3.4.8. Modification of Approved Site Plan

- A. The Administrator is authorized to approve minor modifications to an approved site plan. The following modifications shall be considered minor.
 - i. Up to a ten (10) percent increase or any decrease in gross floor area of a single building if consistent with the requirements of the applicable zoning district as set forth in *Section 3: Zoning Districts*.
 - ii. Up to a ten (10) percent reduction or any increase in the approved setbacks from exterior property lines if consistent with the requirements of the applicable zoning district as set forth in *Section 3: Zoning Districts*.
 - iii. Relocation of parking areas, internal streets or structures where such relocation occurs more than one-hundred (100) feet from exterior property lines, if consistent with the requirements of the applicable zoning district as set forth in *Section 3: Zoning Districts*, and the requirements of *Section 13: Subdivision Regulations*.
- B. All modifications not listed as minor below shall be considered by the body that approved original site plan.

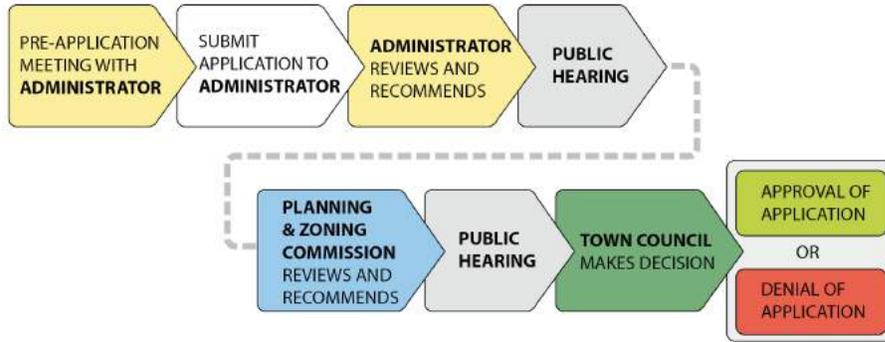
11.3.4.9. Appeal

- A. A final decision by the Administrator on a minor site plan may be appealed to Town Council.
- B. A final decision by the Planning and Zoning Commission on a major site plan may be appealed to the Town Council.

11.3.4.10. Expiration

- A. A site plan expires after one (1) year if a building permit application has not been filed.

11.3.5. Special Use Permit



11.3.5.1. When Required

- A. A special use permit is required for any conditionally permitted use, as set forth in [Section 3.3.2.3: Conditional Uses](#)

11.3.5.2. Application and Fees

- A. A pre-application conference with the Administrator is required.
- B. All applications for a special use permit shall be filed in writing with the Administrator as set forth in [Section 11.2: Common Review Procedures](#).

11.3.5.3. Review by Administrator

- A. The Administrator may refer the application to other affected or interested agencies for review and comment.
- B. The Administrator shall provide notice as set out in [Section 11.2: Common Review Procedures](#).
- C. The Administrator shall recommend approval, approval with conditions, or denial of the Special Use Permit.

11.3.5.4. Review by Planning and Zoning Commission, Public Hearing, and Decision by Town Council

- A. Following notice and a public hearing as required in [Section 11.2: Common Review Procedures](#), the Planning and Zoning Commission shall recommend approval or denial of the zoning map amendment.
- B. Following notice and a public hearing as required in [Section 11.2: Common Review Procedures](#), the Town Council shall approve, approve with conditions or deny the special use permit.
- C. The Planning and Zoning Commission and the Town Council shall consider the recommendation of the Administrator, relevant comments of all interested parties and the following review criteria when recommending and deciding.

- i. The proposed special use permit is consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans;
 - ii. The proposed development meets the requirements of this zoning code;
 - iii. The proposed special use permit will reinforce the existing or planned character of the neighborhood;
 - iv. The special use permit complies with any specific use standards as set forth in *Section 4: Use Standards*
 - v. The special use permit will not substantially or permanently injure the appropriate use of adjacent conforming properties.
- D. The Town Council may attach any condition to the site plan necessary to protect the health, safety, and welfare of the Town of Sunset and minimize adverse impacts on adjacent properties.

11.3.5.5. Effect of Denial

- A. The denial of a special use permit application shall ban the subsequent application for the same or similar use for a period of twelve (12) months.

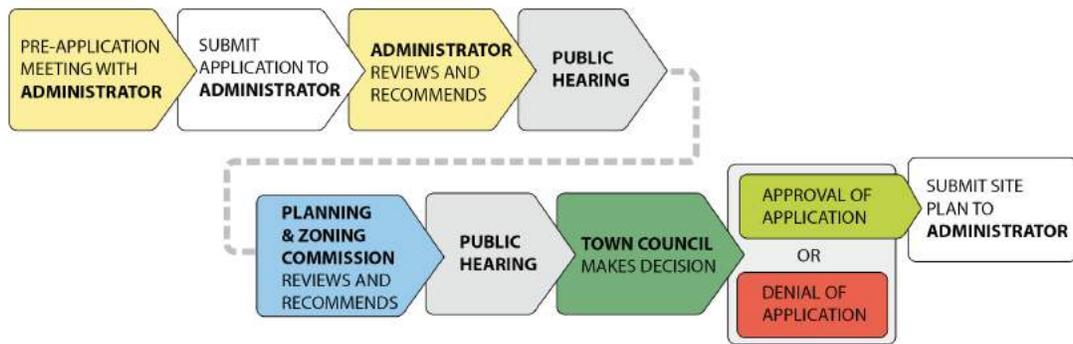
11.3.5.6. Expiration

- A. A special use permit shall expire after one (1) year if a building permit application has not been filed. Once the use is constructed, the special use permit runs with the land and does not expire.

11.3.5.7. Revocation of Special Use Permit

- A. If any conditions of a special use permit or other requirements of this zoning code are violated, the special use permit may be revoked by the Town Council.

11.3.6. Planned Unit Development (PUD)



- A. A Planned Development is a zoning district that allows for deviation from the standards of this zoning code in exchange for higher quality development. A PUD is intended for projects that demonstrate a higher quality of site design that is more sensitive to the existing context, both built and natural, than is possible under other available zoning districts.
- B. The following criteria represents the objectives of the PUD district.
- i. The proposed development is consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans;
 - ii. The proposed development meets the standards of this CZO, including, but not limited to requirements for open space as set forth in *Section 10: Open Space and Section 10: Flood Hazard Mitigation*.
 - iii. The site is appropriate for the proposed development.
 - iv. The proposed development demonstrates a higher quality of site design that is more sensitive to the existing context, both built and natural, than is possible under other available zoning districts.
 - v. The proposed development provides efficient and effective traffic circulation, both within and adjacent to the development site and generally improves neighborhood walkability and bikeability.
 - vi. Public facilities and services including but not limited to schools, roads, recreation facilities, wastewater treatment, water supply, and stormwater facilities are adequate for the development allowed in the proposed PUD.
 - vii. The proposed development offers a diversification in the uses permitted and variation in the relationship of uses, open space, and the setbacks in developments intended as cohesive, unified projects.
 - viii. The proposed development creates a safe and desirable living environment for residential areas characterized by a unified building and site development program. An architectural variety of housing compatible with surrounding neighborhoods provides a greater choice of types of living units.
 - ix. The proposed development provides environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property. Natural features of a development site such as ponds, lakes, creeks, streams, wetlands, animal habitats, etc. are preserved.
 - x. The proposed PUD will reinforce the existing or planned character of the neighborhood;

- xi. The PUD will not substantially or permanently injure the appropriate use of adjacent conforming properties.

11.3.6.2. Components of PUD Approval

- A. A PUD approval consists of two separate steps:
 - i. Approval of a rezoning and concept plan by the Town Council.
 - ii. Approval of subsequent subdivision plats and site plans consistent with the PUD concept plan.

11.3.6.3. Application and Fees

- A. A pre-application conference with the Administrator is required.
- B. All applications for a PUD shall be filed in writing with the Administrator as set forth in *Section 11.2: Common Review Procedures*.
- C. The application shall include the following additional materials.
 - i. A narrative explaining and tabulating the land uses by net acre, number of dwelling units by housing type, residential density, and square footage of non-residential uses per net acre, open space acreage, the relationship of the proposed development to existing development in the area, and other related development features.
 - ii. A concept plan establishing the following aspects of the proposed PUD:
 - 1) The location of all street and alley types, major utilities, access to existing streets, and conceptual drainage plan;
 - 2) The perimeter and block face length of all blocks;
 - 3) The layout and size of all lots with anticipated land use and building types; and
 - 4) The location and type of any open space.
 - 5) A specific list of all requested deviations from the provisions of this zoning code.
- D. The applicant may provide concurrent applications for site plan or subdivision review.

11.3.6.4. Rezoning and Concept Plan Review by Administrator

- A. The Administrator may refer the application to other affected or interested agencies for review and comment.
- B. The Administrator shall provide notice as set out in *Section 11.2: Common Review Procedures*.
- C. The Administrator shall recommend approval, approval with conditions, or denial of the PUD rezoning and concept plan.

11.3.6.5. Rezoning and Concept Plan Review by Planning and Zoning Commission, Public Hearing, and Decision by Town Council

- A. Following notice and a public hearing as required in *Section 11.2: Common Review Procedures*, the Planning and Zoning Commission shall recommend approval, approval with conditions, or denial of the PUD rezoning and concept plan.
- B. Following notice and a public hearing as required in *Section 11.2: Common Review Procedures*, the Town Council shall approve, approve with conditions, or deny the PUD rezoning and concept plan.
- C. The Planning and Zoning Commission and the Town Council shall review and consider the recommendation of the Administrator, relevant comments of all interested parties, and the following aspects when recommending and deciding.
 - i. Conformity with the objectives of the PUD District as stated in this Section.
 - ii. Comparison with the regulations and standards of the existing zoning district where the proposed site is located.
 - iii. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
 - iv. Potentially unfavorable effects or impacts on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed these which reasonably may result from use of the site by a permitted use.
 - v. Possible modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
 - vi. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.
 - vii. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
 - viii. Location, lighting, and type of signs.
 - ix. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.

- x. Compatibility of the proposed use and site development, together with any modifications applicable thereto, with existing or permitted uses in the vicinity.
 - xi. That any conditions applicable to approval are the minimum necessary to minimize unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
 - xii. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or community aesthetics, or materially injurious to properties or improvements in the vicinity.
- D. In case of a protest duly signed and acknowledged by the owners of 20 percent or more either of the areas of land (exclusive of streets and alleys) included in a proposed change or within an area determined by lines drawn parallel to and two-hundred (200) feet distant from the boundaries of the district proposed to be changed, the rezoning shall not become effective except by the favorable vote of a majority of the members of the entire Town Council.

11.3.6.6. Allowed Deviations.

- A. Unless otherwise expressly approved by the Town Council as part of the approved rezoning and concept plan, all Planned Unit Developments shall be subject to all applicable standards of this zoning code. In order to approve modifications of otherwise applicable standards, the Town Council must find that:
- i. Requested deviations from applicable building type standards, permitted uses, or other development standards that otherwise would apply are justified by the compensating benefits of the planned development; and
 - ii. The requested deviations do not detract from the established character or form of any surrounding conforming properties.

11.3.6.7. Conditions of Approval.

- A. The Planning and Zoning Commission may recommend, and the Town Council may establish conditions of approval. Conditions may include, but shall not be limited to:
- i. Requirements for special yards, open spaces, buffers, fences, walls, and screening;
 - ii. Requirements for installation and maintenance of landscaping and erosion control measures;
 - iii. Requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation;
 - iv. Regulation of signs;

- v. Regulation of hours or other characteristics of operation;
- vi. Requirements for maintenance of landscaping and other improvements;
- vii. Establishment of development schedules or time limits for performance or completion; and
- viii. Such other conditions as the Planning and Zoning Commission or Town Council may deem necessary to insure compatibility with surrounding uses to preserve the public health, safety, and welfare, and to enable the Planning and Zoning Commission to make the findings required by the preceding section.

11.3.6.8. Amendments.

- A. Major amendments to the PUD shall require the developer to submit revised plans to the Planning Department/DPW. Upon review of the proposed amendments to the PUD by the Administrator, a public hearing shall be established for the review of the changes by the Planning and Zoning Commission. The Planning and Zoning Commission shall have the authority to review and approve all major changes to the PUD. The developer shall pay any additional fees for procurement of the proposed changes to the PUD. The additional fees shall be determined by the Planning Department/DPW upon initial review of the proposed amendments. Major changes to the plan include, but are not limited to, the following:
 - i. The use of the land;
 - ii. The use, bulk, and location of significant buildings and structures;
 - iii. The quantity, quality, and location of open spaces; and
 - iv. Intensity of use and/or an increase in density.
- B. Minor amendments to the PUD shall be construed as all other changes not considered major amendments. Minor amendments change shall be submitted for review by the Planning Department/DPW and may be put into effect only after a letter of no objection is filed and submitted from the Planning Department/DPW to the chairman of the Planning and Zoning Commission.

11.3.6.9. Fees.

- A. The schedule of fees for a PUD application shall be established by the Town Council. This schedule of fees shall be available from the Town of Sunset Administrator/DPW and may be altered or amended only by the Town Council.

11.3.6.10. Action Following Approval.

- A. Approval of a PUD rezoning and concept authorizes the submission of subdivision plats and site plans consistent with the PUD approval.

- B. Modification of Adopted Concept Plan
- C. The Administrator is authorized to approve minor modifications to an approved concept plan. The following modifications shall be considered minor:
 - i. Up to a ten (10) percent increase or any decrease in gross floor area of a single building.
 - ii. Up to a ten (10) percent reduction or any increase in the approved setbacks from exterior property lines.
 - iii. Relocation of parking areas, internal streets or structures where such relocation occurs more than one-hundred (100) feet from exterior property lines and is consistent with the regulations set forth in [Section 3: Zoning Districts and Section 13: Subdivision Regulations](#).

11.3.6.11. Effect of Denial.

- A. The denial of a PUD application shall ban the subsequent application for the same or similar use for a period of twelve (12) months.

11.3.6.12. Expiration.

- A. A PUD rezoning does not expire. A PUD concept plan expires after two years if no preliminary plat, site plan or building permit has been filed. A two-year extension may be granted by the Town Council.

11.3.7. Floodplain Development Permit



11.3.7.1. When Required

- A. A floodplain development permit is required for all development in areas identified by the Federal Emergency Management Agency as 100-year floodplain within the jurisdiction of the Town of Sunset.
- B. It shall be unlawful to begin moving, constructing, altering or repairing (except ordinary repairs) any building or other structure on a site, including an accessory structure, until a floodplain development permit has been issued.
- C. It shall be unlawful to change the use of land or the occupancy of any building until a floodplain development permit has been issued for the intended use.

- D. No certificate of occupancy may be issued without a properly issued floodplain development permit

11.3.7.2. Application and Fees

- A. An application for a Floodplain Development Permit shall be filed in writing with the Administrator as set forth in *Section 11.2: Common Review Procedures*.
- B. Applications shall include the following.
 - i. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
 - ii. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - iii. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - iv. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of *Section 10.2: Floodplain Standards*
 - v. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

11.3.9.1. Review Criteria

- A. In deciding to approve, approve with conditions or deny the proposed floodplain development permit, the Administrator shall consider the following relevant factors.
 - i. The compliance of the proposed development with the provisions of *Section 10: Flood Hazard Mitigation*.
 - ii. The danger to life and property due to flooding or erosion damage.
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - iv. The danger that materials may be swept onto other lands to the injury of others.
 - v. The compatibility of the proposed use with existing and anticipated development.
 - vi. The safety of access to the property in times of flood for ordinary

and emergency vehicles.

- vii. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
- viii. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site.
- ix. The necessity to the facility of a waterfront location, where applicable.
- x. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

11.3.9.2. Variances

- A. The property owner may apply for a variance as set forth in [Section 11.3.2: Variances](#).
- B. Prerequisites for granting variances for floodplain development permits shall be as follows.
 - i. The variance is the minimum necessary, considering the flood hazard, to afford relief.
 - ii. The variance is showing a good and sufficient cause;
 - iii. Failure to grant the variance would result in exceptional hardship to the applicant;
 - iv. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

11.3.10. Sign Permit



11.3.10.1. When Required

- A. A sign permit is required for all signs erected within the jurisdiction of the Town of Sunset, unless specifically excluded from the requirement of a permit as outlined in [Section 7: Signs & Lightning](#) of this CZO.
 - B. It shall be unlawful to construct, erect, alter, relocate, or display any sign
- Comprehensive Zoning Ordinance for the Town of Sunset, Louisiana – DRAFT

without first obtaining a sign permit from the Administrator, unless specifically excluded from the requirement of a permit outlined in [Section 7: Signs & Lightning](#) of this CZO.

11.3.10.2. Application and Fees

- A. An application for a Sign Permit shall be filed in writing with the Administrator as set forth in [Section 11.2: Common Review Procedures](#).
- B. Applications shall include the following.
 - i. Written consent of the owner of the property or his agent granting permission for the construction, maintenance, and display of the sign;
 - ii. Name, address, and telephone number of the property owner, business owner, and the sign contractor;
 - iii. Address of the building, structure, or lot to which the sign is to be attached or constructed;
 - iv. Position of the sign in relation to nearby buildings, structures, and/or property lines;
 - v. Dimensions, materials, color, and building façade;
 - vi. Any electrical permit required for the sign.
- C. The regulations of this chapter shall include plans for new signs, as well as updated signs.
- D. The Administrator may require that the sign plans be signed by a structural engineer licensed by the State of Louisiana.
- E. Upon the filing of an application for a sign permit, the Administrator shall grant, deny, or reject the permit within forty-five (45) days from the application date. The applicant shall receive notice by hand delivery or by mailing notice to the address on the permit on or before the forty-fifth day.
- F. The fees for permitting shall be established by the Planning and Zoning Commission and can only be amended by the Town Council.

11.3.11.1. Review Criteria

- A. In deciding to approve, approve with conditions or deny the proposed sign permit, the Administrator shall consider relevant comments of all interested parties.
- B. The decision of the Administrator must be consistent with prior decisions.
- C. The proposed sign must meet the requirements of this zoning code.

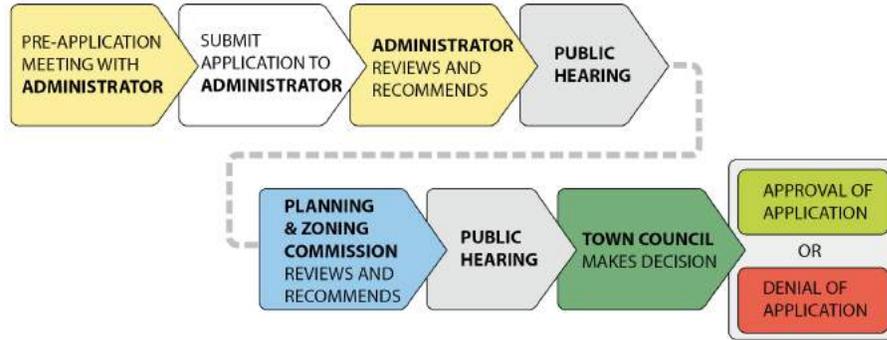
11.3.11.2. Effect of Denial.

- A. The denial of a sign permit application shall ban the subsequent application for the same sign for a period of twelve (12) months.

11.3.11.3. Expiration.

- A. A sign permit shall remain in effect for six (6) months from issuance date, and if the sign is not completed within those six months, the permit shall expire.

11.3.12. Zoning Map Amendment



11.3.12.1. When Allowed

- A. The boundaries of zoning districts as shown on the zoning map may, from time to time, be amended or modified, or supplemented, as determined by the Town Council.

11.3.12.2. Application and Fees

- A. A pre-application conference with the Administrator is required.
- B. All applications for a zoning map amendment shall be filed in writing with the Administrator as set forth in [Section 11.2: Common Review Procedures](#).

11.3.12.3. Review by Administrator

- A. The Administrator may refer the application to other affected or interested agencies for review and comment.
- B. The Administrator shall provide notice as set out in [Section 11.2: Common Review Procedures](#).
- C. The Administrator shall recommend approval, or denial of the zoning map amendment.

11.3.12.4. Review by Planning and Zoning Commission, Public Hearing, and Decision by Town Council

- A. Following notice and a public hearing as required in [Section 11.2: Common Review Procedures](#), the Planning and Zoning Commission shall recommend approval or denial of the zoning map amendment.

- B. Following notice and a public hearing as required in *Section 11.2: Common Review Procedures*, the Town Council shall approve or deny the zoning map amendment.
- C. The Planning and Zoning Commission and the Town Council shall consider the recommendation of the Administrator, relevant comments of all interested parties and the following review criteria when recommending and deciding.
 - i. The proposed zoning map amendment is consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans;
 - ii. The proposed zoning map amendment is consistent with the areas designated context;
 - iii. The proposed zoning map amendment will reinforce the existing or planned character of the neighborhood;
 - iv. The site is appropriate for the development allowed in the proposed district;
 - v. Public facilities and services including but not limited to schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire, and emergency medical services are adequate for the development allowed in the proposed district; and
 - vi. The zoning map amendment will not substantially or permanently injure the appropriate use of adjacent conforming properties.
- D. In case of a protest duly signed and acknowledged by the owners of 20 percent or more either of the areas of land (exclusive of streets and alleys) included in a proposed change or within an area determined by lines drawn parallel to and two-hundred (200) feet distant from the boundaries of the district proposed to be changed, the amendment shall not become effective except by the favorable vote of a majority of the members of the entire Town Council.

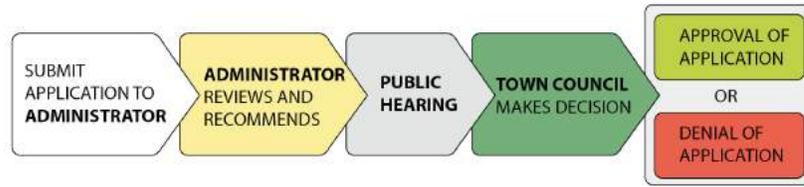
11.3.12.5. Effect of Denial

- A. The denial of a zoning map amendment application shall ban the subsequent application for the same or similar district for a period of twelve (12) months.

11.3.12.6. Expiration

- A. A zoning map amendment does not expire.

11.3.13. Text Amendment



11.3.13.1. The regulations of this zoning code may, from time to time, be amended or modified, or supplemented, as determined by the Town Council.

11.3.13.2. Application and Fees

A. All applications for a text amendment shall be filed in writing with the Administrator as set forth in [Section 11.2: Common Review Procedures](#).

11.3.13.3. Review by Administrator and Public Hearing and Decision by Town Council

A. The Administrator may refer the application to other affected or interested agencies for review and comment.

B. The Administrator shall provide notice as set out in [Section 11.2: Common Review Procedures](#).

C. Following notice and a public hearing as required in [Section 11.2: Common Review Procedures](#), the Town Council shall approve or deny the text amendment.

D. In deciding, the Town Council shall consider the recommendations of the Administrator, relevant comments of all interested parties, and the following review criteria.

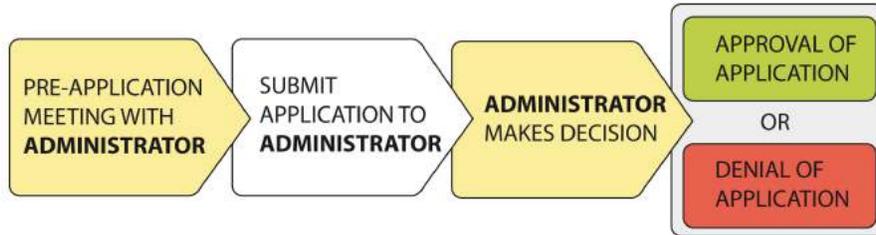
- i. The proposed text amendment is consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans;
- ii. The proposed text amendment is consistent with the remainder of this zoning code;
- iii. The proposed text amendment represents a new idea not considered in the existing code, or represents revisions necessitated by changing conditions over time or corrects an error in this zoning code;
- iv. The proposed text amendment revises this zoning code to comply with state or federal statutes or case law.

11.3.13.4. Expiration

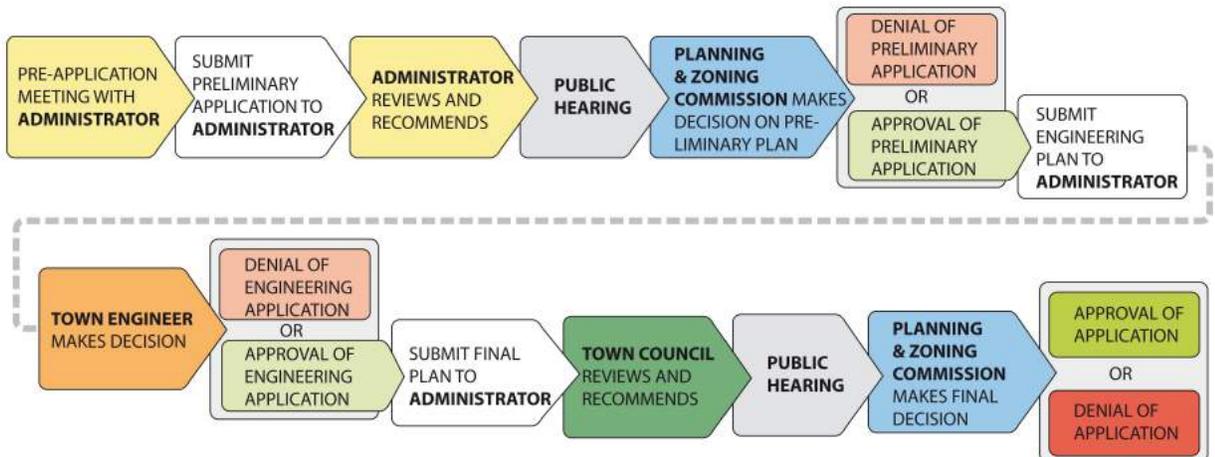
A. A text amendment does not expire.

11.3.14. Subdivision

Minor Subdivision



Major Subdivision



11.3.14.1. General

- A. No person may subdivide land except in accordance with the procedure and standards of this CZO.
- B. A Major Subdivision (Procedure A) is defined as a major subdivision where a Performance Bond is required because public improvements will be dedicated to the Town at the completion of construction.
- C. A Major Subdivision (Procedure B) is defined as a major subdivision where a Performance Bond is not required because public improvements will not be dedicated to the Town at the completion of construction.

11.3.14.2. When Required

- A. Major subdivision approval is required for the following.
 - i. Any subdivision of land not considered a minor subdivision or exempted by the provisions of *Paragraph 11.3.14.2 C*

- ii. The creation of any number of lots where:
 - 1) New public or private streets are created;
 - 2) A private drive or private street provides access to more than three lots;
 - 3) Water or wastewater lines are extended;
 - 4) Drainage improvements through one or more lots must be installed; or
 - 5) A waiver of any Development Code standard is desired.
- B. Minor subdivision approval is required for the following
 - i. The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided the application meets the following requirements:
 - 1) Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section;
 - 2) Does not involve more than two acres of land or three lots of record;
 - 3) Does not reduce a lot size below the minimum area or frontage requirements established by this code; and
 - 4) Otherwise meets all the requirements of this CZO.
 - ii. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the Town of Sunset, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.
- C. No subdivision review is required for the following.
 - i. The public acquisition of land for roads, water or wastewater infrastructure.
 - ii. Any parcel of land, wherever located, upon which a servitude of passage is created for ingress or egress which does not create a through passage and is used exclusively as a driveway need not meet any street planning dimensions, except said servitude must be adequate in dimensions to provide for ingress and egress by service and emergency vehicles.

11.3.14.3. Application and Fees

- A. A pre-application meeting with the Administrator is mandatory for minor or major subdivisions.
- B. All applications for subdivision review shall be filed in writing with Administrator as set forth in [Section 11.2: Common Review Procedures](#)

- C. All applications for subdivisions shall follow the procedure as set forth in [Section 13.3: Subdivision Review and Procedures](#).
- D. All major subdivision applications shall be prepared and sealed by a land surveyor licensed in the State of Louisiana.
- E. Specific procedures for plat approval are listed in [Appendix A](#).

11.3.14.4. Preliminary Plat Review by the Administrator

- A. The Administrator may refer the preliminary plat and application to other affected or interested agencies for review and comment.
- B. The Administrator shall recommend approval, approval with conditions, or denial of the preliminary plat and application.
- C. The Administrator may attach conditions required to make the preliminary plat and application comply with this development code.
- D. The Administrator shall provide notice as set out in [Section 11.2: Common Review Procedures](#).

11.3.14.5. Minor Subdivision Decision by the Administrator

- A. In deciding to approve, approve with conditions or deny the proposed minor subdivision, the Administrator shall consider relevant comments of all interested parties and the review criteria as set forth in [Section 11.3.14.7: Review Criteria](#).
- B. The Administrator may attach conditions required to make the plat and application comply with this subdivision code.

11.3.14.6. Preliminary Plat Decision by Planning and Zoning Commission

- A. Following notice and a public hearing as required in [Section 11.2: Common Review Procedures](#), the Planning and Zoning Commission shall approve, approve with conditions, or deny the preliminary plat for a major subdivision.
- B. The preliminary plat shall be approved or denied within sixty (60) days of filing of a complete application, except where such time period is extended by the applicant.
- C. The act of approving or denying a preliminary plat is a legislative function involving the exercise of legislative discretion by the Planning and Zoning Commission, based upon data presented to it.
- D. In deciding, the Planning and Zoning Commission shall consider the recommendation of the Administrator, relevant comments of all interested parties, and the review criteria as set forth in [Section 11.3.14.7: Review Criteria](#).

- E. The Planning and Zoning Commission may attach any reasonable conditions necessary to make the subdivision comply with this subdivision code, or to protect the health, safety, and welfare of the Town of Sunset and minimize ad-verse impacts on adjacent properties.
- F. Where the Planning and Zoning Commission finds that unnecessary hardship results from strict compliance with this development code, a waiver may be granted. The Planning and Zoning Commission shall find that due to the particular physical surroundings, shape or topographical conditions of the property, a particular hardship would result, as distinguished from a mere inconvenience. The granting of the waiver must not be detrimental to the public safety, health or welfare or injurious to other property or improvements. No waiver shall be granted based strictly upon financial considerations.

11.3.14.7. Review Criteria

- A. Planning and Zoning Commission shall consider the following criteria in recommending, approving or denying a subdivision:
 - i. The proposed development is consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans.
 - ii. The proposed development will reinforce the existing or planned character of the neighborhood.
 - iii. The capacity of public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire, and emergency medical services.
 - iv. The subdivision demonstrates the following.
 - 1) Compliance with any prior approvals;
 - 2) Subdivision design appropriate for and tailored to the unique natural characteristics of the site;
 - 3) Adequate, safe, and convenient arrangement of access, pedestrian circulation facilities, bicycle facilities, roadways, driveways, and off-street parking, stacking and loading space;
 - 4) Adequate design of grades, paving, gutters, drainage, and treatment of turf to handle stormwater; and
 - 5) Adequate access for disabled or handicapped residents through the provision of special parking spaces, accessible routes between parking areas and buildings, passenger loading zones, and access to other facilities.

- 6) Any adverse impacts on adjacent properties have been minimized or mitigated.
 - 7) In the event that the Planning Commission denies any preliminary plat and application, the grounds for such denial shall be stated in the records of the Planning Commission.
- B. The Administrator shall consider the following criteria in recommending, approving or denying a minor subdivision:
- i. A minor subdivision shall be approved in accordance with the requirements where it is:
 - 1) Consistent with the pertinent elements of the Town of Sunset Comprehensive Plan and any other adopted plans;
 - 2) Meets the requirements of this development code;
 - 3) Complies with any prior approvals, including specifically the preliminary plat and any conditions.

In order to be considered approved a minor subdivision must be signed by 2 of the following three people: Administrator, Planning and Zoning Commission Chairman, or District Councilman.

11.3.14.8. Modification of Approved Subdivision

- A. The Administrator is authorized to approve minor modifications to an approved subdivision. All modifications not listed as minor below shall be considered by the body that approved the original subdivision.
- B. The following modifications shall be considered minor:
 - i. Additional or wider easements that do not affect the general placement of buildings or general location of roadways;
 - ii. Reduction in the number of lots;
 - iii. Reduction of length of streets; or
 - iv. Modification of public utility service.

11.3.14.9. Appeal

- A. A final decision by the Administrator on a minor subdivision may be appealed to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the subdivision as a major subdivision.
- B. A final decision by the Planning and Zoning Commission on a major subdivision may be appealed to the Town Council.

11.3.14.10. Expiration

- A. A preliminary plat expires after one (1) year where a final plat application has not been filed. Each final plat for a phase of the preliminary plat extends the preliminary plat for an additional year. A final plat, once officially recorded,

does not expire.

12. DEFINITIONS AND RULES OF INTERPRETATION

12.1. Rules of interpretation.

- A. This ordinance shall be constructed to achieve the purposes for which it is adopted.
- B. The event of a conflict between the provisions of this ordinance and any other ordinance of the Town of Sunset, LA, the provisions of this ordinance shall control.
- C. In the event of a conflict between the text of this ordinance and any caption, figure, illustration, table or map, the text of this ordinance shall control.

12.2. Words and phrases defined.

- A. For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense include the present; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directory, and the words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage;
 - 1) *Abandonment.* (Also see discontinuance) The cessation of the use of a property or of a particular use for at least six months. The determination of abandonment or discontinuance for nonconforming uses or structures shall be supported by evidence, satisfactory to the building official (e.g., The actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).
 - 2) *Accessory building.* A structure on the same parcel of property as the principal structure that is used for purposes incidental to those of the principal structure; e.g., garage, barn, storage shed, boat house, pool house, or greenhouse.
 - 3) *Accessory dwelling unit.* A self-contained residential unit built on the same lot as an existing single-family home. An accessory dwelling unit is not considered subordinate to the principal use and is not permitted in the Town of Sunset.
 - 4) *Accessory use.* A subordinate use which is incidental to and customary or necessary in connection with the principal structure or use and which is located on the same lot with such principal structure or use.
 - 5) *Accessways.* A paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking

area or loading area. Parking area aisles are not to be constructed as accessways. The maximum width of an accessway through the periphery to an off-street parking or other vehicular use area shall be 35 feet for two-way vehicular movement and 15 feet for one-way accessway. For street frontage up to 100 linear feet, no more than two, one-way accessways or one, two-way access shall be permitted. For more than 100 feet of frontage, one additional two-way or two additional one-way accessways may be permitted for each additional 100 feet of frontage or major fraction thereof (51 feet or greater).

- 6) *Adult use.* An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult nightclub, or an adult massage business. Adult use also means any premises that sells or disseminates explicit adult sexual material. For purposes of this definition, the following terms shall have the following meanings:
- i. *Adult bookstore.* A bookstore having as a preponderance of its publications, books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
 - ii. *Adult motion picture theater.* An enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.
 - iii. *Adult mini-motion picture theater.* An enclosed building with a capacity of less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.
 - iv. *Adult nightclub.* An establishment engaged in the sale of alcoholic beverages at retail for consumption on premises, where minors are excluded by law, where the incidental service of food may occur, and which features live entertainment where persons, male or female, perform, dance or otherwise appear partially or totally nude or where partially or totally nude dancing is performed.
 - v. *Adult uses/materials.* An establishment having a substantial or significant portion of its stock in trade in which, for any form of consideration, adult material is presented to or is available for

exclusive viewing, rental or purchase by adults. As used in this ordinance, adult material shall consist of movies, films, motion pictures, video tapes, video discs, slides, photographs, or other media of visual representation; or live performances, exhibitions or presentations; or books, papers, pamphlets, magazines, periodicals or publications 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 R.S. tit. 14, ch. 1, pt. VI, Subpt. C, and in that portion thereof designated as sub-paragraphs (2)(b) and (3) of paragraph A of section 106 [R.S. 14:106A(2)(b), (3)], or as such provisions may hereafter be amended, re-enacted or redesignated from time to time, or shall consist of any instruments, devices or paraphernalia that are designed or marketed for use in connection with any such conduct or activities. As used in these regulations, the term "adult material" shall be applied to any material that meets the definition set forth in this section whether or not, as a matter of law; such material is or could be classified as pornographic or obscene.

- 7) *Agricultural use.* A farm of ten acres or more for the production of crops or livestock including green house and nurseries for the raising of plants and sale of farm products raised on the premises but shall not be construed to mean the commercial processing of farm products such as slaughter houses, canning plants, feed mills, etc.
- 8) *Alteration, structural.* Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, or any substantial change to the roof or exterior walls; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.
- 9) *Antenna.* Any structure or device for the purpose of collecting or transmitting electromagnetic waves including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- 10) *Auction House.* An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events. The sale is limited to goods and merchandise, which is allowed in any other permitted use of the district where the auction house is located.
- 11) *Automotive repair.* An establishment primarily engaging in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine, engine part overhaul, brake, muffler, upholstery work,

detailing, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

- 12) *Bar*. An establishment for the primary purpose of which is the service of and on-premises consumption of alcoholic beverages, including taverns, cocktail lounges and similar uses other than a restaurant as that term is defined herein.
- 13) *Base flood elevation*. The elevation shown on FEMA flood insurance rate maps (FIRMs) that indicates the water-surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.
- 14) *Bed and breakfast*. An owner-occupied residential structure, constructed or converted to a single-family residential structure, which provides up to five sleeping rooms for overnight paid occupancy of up to 14 nights.
- 15) *Block*. A parcel of land within a subdivision or development that is bounded only by streets, or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street but part of the block.
- 16) *Boarding house*. A dwelling containing a single dwelling unit and not more than ten sleeping units, where lodging is provided with or without meals, for compensation for more than one week.
- 17) *Buffer*. A landscaped area providing a visual screen. Plant material shall be a minimum of four feet in height immediately after planting. See [Section 6.5.4. Buffer Planting Area](#) for full requirements.
- 18) *Building*. Any structure, either temporary or permanent, having a roof and designed, intended or used for the sheltering or protection of persons, animals, chattels, or property of any kind.
- 19) *Building code*. The Uniform Building Code as adopted by the State of Louisiana and the Town of Sunset.
- 20) *Building line*. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, ramps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.
- 21) *Building, main or principal*. A building in which is conducted the principal use of the lot on which it is situated. A dwelling shall be deemed to be the main building on the lot in all residential districts.
- 22) *Building, temporary*. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.
- 23) *Business or financial services*. An establishment intended for the

- conduct, service or administration by a commercial enterprise, or offices for the conduct of professional or business service.
- 24) *Car wash.* A building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with a chain conveyor blower, steam cleaning device, or other mechanical devices; or providing space, water, and equipment for the hand-washing of autos, whether by the customer or the operator.
- 25) *Cemetery.* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.
- 26) *Commercial retail sales and service.* Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely in an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions) businesses specializing in the sale of either general merchandise or convenience goods.
- 27) *Communication tower.* As used in this ordinance shall mean a tower, pole, or similar structure, which supports a telecommunications antenna generally operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.
- 28) *Conditional use.* A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.
- 29) *Condominium.* A single-dwelling or commercial unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.
- 30) *Day care center, adult.* Any place owned or operated for profit or not for profit, by a person, society, agency, corporation, institution, or any other group wherein are received, for a portion of a 24-hour day, functionally-impaired adults that are not related to the owner or operator of the facility for the purposes of supervision or participation in a training program. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity. The day care services should take place on a regular basis for at least 12.5 hours in a continuous seven-day week and no overnight stays are permitted.
- 31) *Day care center, child.* Any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance to children, who are not within the immediate family of the care giver and are unaccompanied by parent or guardian, on a regular basis for at least 12.5 hours in a continuous seven-day week.

- 32) *Density*. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.
- 33) *Development*. The carrying out of any building activity or the making of any change to any structure or material change to the natural surface of the land including activities that change or disturb the natural surface of the land such as clearing, grading, excavating or filling.
- 34) *Development plan* (also called a site plan). An accurate, scaled drawing showing the location of buildings, plantings, parking, walkways, drives, and such other features as floor plans and elevations to help describe the existing and proposed development of a specified area.
- 35) *Discontinuance* (also see abandonment). The abandonment of a property or of a particular use for a period of at least six months.
- 36) *District*. A part of the town wherein regulations of this ordinance are uniform.
- 37) *Drainage plan*. A plan showing proposed site drainage features for controlling stormwater runoff and conveying it to public outfalls. A drainage plan shall also include runoff calculations for engineering review, evidence that the drainage plan has been submitted to and reviewed by the stormwater drainage authority with jurisdiction over the site, and that the drainage plan has been approved by said authority. (Also see Stormwater Management Plan)
- 38) *Drive-through facility*. Any facility which by design, physical facilities, service, or by packing procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- 39) *Driveway*. A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.
- 40) *Duly authorized representative*. Person or persons designated by the mayor and/or city council to check, review and comment on all submissions regarding their nonconformance to these regulations. These bodies may designate the Sunset Town Planner or any other qualified persons or agency as the duly authorized representative.
- 41) *Duplex*. A two-unit family dwelling constructed on a single lot of record.
- 42) *Dwelling*. Any structure or portion thereof, which is designed or used for residential purposes.
- 43) *Dwelling unit*. Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

- 44) *Easement*. The right, granted by the property owner, to use a parcel of land for specified purposes, such as public utilities, drainage and other public purposes, the title of which shall remain with the property owner, subject to the right of use designated in the reservation of the easement (see Servitude).
- 45) *Educational facilities* (also see schools). Any land used for educational facilities, including universities, colleges, elementary and secondary, and vocational schools.
- 46) *Electrical signs*. Any sign containing electrical wiring and which is attached or intended to attach to an electrical energy source.
- 47) *Façade*. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
- 48) *Family*. One or more persons related by blood, marriage, adoption or guardianship, the occupants of a community or group home for mentally or physically challenged individuals or not more than four persons not related occupying a dwelling unit and living as a single housekeeping unit shall be considered a family. Notwithstanding any other provisions of this section, this definition does not include individuals required to be assembled under one living unit for the purpose of drug or substance abuse rehabilitation or persons assigned to same as the result of criminal activity.
- 49) *Financial institution*. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM).
- 50) *Finished grade*. The completed surfaces of lawns, walks and roads brought to grade as shown on development plans relating thereto.
- 51) *Floodplain*. Floodplain or flood-prone area means any land area susceptible to being inundated by floodwater as determined by FEMA.
- 52) *Floodway*. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.
- 53) *Floor area*. The sum of the gross horizontal areas of the several floors of the main building but not including the area of roofed porches, exterior steps, exterior ramps, terraces, or breezeways. All dimensions shall be measured between exterior faces of the walls.
- 54) *Floor area ratio (FAR)*. The ratio of floor area of a building to the area of a lot. Dividing the gross floor area of all buildings on a lot by the gross area of that lot makes the calculation.
- 55) *Frontage*. That portion of a lot abutting a street right-of-way measured along the property line of the public right-of-way and the private property.
- 56) *Garage*. A permanently roofed structure with three enclosed sides and a garage door that is used for automobile shelter and storage.

- 57) *Gas station, fuel station.* A property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a freestanding automatic car wash. No video draw-poker devices may be operated in such an establishment. Major repair such as motor replacement, body and fender repair or spray painting is prohibited.
- 58) *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 "used" or "occupied" include the words "intend," "designed," or "arranged" to be used or occupied.
- 59) *Green Infrastructure.* Stormwater management infrastructure, whether it be a technique, apparatus, practice, or facility, that uses a combination of natural and engineered systems to manage the path, storage, or rate of release of stormwater runoff. Green Infrastructure (GI) uses plants, grading, and pervious surfaces to mimic natural hydrology in managing the quantity and quality of stormwater runoff that enters the receiving water bodies. GI types include, but are not limited to:
- i. Bioswales are vegetated swales planted with native plants or grasses on gentle side slopes. They transport stormwater runoff, allowing for infiltration, and can be designed as a landscape feature. Bioswales are not turf grassed but are planted with a variety of wetland plant species and native grasses.
 - ii. Bioretention cells, raingardens in their simplest form, are excavated areas into which runoff flows, either as overland surface flow or in pipes. They are planted with native plants and have an outfall, such as a stand pipe or weir, to prevent overtopping. These detain water for an extended period of time in order to uptake and retain pollutants out of the water and soil.
 - iii. Cisterns and underground stormwater chambers are effective long-term stormwater management systems. They are primarily used for landscape irrigation with grey water, or to temporarily store and release at a predictable rate of stormwater flow where space is limited.
 - iv. Constructed wetlands are commonly used on large development projects such as golf courses, shopping centers, business parks and industrial sites. These wetlands shall be designed as part of an integrated drainage system, built around lakes and ponds that

- may include detention areas, retention areas, irrigation ponds, or low-lying areas that collect and store stormwater.
- v. Detention ponds temporarily hold stormwater runoff. Dry detention basins are basins whose outlets have been designed to drain from a full condition within thirty-six (36) to forty-eight (48) hours to allow sediment particles and associated pollutants to settle and be removed. These basins do not have a permanent pool and are designed to drain completely between storm events. The slopes, bottom, and forebay of dry basins shall be vegetated with native plant species. Basins must be designed as an accessible landscape feature of the development, not just a utilitarian area encircled by chain link fencing.
 - vi. French drains, infiltration trenches, and dry wells are excavated into the ground either horizontally or vertically and filled with stone aggregate to capture and allow exfiltration of stormwater runoff into the surrounding soils from the bottom and sides of the trench or well. Pollutant removal is achieved by filtration of the runoff through the stone aggregate and soil, as well as biological and chemical activity within the soil.
 - vii. Green roofs manage stormwater fall on roofs before it runs off or enters gutters.
 - viii. Porous paving, including pervious concrete and porous unit pavers, reduces site runoff and allows the infiltration of stormwater.
 - ix. Structural soils and fiber soils are used in sports fields and overflow parking lots and are designed to bear the weight of intense activities, but also provide void space for tree roots and stormwater infiltration.
 - x. Retention basins depressions in the topography. Wet retention basins are constructed, naturalistic ponds with a permanent level of water (also called a “wet pond”). The freeboard of the wet pond provides temporary storage for stormwater runoff. Sides of these ponds shall be vegetated with native plant species.
- 60) *Group home.* A residential facility located within a community, designed to serve children or adults with chronic disabilities. Group homes may have eight (8) or fewer occupants who are mentally, physically or developmentally disabled, and one or more resident counselors/trained caregivers on staff 24 hours a day. A group home must be licensed by an agency of the State of Louisiana, the political subdivision, and/or a state-licensed child placement agency, as a group home, receiving home, or similar care facility. Alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions who have been found

not guilty of a criminal charge by reasons of insanity shall be excluded as occupants.

- 61) *Height.* The vertical distance of a structure measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs, to the deck line of the mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. No height limitation in this ordinance shall apply to any of the following structures: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; smoke stacks; derricks; flag poles; masts; solar energy facilities; air conditioning equipment; elevator penthouses and similar structures required to be placed above the roof level and not intended for human occupancy.
- 62) *Hotel or motel.* A building in which lodging or temporary living accommodations are provided or offered to the general public.
- 63) *Household.* A residence with a separate mailing address, phone number and/or utility bill.
- 64) *Impervious coverage.* The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s), such as surface areas, walkways, patios and plazas. All parking spaces and lots, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of impervious coverage.
- 65) *Impervious materials.* Materials that prevent precipitation from contacting the existing soil and do not allow water to penetrate into the soil.
- 66) *Incidental home occupation.* An incidental use of a portion of the main building for business purposes. Such a use will be allowed only if it is subordinate to the residential use of the property. At no time shall home occupations be interpreted to include any business which produces noxious fumes, smoke, dust or noise or interference in local radio or television reception, day care centers and/or babysitting services with six or more children, nursing or convalescent homes, restaurants, tearooms, auto repair and bed and breakfasts, irrespective of whether any of the foregoing should fit within the general parameters of the definition of home occupation.
- 67) *Industrial use.* The manufacture, assembly or fabrication of goods and materials.
- 68) *Institutional use.* Any land used for hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service

facilities and clinics, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; cultural, educational, philanthropic or charitable facilities and other similar uses.

- 69) *kennel*. A facility for the care or boarding of animals which is operated for economic gain or the keeping of more than three dogs more than six months of age outside the principal building.
- 70) *Land*. The earth, water and air, above, below or on the surface including any improvements or structures customarily regarded as land.
- 71) *Land area, gross*. The total area of ground, soil or earth including structures on, above or below the surface. This is to include all street rights-of-way, utility rights-of-way and other land either dedicated or proposed for dedication to the municipality.
- 72) *Land area, net*. The total area of ground, soil or earth including structures on, above or below the surface. This is not to include street rights-of-way, utility rights-of-way or other such areas either dedicated or proposed for dedication to the municipality.
- 73) *Planting area*. A nonbuilt-upon area of land in which plant materials are placed, planted or maintained.
- 74) *Planting plan, sometimes referred to as Landscape plan*. Shall mean the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as planting ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance.
- 75) *Landscaping* (see planting).
- 76) *Livestock*. Livestock includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other *hoofed animals*.
- 77) *Lot*. A parcel of land having specific boundaries and having its principal frontage upon an officially approved street.
- 78) *Lot lines*. The lines forming the outer boundary of a lot.
- 79) *Lot of record*. A recorded, platted lot or a parcel of land lot, the map of which has been recorded in the Office of the Clerk of Courts of St. Landry Parish, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Clerk of Courts of St. Landry Parish.
- 80) *Lowest floor*. The lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor.
- 81) *Mansard*. A roof with two slopes on all four sides, the lower slope being nearly vertical and the upper nearly horizontal.

- 82) *Manufactured Housing* - Dwelling units constructed primarily at a plant or facility on a production line basis and delivered to the site as an assembled unit or in modular form. Manufactured housing specifically refers to housing built under the Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD).
- 83) *Mobile Home* - Prefabricated trailer-type housing units, built before June 15, 1976 that are semi-permanently attached to land, either the owner's fee land or leasehold, such as in a mobile-home park. A mobile home is a moveable or portable structure designed and constructed on its own chassis and intended for connection to utilities for year-round occupancy as a dwelling. Any dwelling unit that qualifies as a modular home according to the definition herein is not considered a mobile home. Furthermore, a travel trailer is not considered a mobile home.
- 84) *Modular Home* - Modular homes are houses divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes (International Building Code standards) where the structure is to be located.
- 85) *Manufacturing uses*. The assembly or fabrication of goods and materials, which does not involve toxic, hazardous or highly flammable materials.
- 86) *Mortuary, funeral home*. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.
- 87) *Multiple lot development*. A common development, which includes more than one lot, shall be treated as one lot for the purpose of satisfying this ordinance. Split ownership, phased development or construction, or multiple building permits for a project shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with the requirements described herein.
- 88) *Nightclub*. An establishment having a minimum entertainment floor area of 2,000 square feet, including discotheques, providing live entertainment, but not live adult entertainment, and/or a permanent area for dancing and which may serve food and/or alcoholic

beverages. The entertainment floor area shall be composed of the wet-bar, dance floor and/or live entertainment stage area, and table area.

- 89) *Nonconforming lot of record.* A platted lot which does not comply with the lot size requirements of the zoning district in which it is located.
- 90) *Nonconforming structure.* Any structure, which was lawful on the effective date of this ordinance, but does not comply with all the standards and regulations of this ordinance or any amendment thereto.
- 91) *Nonconforming use.* Any use of any land, building, or structure, which was lawful on the effective date of this ordinance, but does not comply with all the standards and regulations of this ordinance or any amendment thereto.
- 92) *Nursing home.* A facility designed and intended to provide nursing service on a continuing basis to persons, the majority of whom require such service under trained professional nurses or physicians, and for whom medical records are maintained. The term "nursing home" shall include post-operative centers but shall not include any facility used for providing service to any inmate of any prison or other correctional institution.
- 93) *Open space.* That part of a lot, including all yards, which is open and unobstructed from grade level upward and is not occupied by off-street parking, streets, drives, or other surfaces for vehicles.
- 94) *Parcel.* Any quantity of land capable of being described with such definitiveness that its location and boundaries may be established and which is designed by its owner as land to be used as a unit.
- 95) *Park.* A noncommercial, not-for-profit facility designed to serve the passive and/or active recreation needs of the residents of the community. Parks include, but are not limited to, ball fields (i.e. baseball, football, soccer), basketball courts, playgrounds, picnic areas, trails.
- 96) *Parking garage.* A public or private structure composed of one or more levels or floors used for the parking of motor vehicles. A parking garage may be a stand-alone facility or may be located in a building also used for other purposes. It includes facilities that offer spaces for free, for rent or other fee to the general public, and facilities that offer automobile parking spaces solely to building tenants, or any combination thereof.
- 97) *Parking lot.* An open area, other than a street, designated and used for the parking of vehicles.
- 98) *Parking space, automobile.* A space within a building, private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

- 99) *Periphery*. An area of land between the property line and any vehicular use areas or building that is intended for the placement or preservation of landscape materials.
- 100) *Permeable paving (see Pervious paving)*
- 101) *Pervious paving*. A range of materials and techniques for paving roads, parking lots and walkways that allow precipitation to percolate through the paving material. Types of permeable paving surface include: porous concrete, porous asphalt, single-sized aggregate, porous turf, open joint blocks and resin-bound paving.
- 102) *Person*. An individual, corporation, public agency, business, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- 103) *Pervious materials*. Materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.
- 104) *Planned unit development (PUD)*. A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
- 105) *Planning and Zoning Commission*. The term "Planning and Zoning Commission" shall mean the Planning and Zoning Commission created under R.S. 33:4721 et seq., which shall have the powers provided for by Louisiana law.
- 106) *Planting (also see Landscaping)*. The installation of plant material or seed as a part of development.
- 107) *Planting area*. Any area designed for landscape material installation having a minimum area of 25 square feet.
- 108) *Prefabricated housing*. Any housing with structural or mechanical components manufactured and assembled away from the construction site. See Manufactured housing, Mobile home, Mobile Home Park.
- 109) *Principal building*. A building or structure in which the primary use of the lot on which the building is located is conducted.
- 110) *Principal use*. The primary use and chief purpose of a lot or structure.
- 111) *Projection*. Cornices, eaves, belt courses, chimneys or other similar architectural features that may extend or project into a required yard areas.
- 112) *Public improvement*. Any drainage ditch, storm sewer or drainage facility, green infrastructure, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation,

- or for which the local government responsibility is established.
- 113) *Public services.* Uses operated by a unit of government to serve public needs, such as a police (with or without a jail), fire service ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities. Public way, any public street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
 - 114) *Public use.* Any use operated by an agency of government which provides a direct service to the public including police, fire, library, educational facilities and recreational services.
 - 115) *Public utility station.* A structure or facility used by a public or quasi-public agency to store, distribute, and/or generate electricity, gas telecommunications and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewerage, solid waste or hazardous waste.
 - 116) *Quorum.* A majority of authorized members of a board or commission.
 - 117) *Recreational facilities.* Any facility that provides recreational opportunities such as tennis clubs, health clubs or golf clubs.
 - 118) *Recreational facilities, indoor.* An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theaters, and related amusements.
 - 119) *Recreational facilities, outdoor.* An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions concession stands and similar structures used primarily for recreational activities.
 - 120) *Redevelopment, substantial.* Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place within a one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term includes structures that have incurred substantial damage, regardless of the actual work performed, including repetitive loss.
 - 121) *Rehabilitative care center.* A building other than an apartment hotel, hotel, small or large group home, rooming house, tourist home, motel or motor lodge, providing temporary lodging and board and a special program of specialized care and counseling on a full-time basis. Such a center includes but is not limited to centers that provide for alcohol and drug abuse clientele, former inmates of prisons or correctional institutions, or former patients of mental illness institutions. A

rehabilitative care center must be licensed by an agency of the State of Louisiana as a rehabilitative or similar care facility, and shall be operated by an entity that is similarly licensed by the State of Louisiana.

- 122) *Religious facility.* A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A place of worship may include group housing for persons under religious vows or orders, day care facilities and/or weekly religious instruction.
- 123) *Residential use.* A building or portion thereof containing units intended for human habitation.
- 124) *Restaurant, conventional.* A structure, or any part thereof, in which food or beverages are prepared and dispensed for consumption at the time of sale. May include one or more of the following:
 - i. *Restaurant, full-service.* A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carryout service, if any, shall be a limited portion of the facility and activity.
 - ii. *Restaurant, limited-service.* A restaurant without table service provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes food delivery, carryout, public snack bars and delicatessens, but not specialty food or fast-food stores.
- 125) *Restaurant, fast food.* An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
- 126) *Roof line.* The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.
- 127) *Setback, building.* The required minimum horizontal distance between the building and the related front, side, and rear property line. For the purpose of this section, the setback will be measured to the nearest point of the foundation wall of the building.
- 128) *Schools.* (Also see "educational facilities"). Any land used for educational facilities, including universities, colleges, elementary and secondary, and vocational schools.
- 129) *Servitude.* See easement.
- 130) *Shopping center.* A group of commercial establishments planned, developed, managed as a unit; related in location, size, and type of shops to the trade area that the unit serves; and providing on-site

- parking in definite relationship to the types and sizes of stores.
- 131) *Shrub*. A woody perennial plant differing from the perennial herb by its persistent and woody stems, and from a tree by its low stature (generally obtaining a height less than eight feet and its habit of branching from the base.
- 132) *Sidewalk*. A paved pedestrian footpath between the curb lines or the lateral lines of a roadway and the adjacent property lines.
- 133) *Sight triangle*. The triangle at either side of an accessway or public right-of-way at its junction with a public street with sides of not less than ten feet in length each along the public right-of-way and/or accessway within which clear visibility of approaching vehicular or pedestrian traffic must be maintained in all directions. Actual length of the sides of any site triangle is based upon the road's design speed.
- 134) *Sign*. A sign is defined as a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or each placed sign on a building or other structure shall be considered an individual sign. Signs are regulated as set forth in [Section 7: Signs & Lightning](#).
- 135) *Site plan* (Also called a development plan). An accurate, scaled drawing showing the location of buildings, the plantings, parking, circulation and such other features as floor plans and elevations to help describe the existing and proposed development of a specified area.
- 136) *Special Flood Hazard Area (SFHA)*. The land area covered by the floodwaters of the base flood as shown on the National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AH, VO, V1-30, VE, AND V.
- 137) *Stormwater Management Plan*. A plan showing proposed green infrastructure features for controlling stormwater runoff on a particular development site. The Stormwater Management Plan shall include runoff calculations for engineering review, evidence that the plan has been submitted to and reviewed by the stormwater drainage authority with jurisdiction over the site, and that the plan has been approved by said authority.
- 138) *Streets*. A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. All streets will be within dedicated rights-of-way that have been properly processed, approved and recorded. The following shall be used to classify all

streets:

- i. *Freeways*. A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control access.
 - ii. *Expressways*. A divided arterial highway for through traffic with full or partial control of access and generally with grade separation at major intersections.
 - iii. *Arterial streets*. Public thoroughfares that serve the major movements of traffic within and through the city and the parish.
 - iv. *Collector streets*. Public thoroughfares that serve to collect and distribute traffic primarily from local residential streets to arterial streets.
 - v. *Local streets*. Facilities that are used primarily for direct access to abutting properties and leading into the collector street system.
 - vi. *Frontage road or service road*. A street adjacent to a freeway, expressway or an arterial street separated there from by a dividing strip and providing ingress and egress from abutting property.
 - vii. *Cul-de-sac*. A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.
 - viii. *Dead-end street*. A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.
 - ix. *Alley*. A way that affords only a secondary means of access to property abutting thereon.
 - x. *Public streets*. A public street is a road, thoroughfare, alley, highway, or bridge under the jurisdiction of a public agency.
 - xi. *Private streets*. Private streets are owned by residents, and have a publicly recognized indenture, or covenant, that outlines governance and acts as a deed restriction.
- 139) *Structure*. A combination of materials constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to, retaining walls in excess of four feet.
- 140) *Subdivision*. The division of a parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.
- 141) *Surveyor*. A qualified registered land surveyor in good standing with the Louisiana Board of Registration.
- 142) *Telecommunications*. As defined in the Federal Telecommunications

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

- 143) *Temporary use.* A use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.
- 144) *Tower.* Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including lines, cables, wires, braces, and masts, intended primarily for the purposes of mounting an antenna, meteorological device, or similar apparatus above grade. Notwithstanding any other provision of this Code "Height" of a communication tower is the distance from the base of the tower to the top of the structure.
- 145) *Townhouse.* A single-family dwelling unit constructed on separate lots of record in a row or group of two or more units having a separate entrance, front yard and rear yard; where no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls.
- 146) *Trailer.* A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a highway.
- 147) *Trash and garbage storage area.* That area of a development used for the storage and containment of refuse and refuse containers (i.e. dumpsters).
- 148) *Tract.* A parcel of land identified by letter or number the boundaries of which are shown on the recorded subdivision or development plat. A tract need not be suitable for development.
- 149) *Traffic generation rates.* The average daily trips (ADT) generated per unit of land, as set forth by the Institute of Traffic Engineering or authenticated local figures for approval by the Administrator.
- 150) *Truck-stop facility.* Those facilities as contemplated in R.S. 33:4862.1 et seq., which are designed primarily for serving 18-wheel tractor-trailer motor vehicles and where no video draw-poker devices may be operated.
- 151) *Use.* The activity occurring on a lot or parcel, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.
- 152) *Use, change of.* The change within the classified use of a structure or parcel.
- 153) *Utility trailer.* A small nonmotorized vehicle which is generally pulled by a motorized vehicle and features an open-top rear cargo area (bed) and is used for the hauling of light loads.
- 154) *Variance.* A deviation from the height, bulk, setback, parking or other

requirements established by this Code.

- 155) *Vehicle*. Any means of transport on land, especially on wheels (e.g., a car, bus, bicycle etc.)
- 156) *Vehicle, commercial*. A commercial vehicle is any vehicle that meets one or both of the following physical dimensions: Greater than 21 feet in length [This includes any load on the vehicle or tagalong equipment/trailer hitched to the vehicle greater than 21 feet in length and/or greater than eight and one-half feet wide], or weighted at over 10,000 lbs. gross vehicle weight and not licensed as a recreational vehicle. Note: A sign alone on a vehicle does not make the vehicle commercial.
- 157) *Vehicle, recreational*. A vehicle designated for temporary living quarters for camping, traveling, or recreational use. It may have its own motive power, or be mounted on or pulled by another vehicle.
- 158) *Wall*. An upright structure of wood, stone, etc., serving to enclose, divide, define or protect.
- 159) *Wall, freestanding*. A wall independent of a principal structure.
- 160) *Warehouse, wholesale or storage*. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.
- 161) *Yard*. An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Zoning Ordinance is unobstructed by any portion of structure upward except as otherwise provided herein. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be yard dimension.
- 162) *Yard, front*. A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has the least dimension. This space is considered open space.
- 163) *Yard, rear*. A yard extending across the rear of the lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum main building. The rear yard shall be at the opposite end of the lot from the front yard.
- 164) *Yard, side*. A yard between the main building and the side lot line and extending from the front lot line to the rear lot line.
- 165) *Yard, through*. A through yard is any single zoning lot that is not a corner lot and that connects two generally parallel streets. On through yards fronting two streets, two front yards shall be provided.

13. SUBDIVISION REGULATIONS

13.1. General Provisions

- A. Each subdivider of land (hereinafter referred to as applicant), developer of apartment, commercial or industrial complexes (hereinafter referred to as applicant) or his representative should confer with the Administrator before preparing the tentative geometric layout, in order to become thoroughly familiar with subdivision requirements and with the proposals of the official Master Plan affecting the territory in which the proposed subdivision lies.
- B. The Administrator shall cause sufficient copies of these regulations to be prepared for distribution to interested parties.
- C. Procedures as set forth in *Article 11: Procedures, Section 11.3.14: Subdivisions* shall apply.

13.2. Plats

13.2.1. General

13.2.1.1. Submittal of Subdivision Plans

- A. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps:
 - i. Preliminary Plans and Specifications
 - ii. Final Subdivision Plans and Specifications
- B. Unless the proposal is considered a minor subdivision, preliminary and final plans may not be approved at the same Planning & Zoning Commission meeting.

13.2.1.2. Official Submission Dates

- A. For the purposes of these regulations, the date of the regular meeting of the Planning & Zoning Commission at which time approval of the final subdivision plat, including any adjourned date thereof, is considered, shall constitute the official submittal date of the plat and plans at which the statutory period required for formal approval or disapproval of the plan shall commence to run.

13.2.1.3. Coordination of Zoning Application with Subdivision Approval

- A. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of zoning applications (where applicable). The data required for zoning applications shall be submitted in a form to satisfy the requirements of this subdivision regulations and the proposed zoning classification.
- B. Every plan shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plan which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning regulations rendering the plan nonconforming as to bulk or use, providing that final approval is obtained within the one-year period.

- C. No building permits or certificates of occupancy shall be issued for the project until the zoning application has been finally approved and final subdivision plan approval has been given and the subdivision plan is recorded with the Clerk of Court.

13.2.1.4. Preliminary Subdivision Plans – Procedures and Requirements.

- A. At least 30 days prior to the meeting at which it is to be considered, the subdivider shall submit to the Planning & Zoning Commission four (4) copies of preliminary plans of the proposed subdivision drawn to a scale of not more than one (1) inch to two hundred (200) feet. Completed plans and specifications must be certified by a civil engineer registered in the State of Louisiana when such plans include the provision of new streets, water, sewer or other public improvements. At the Planning & Zoning Commission meeting which the preliminary plan is considered, the Town engineer shall present the results of his preliminary review of the plat and plot plan.
- B. Six copies of the preliminary plat, preliminary plans and subdivision restrictions (if any) prepared according to *Preliminary Plat Checklist located in Appendix A* (and 10 copies of plat of subdivision) will be submitted to the Administrator and will be distributed as follows.
 - i. One copy to the Town engineer;
 - ii. One to the Building Official;
 - iii. One to the Chairman of the Planning & Zoning Commission;
 - iv. One to the Department of Public Works;
 - v. One to the Town Water and Sewer Department; and
 - vi. One copy of the subdivision plat shall be distributed to each other member of the Planning & Zoning Commission.
- C. In particular cases additional copies may be requested from the builder or developer if copies of plans need to go to any other reviewer.
- D. All review comments that are returned to the Administrator shall be in writing.
- E. The preliminary plan, which shall meet the minimum standards and specifications of the department of public works, and the general requirements for the construction of public improvements shall give the following information:
 - i. The title under which the proposed subdivision is to be recorded; the location of the property to be recorded; the location of the property to be subdivided; the name of the owner or owners and/or the applicant; and the name of the appropriate licensed design professional of record, if any, who is platting the tract. The Title should read: "Preliminary Plat of," "Subdivision Name," "the legal description and township and range."
 - ii. The following boundary lines and existing improvements.
 - 1) Boundaries of the subdivision location; width and names of streets adjoining the subdivision; section and township lines; indication of incorporated areas, zoning district classification and boundaries, school districts and other legally established districts; all watercourses, drainage ways, and other features within the area to be subdivided as well as the same facts regarding adjacent property.

- 2) All property affected must be platted; i.e., when a lot is removed from a property, both the lot and the remainder must be designated as lots and dimensions given.
- 3) All dimensions, bearings, and corner markers must be shown on the plat
- iii. When subdividing lots of record, lots must be redesigned. For example, if lot one (1) was divided into lots, the resulting new lots would become 1-A and 1-B. All subdivisions shall bear a name that is not already in use in the Town of Sunset.
- iv. The names of all abutting subdivisions, and the names and recorded owners of abutting tracts of unsubdivided land.
- v. The following features of the proposed subdivision shall be documented.
 - 1) The proposed location, names, and width of streets layout and approximate dimensions of lots; any other necessary descriptions of lots, servitudes and easements; and applicant's front building lines with setbacks. The lots shall not encroach on any rights-of-way and all rights-of-way shall be excluded from lot area.
 - 2) Existing buildings must be shown and municipal address if any.
 - 3) Existing ditches, drains or canals must be shown. See [Section 8: Utilities](#) for drainage right-of-way requirements.
- vi. Sewers, water lines, and drainage, including the following.
 - 1) Existing drainage ways, sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent; statement of proposed plans for drainage and sewage disposal, including location of proposed culverts and bridges and contours from USGS Quadrangle Maps or better.
 - 2) All minor subdivisions will show existing sewer lines and wyes. If the lot is to be subdivided and has only one (1) existing sewer wye, then an additional wye must be installed to serve the additional lot. If no wye exists, then two (2) wyes must be installed to serve both lots. The cost of the installation must be borne by the property owner or applicant.
 - 3) If the property is not to be served by a public wastewater network and has no connection to sanitary sewer line, the following sewer note is required with a place for the owner to sign. See [Section 8: Utilities](#) for specific sewer requirements.
- vii. If a private sewer is being proposed the following note should be added to the plat:

SEWAGE DISPOSAL

NO PERSON SHALL PROVIDE A METHOD OF SEWAGE DISPOSAL, EXCEPT CONNECTION TO AN APPROVED SANITARY SEWER SYSTEM, UNTIL THE HEALTH UNIT OF ST LANDRY PARISH HAS APPROVED THE METHOD OF

SEWAGE TREATMENT AND DISPOSAL.

*(If applicable the following is to be added.)

WHERE A SEWAGE TREATMENT PLANT IS TO BE PROVIDED BY THE APPLICANT, THE AREA TO BE USED FOR THIS PURPOSE SHALL BE DEDICATED BY THE OWNER AS A SERVITUDE FOR THAT PURPOSE ONLY, AND SHALL BE SEPARATE FROM ANY OTHER LOT OR BUILDING SITE.

SIGNATURE

NAME & TITLE

NAME OF COMPANY

- viii. The location of all existing and proposed servitudes and existing and proposed public utilities including storm and sanitary sewers, water, gas and power lines shall be shown.
- ix. A statement of proposed street improvements shall be attached. All existing streets' names and right-of-way widths must be shown.
- x. No lots may be subdivided on private streets or roads or on unimproved right-of-way unless such roads are first improved to CZO standards.
- xi. Location and size of proposed parks, playgrounds, church or school sites, or other special uses of land shall be shown.
- xii. All plans shall feature north point, scale, and date.
- xiii. A key or vicinity map with a North arrow at two thousand (2,000) foot scale for subdivisions of more than twenty (20) lots, or at five hundred (500) foot scale for subdivisions of less than twenty (20) lots, showing existing streets, roads, drainage ways within at least one thousand (1,000) feet from the boundaries of the property being subdivided.
- xiv. The preliminary plat showing the subdivision of property shall include the record inundation, the FEMA flood zone(s) and the FIRM Base Flood Elevation(s), all of which shall be reviewed by the Floodplain Manager. Where the area subdivided lies at or below the record inundation level, or the FIRM Base Flood Elevation, whichever is greater, that area shall be shaded with approved drafting type shading. Shading by pencil is not acceptable. The foregoing information shall also be set forth in a separate box in the general notes.
- xv. All public servitudes and all private servitudes intended for public use must be dedicated by the owner. This requires dedication notes and a place for owner's signature. This includes the dedication of major street right-of-way as indicated on the Major Street Plan. The following dedication note is to be added to plats when servitude or right-of-way is being dedicated.

DEDICATION RIGHTS OF WAY SHOWN HEREON AND LABELED AS A PUBLIC RIGHT OF WAY, IF NOT PREVIOUSLY DEDICATED ARE HEREBY DEDICATED TO

THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES. STREETS NOT INDICATED AS PRIVATE STREETS ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES. ALL AREAS SHOWN AS SERVITUDES ARE GRANTED FOR THE PURPOSES INDICATED ON THE PLAT, AND IF NO PURPOSE IS INDICATED, TO THE PUBLIC FOR USE OF UTILITIES, DRAINAGE, SEWAGE REMOVAL OR OTHER PROPER PURPOSE FOR THE GENERAL USE OF THE PUBLIC. NO TREES, SHRUBS OR OTHER PLANTS MAY BE PLANTED, NOR SHALL ANY BUILDING, FENCE, STRUCTURE OR IMPROVEMENTS BE CONSTRUCTED OR INSTALLED WITHIN OR OVER ANY SERVITUDE OR RIGHT-OF-WAY SO AS TO PREVENT OR INTERFERE WITH ANY PURPOSE FOR WHICH THE SERVITUDE OR RIGHT-OF-WAY IS GRANTED.

- xvi. The general location of existing significant live oak trees that exceed 7" caliper DBH (diameter breast height).
- xvii. Any information required by the *Preliminary Plat Checklist located in Appendix A.*
- xviii. The following shall be submitted with the preliminary plat:
 - 1) A Preliminary Drainage Impact Study shall be submitted if applicable according to *Section 4: Use Standards.*
 - 2) A Traffic Impact Statement and if required Traffic Impact Study shall be submitted if applicable according to *Section 4: Use Standards.*
- xix. In accordance with LA R.S. 33:113, within sixty days after submission of the preliminary plans, the Planning & Zoning Commission will review and indicate approval or disapproval, or tentative approval with conditions. If a plat is disapproved, reasons for such disapproval shall be stated with comments. If approved subject to conditions, the nature of the required conditions shall be indicated.
- xx. Distribution of plans after Planning & Zoning Commission Decision:
 - 1) One copy of the preliminary plans will be retained in the Planning & Zoning Commission files;
 - 2) One copy shall be returned to the subdivider with any notations at the time of approval or disapproval, and the specific changes if any required; and
 - 3) One copy to the municipal Department of Public Works or comparable agency.
- xxi. Failure of the Planning & Zoning Commission to act on the preliminary plat within sixty days will be deemed approval of the plat.
- xxii. The approval of the preliminary plan by the Planning & Zoning Commission will not constitute acceptance of the final plan.
- xxiii. The approval of the preliminary plan shall lapse unless a final plan based thereon is submitted within twelve months from the date of such approval unless an extension of time is applied for and granted by the Planning & Zoning Commission.

- xxiv. Application for Planning & Zoning Commission considerations and approval of the proposed subdivision preliminary plan will be made on forms provided by the Planning & Zoning Commission Office.
- xxv. Application will be accompanied by appropriate fees as specified by the Town of Sunset.
- xxvi. Property which is not being subdivided and which no municipal facilities are being dedicated but which must be reviewed by the Planning and Zoning Commission shall be reviewed with the following special provisions:
 - 1) Town Council review and approval shall not be required.
 - 2) Planning & Zoning Commission review and approval of preliminary and final plans may be completed at the same meeting provided that all applicable information has been presented at that meeting.
 - 3) Such property does not need to be submitted to the Health Department or Clerk of Court by the Planning & Zoning Commission.
 - 4) No public notice requirements need be met.

13.2.1.5. Public Hearing.

- A. As required by LA R.S. 33:113, and set forth in *Sections 11.2: Common Review Procedures and 11.3: Procedures*, at least one public hearing must be called for each proposed subdivision.
- B. Public hearings shall be held by the Planning & Zoning Commission when reviewing the preliminary plans. Subsequent public hearings shall be held by the Town Council to vote to approve or disapprove acceptance of final subdivision plans for major subdivisions, based upon the Planning & Zoning Commission's recommendations, and other available information.
- C. After the public hearing and Planning & Zoning Commission review of preliminary plans, the applicant shall be advised of any required plan changes and/or additions in writing. This shall be given to the applicant or his representative, along with a marked copy of the preliminary plan (showing Planning & Zoning Commission comments).

13.2.1.6. Public Improvements.

- A. The Planning & Zoning Commission may require, as per LA R.S. 33:112, that all proposed public improvements be installed prior to the signing of the final subdivision plat by the Chairman of the Town Council. If the Planning & Zoning Commission shall not require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Chairman of the Planning & Zoning Commission, posting of a completion, surety bond, or escrow fund shall be established (for such improvements) based upon the recommendation of the local Town engineer (not the project engineer) and the Town's Attorney.
- B. The bond shall be submitted in an approved form and amount prior to the signing and recording of the approved final plat by the President of the Town Council.

- C. Form of bonds shall be recommended by the Town’s Attorney. The Planning & Zoning Commission shall require the applicant to indicate in the plans all roads and public improvements to be dedicated.
- D. Further details on the bond requirements as set forth in *Section 13.2.3: Bond and Maintenance Requirements* shall apply.

13.2.2. Subdivision Approval - Procedures and Requirements.

13.2.2.1. Outline of Procedures.

A. The outline indicated below shows, in general, two procedures for subdivision approval after approval of preliminary plans:

- i. Procedure A (with bond):
 - 1) Construction plan approval by all applicable agencies
 - 2) Post of proper completion bond
 - 3) Final plan approval and signature of Planning & Zoning Commission and Town Council
 - 4) Lots may be sold.
 - 5) Construction of Improvements
 - 6) Acceptance by the Town
 - 7) Post of maintenance bond
- ii. Procedure B (without bond):
 - 1) Construction plan approval by all applicable agencies
 - 2) Final plan approval by the Planning & Zoning Commission
 - 3) Construction of Improvements
 - 4) Acceptance by the Town
 - 5) Post of maintenance bond
 - 6) Signature of final plat by Town Council Chairman
 - 7) Plat filed in Clerk of Court
 - 8) Lots may be sold.

13.2.2.2. Final Plat, Plans, and Specifications.

- A. Following approval of the preliminary plat, application may be made for approval of final plans. The application must be submitted in writing at least ten (10) days prior to the meeting at which it is to be considered.
- B. Final Plans and Specifications must be submitted within twelve (12) months from the date of preliminary approval.
- C. Application must be accompanied by appropriate fees.
- D. Application for final approvals must be accompanied by a notice to provide for appropriate completion bond, upon approval, if improvements have not already been completed.
- E. All other appropriate approvals from the LA DHH, LA DEQ, LA DOTD, USACOE, Town Engineer, and any other federal, state or parish permitting entities must be obtained before signature of the final plat by the Planning & Zoning Commission Chairman and Town Council.

- F. Three (3) copies of final plans and specifications must be submitted to the Planning & Zoning Commission for distribution to the Town Engineer and the Public Works Department.
- G. Final plans submitted shall include those items stated in *paragraph 3.3.1: Submittal of Plans* and the following.
- i. Plans of proposed utility servitude layouts (sewer, water, and electricity) showing feasible connections where possible, to existing and proposed utility systems.
 - ii. Contour interval to sea level datum, of not more than two feet when the slope is less than four percent (4%). Show spot elevations of all breaks in grades along drainage channels or swales and at selected points not more than two hundred feet apart in all directions for slopes less than two percent (2%), and contour intervals of not more than five feet when the slope is greater than four percent (4%).
 - iii. Typical cross sections of the proposed grading and roadways or sidewalks and topographic conditions drawn to scale of not less than one inch equals five feet vertical.
 - iv. Location and description of monuments. They shall be constructed in accordance with the specifications of the project engineer or Town engineer. All corner lot markers shall be permanently located satisfactory to the engineer at least 3/4" (if metal) in diameter and at least 30" in length, and located in the ground at existing grade. Location of temporary stakes shall be shown and may be used until final plot approval.
 - v. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto, existing utility poles and utility rights-of-way on or immediately adjacent to the site.
 - vi. Proposals for public dedication of streets, utilities, parks, and easements.
 - vii. Any proposed information on traffic flow patterns, one-way streets, signal lights, etc.
 - viii. Location of all hardwood trees on public right of way which are to be removed and the location of replacement trees as per Section 9.1.4.
 - ix. Demographic, information checklist as provided by the Planning & Zoning Commission.
 - x. A written Offer of Dedication including irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the local government attorney; and the subdivision plat shall be marked in the following fashion:

The owner, or his representative, hereby irrevocably offers for dedication to the local government uses, roads, easements, parks, and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated, and recorded in the Parish Clerk of Court's Office.

By: (Owner or Representative)

Date: _____

- H. Upon formal acceptance of any dedication, and posting of maintenance bond, the Town of Sunset will undertake the maintenance of such facilities so dedicated. There upon, the Town Council President will sign the subdivision plat as final release to record said plat.

13.2.2.3. Signing and Recording of Subdivision Plat.

- A. The Clerk of Court shall not file any final subdivision plat that is not signed by the Town Council President and Planning & Zoning Commission Chairman.
- B. Before signatures by the Planning & Zoning Commission Chairman and Town Council President are made on the final plat, there shall be proof that the subdivision improvements were installed in a manner satisfactory to the local government, or that proper completion bonds were filed with the Town in accordance with these regulations.
- C. It will be the responsibility of the Planning & Zoning Commission staff or appointed representatives to insure that the final plat is filed with the Clerk of Court within thirty (30) days of the date of signature of the Council President.

13.2.3. Bond and Maintenance Requirements.

13.2.3.1. Improvements and Completion Bond.

- A. Before the final plat is signed by the town Council President, all applicants shall be required to complete, in accordance with the Planning & Zoning Commission's decision and to the satisfaction of the Town Engineer, all the street, sanitary, and other improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Planning & Zoning Commission, and to dedicate same to the local government, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- B. The Planning & Zoning Commission may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plan, and that, as an alternative, the applicant post a bond or an escrowed cash fund may be set up in lieu of the completion bond at the time of application for final subdivision approval in an amount estimated by the Planning & Zoning Commission and the Town Engineer, and in form approved by the Town's attorney, as sufficient to secure to the local government the satisfactory construction, installation, and dedication of any incomplete portion of required improvements. The completion bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.
- C. Such completion bond shall comply with all statutory requirements and shall be satisfactory to the Town's attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The 12 month period within which required improvements must be completed shall be specified by the Planning & Zoning Commission in the resolution or motion approving the final subdivision plat and

shall be incorporated in the bond. The period shall be counted as starting with the date of final approval of the plans and plat.

- D. The Planning & Zoning Commission may, upon proof of difficulty, recommend to the governing body extension of the completion date set forth in such bond for maximum period of one (1) additional year. The governing body may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Planning & Zoning Commission.

13.2.3.2. Costs of Improvements.

- A. All required improvements shall be made by the applicant, at his expense, without reimbursement by the local government or an improvement district therein.
- B. For subdivisions for which no completion bond has been posted, if the improvements are not completed within the period specified by the Planning & Zoning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where completion bond has been posted and required improvements have not been installed within the terms of such bonds, the local government may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

13.2.3.3. Acceptance of Dedication Offers.

- A. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the local governing body. The approval by the Planning & Zoning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on said plat. The Planning & Zoning Commission may require said plat to be endorsed with appropriate notes to this effect. Acceptance of dedication shall be signed by the Town Council President in form similar to that appearing in [Appendix A](#).

13.2.4. Inspection of Improvements and Release of Bond.

13.2.4.1. General Procedure.

- A. The Planning & Zoning Commission shall provide (through their representative) for inspection of required improvements during construction to insure their satisfactory completion. If the Town engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with local construction standards and specifications, or the approved plat, the applicant shall be responsible for completing the improvements accordingly. Wherever the cost of improvements is covered by completion bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

13.2.4.2. Release or Reduction of Completion Bond.

- A. The governing body will not accept dedication of required improvements nor release nor reduce a performance bond, until the Town Engineer has submitted a written certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the governing body shall thereafter accept the improvements for dedication, in accordance with the established procedure, and release the bond.
- B. A performance bond may be reduced upon actual dedication of public improvements but only to the ratio that the public improvement dedicated bears to the total public improvement for that plat.

13.2.4.3. Maintenance of Improvements before Town Acceptance.

- A. The applicant shall be required to maintain all improvements in the subdivision until acceptance of said improvements by the governing body.

13.2.4.4. Maintenance Bond.

- A. The applicant (developer) shall be required to file a maintenance bond or the maintenance bond may be substituted by a cash escrow account or property of equal value to the bond, with the governing body, prior to dedication, in an amount equal to 10 percent of the costs of such improvements and in a form satisfactory to the local government attorney. This is done in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their acceptance by the governing body and dedication of same to the local government.

13.2.4.5. Deferral or Waiver of Requires Improvements.

- A. The Planning & Zoning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provisions of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities that are to be provided by the Town.
- B. Whenever it is deemed necessary by the Planning & Zoning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the local government prior to the signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the local government.

13.2.4.6. Issuance of Building Permits and Certificates of Occupation.

- A. Where a completion bond has been required for a subdivision no certificate of occupancy for any building in the subdivision shall be issued prior to the completion

of the improvements and dedication of same to the local government, as required in the Planning & zoning Commission's final approval of the subdivision plans.

- B. The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit.
- C. No building permits shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two lots of a subdivision, until all public improvements required by the Planning & Zoning Commission for the plat have been fully completed and dedicated to the local government.
- D. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts of interest legislation with respect to the lot or parcel of land which is subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
- E. With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a Court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- F. Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state subdivision disclosure acts or conflicts of interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this development code.

13.2.4.7. Recording of Final Subdivision Plan.

- A. After final plans and specifications have been approved by the Planning & Zoning Commission and the plat signed by the Town Council President, the Town shall record the plat and the plot plan (but not the construction plans and specifications) in the Clerk of Court's Office.
- B. The required signatures that must appear on the front page of the final plat for major or minor subdivisions after acceptance by all parties are as follows:
 - i. Developer
 - ii. Project Engineer
 - iii. Town Engineer
 - iv. Administrator
 - v. Planning & Zoning Commission Chairman
 - vi. Town Council President

13.2.5. Fees.

- A. Fees shall be charged for review of applicant's subdivision so that the subdivision will meet the requirements of state and local regulations. Application fees as specified by the town of Sunset shall apply. The applicant has a temporary and one time cost related to the development of the subdivision and having it accepted by the Town of Sunset. After acceptance and dedication of the public infrastructure (streets, sewer, water, drainage, etc.) in the subdivision, the Town bears the perpetual burden of costs related to the maintenance and improvement of the subdivision, making it imperative upon the town to require a complete and thorough review of the subdivision before final acceptance.

13.2.5.1. Formal Application.

- A. Formal application shall be considered to be when the applicant files an Application Form and submits either a sketch plat or preliminary plat for review by the Town engineer and the Planning & Zoning Commission. A minimum fee will be prescribed by the Town Council. Appropriate fee will be paid to the Town of Sunset and submitted with the Application Form to the Town Clerk.

13.2.5.2. Approval of Final Plans and Specifications.

- A. Upon approval of final plans and specifications by the Planning & Zoning Commission and the appropriate health agency, a minimum fee prescribe by the Town Council will be charged. This fee shall be in addition to the fee charged for formal application.
- B. Acceptance of final plat does not mean that the Town has accepted dedication of streets, water, sewer and other services in the subdivision. This acceptance of dedication can only come after these services have been completely installed and accepted by the Planning & Zoning Commission.
- C. Payment for the services of the Town engineer shall be paid out of the fees charged above, unless such Town engineer is a paid Town employee. The Town engineer may not be the project engineer.

13.3. Subdivision Development Standards

13.3.1. Improvements for Residential Development.

13.3.1.1. Utilities.

- A. All utilities within the Town of Sunset shall comply with provisions of [Section 8: Utilities](#) of this CZO and local ordinances addressing utilities and this code. When community sewerage is not available, a private system must comply with the requirements of the Louisiana Health and Hospitals.

13.1.1.2. Streets.

- A. All streets within the Town of Sunset shall comply with provisions of [Section 8.1.8 Streets](#) of this CZO and local ordinances addressing streets and this code.

- B. All streets shall be hard surfaced with drainage to conform to the S.D.D.M. (if applicable).
 - C. Streets shall be constructed with curb and gutter and subsurface drainage, the following minimum requirements will apply:
 - i. Curb and gutter with subsurface drainage in accordance with the Town's S.D.D.M. (if applicable), and with hard surfacing of either Portland cement concrete pavement, minimum six (6) inches thick, or an equivalent asphaltic concrete pavement with a minimum width of twenty-seven (27) feet measured from back-to-back of curb.
 - ii. Streets shall be constructed with roll-over type curbs not less than twelve (12) inches in width and four (4) inches in height and/or barrier type curbs not less than six (6) inches in width and six (6) inches in height.
- 13.1.1.3. Setbacks.
- A. Lot size shall be sufficient to provide set back to conform to the urban service district zoning code.
- 13.1.1.4. Parking.
- A. Lot size shall be sufficient to provide space for residence and off-street parking in single-family and multifamily residential areas consisting of two (2) parking spaces per dwelling unit.
- 13.1.1.5. Minimum Residential Lot Size.
- A. Minimum residential size lots size shall be six thousand (6,000) square feet if connected to a sewage disposal system (public or private) that is approved by the state Department of Health and Hospitals.
 - B. All lots must front along a public roadway or a servitude of passage and shall contain adequate frontage and depth to enclose four (4) fifty-foot sides at ninety-degree angles to each other, none of which may encroach upon a public road right-of-way or access servitude to adjacent property.
 - C. The minimum frontage width of a lot for a residential subdivision in the urban areas of the Town of Sunset shall be forty-five (45) feet.
 - D. The minimum frontage width of a servitude of passage for a residential subdivision in the urban areas of the Town of Sunset shall be twenty-five (25) feet.
- 13.1.1.6. Residential Development Sewage Disposal Requirements.
- A. The developer shall provide a sewage collection system in compliance with [Section 8.1.6: Sewerage](#).
- 13.1.1.7. Residential Drainage.
- A. Storm drainage pipe shall be located within the street right-of-way. Special servitudes may be required for interconnection or outfall purposes with the subdivision.
 - B. All lots in subdivisions are to be graded to drain to the street or to major drainage arteries as defined by the S.D.D.M (if adopted).

- 13.1.1.8. Residential Planned Unit Development.
- A. It is the intent of the provisions of this section to provide for the development of a total planned project which departs from the traditional types of residential development in that the developer has to demonstrate effective control of structure construction so that certain minimum lot space standards are maintained.
 - B. The developer has to also provide a mechanism for the perpetual maintenance of any proposed, commonly used, nonpublicly dedicated, subdivision features. Examples of developments with such building groups that might be developed under the provisions of this section are townhouses, cluster housing, condominiums, and zero lot line housing. Examples of commonly used, nonpublicly dedicated, subdivision features might be boat launches, community docks, private sewerage systems, recreation areas, parking areas, and community buildings.
 - C. No minimum acreage requirement shall apply to residential planned unit developments.
 - D. All streets shall be constructed in conformance with the requirements for single family residential subdivisions found elsewhere in these regulations in their respective areas.
 - E. Lot size shall be sufficient to provide setback lines of not less than twenty (20) feet from the front property line, except, where provisions are made to allow for off-street vehicular parking behind the front setback line, the front setback may be reduced to ten (10) feet. This setback shall not be part of the servitude of passage or road right-of-way.
 - F. Lot size shall be sufficient to provide space for residence off-street parking in single-family and multifamily residential areas consisting of two (2) parking spaces per dwelling unit, or sufficient commonly owned off-street parking shall be provided to provide at least two (2) parking spaces per dwelling unit.
 - G. The minimum width of a lot for a residential planned unit development is twenty-five (25) feet. Each residential lot shall have at least two hundred (200) square feet of recreation area and shall have a minimum of two thousand (2,000) square feet. Recreation area is per unit and can be used in common. Recreation area shall not be used for off-street parking, for any accessory structure, nor shall it be contained in any portion of the required front yard or in any other portion of the lot required to meet a setback or space requirement.
 - H. For all types of residential planned unit development, the developer has to demonstrate effective control of structure construction so that certain minimum lot space standards are maintained.
 - I. At the time of engineering approval application the developer must submit architectural elevations, including graphic depictions such as photographs or measured drawings to the Planning and Zoning Commission which show the type of planned unit development being proposed and which show allowable building envelope for each proposed lot for Planning and Zoning Commission review and approval. In addition to the general residential planned unit development requirements listed above the drawings must show compliance with one of the following standards for development. Residential Planned Unit Development

- J. The developer shall provide a sewage collection system in compliance with [Section 12.6.4.5](#). Planned unit developments shall be connected to the municipal sewage collection system where possible or an approved community type system.
 - K. Residential planned unit development drainage systems are to be designed to conform to the Town of Sunset. SDDM (if adopted). Street storm drainage pipe shall be located within the street right-of-way. Special servitudes may be required for interconnection or outfall purposes within the subdivision. These developments may be designed for open ditch drainage.
- 13.1.1.9. Townhouses.
- A. No more than four (4) residential units shall be constructed under one (1) roof. No more than six (6) residential units may be adjoining.
 - B. No townhouse development shall exceed a density of twelve (12) residential units per one (1) acre, with lots no less than three thousand, six hundred (3,600) square feet.
- 13.1.1.10. Condominiums.
- A. No portion of a building or accessory structure in or related to one group of contiguous dwelling units shall be located closer than fifteen (15) feet to any portion of another building or accessory structure related to another group of contiguous dwelling units.
 - B. No condominium development shall exceed a density of twenty (20) residential units per one (1) acre.
 - C. There shall be allocated twenty (20) percent of the total development dedicated for open space to be accessible to all condominium residents.
- 13.1.1.11. Zero Lot Line and Cluster Housing.
- A. No zero lot line side yard may be adjacent to a public or private right-of-way.
 - B. No portion or architectural feature of any structure may project over a property line.
 - C. A five (5) foot common area open space or open private servitude of passage must be maintained along the property line of each lot opposite the property line along which a structure wall is to be constructed, for the maintenance and repair of the wall and/or dwelling unit on the adjoining lot.
 - D. No zero lot line and/or cluster housing development shall exceed a density of eight (8) residential units per one (1) acre.
- 13.1.1.12. Residential Lot Frontage (Access).
- A. No residential lot in a major [involving street construction] subdivision may have as its primary means of access an arterial, major or collector street. All residential units must have as its primary means of access either a publicly dedicated street, alley, or on a nonpublicly dedicated private street built to public standards for vehicular traffic.
- 13.1.2. Improvements for Commercial and Light Industrial Development
- 13.1.2.1. Utilities.

- A. All utilities within the Town of Sunset shall comply with provisions of **Section 8: Utilities** of this CZO and local ordinances addressing utilities and this code. When community sewerage is not available, a private system must comply with the requirements of the Louisiana Health and Hospitals.
- 13.1.2.2. Streets
- A. All streets within the Town of Sunset shall comply with provisions of **Section 8.1.8 Streets** of this CZO and local ordinances addressing streets and this code.
 - B. Street rights-of-way in a commercial and/or light industrial subdivision shall be a minimum width of sixty (60) feet. All streets shall be hard surfaced with drainage to conform to the S.D.D.M. (if adopted).
 - C. Streets shall be constructed with subsurface drainage of curb and gutter design and eight (8) inch thick Portland cement concrete pavement or asphaltic concrete pavement with a structural equivalent design on a stabilized base measuring twenty-seven (27) feet measured back-to-back of mountable curb.
- 13.1.2.3. Minimum Commercial and Light Industrial Lot Size:
- A. Minimum commercial and light industrial lots shall be of such size, including adequate off street parking, so as to accommodate the development.
- 13.1.3. Improvements for Industrial Development
- 13.1.3.1. Utilities.
- A. All utilities within the Town of Sunset shall comply with provisions of **Section 8: Utilities** of this CZO and local ordinances addressing utilities and this code. When community sewerage is not available, a private system must comply with the requirements of the Louisiana Health and Hospitals.
- 13.1.3.2. Street Type.
- A. All streets within the Town of Sunset shall comply with provisions of **Section 8.1.8 Streets** of this CZO and local ordinances addressing streets and this code.
 - B. Street rights-of-way in an industrial subdivision shall be minimum width of eighty (80) feet. All streets shall be hard surfaced with drainage to conform to the S.D.D.M. (If adopted). The minimum standards shall be as specified below.
 - C. All such developments inside the Town of Sunset shall be constructed with subsurface drainage of curb and gutter design. Streets shall consist of a minimum of eight (8) inch thick Portland cement concrete pavement, twenty-seven (27) feet wide measured from back to back of mountable curb placed on a compacted subgrade. The existing materials may be conditioned with lime, where feasible. An equivalent structural design of asphaltic concrete pavement on a stabilized base may be used.
- 13.1.3.3. Minimum Industrial Lot Size.
- A. Minimum industrial lots shall be of such size, including adequate off-street parking, so as to accommodate the development.

13.1.4. Mobile Homes and Manufactured Housing.

13.1.4.1. General requirements.

- A. Mobile Homes legally located and existing in the Town of Sunset at the time this CZO is adopted 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 Town requirements on anchoring, skirting, model, year, and condition. Mobile Homes/Manufactured housing are defined in the “Definitions” section of this Code.
- B. No new mobile homes shall be permitted in the Town of Sunset.
- C. All allowable replacement Mobile Homes shall meet the following standards.
 - i. Conform to the 1994 HUD minimum standards for Mobile Homes and be no older than 10 years.
 - ii. Conform to the FEMA standards adopted by the Town of Sunset at the time of permitting.
 - iii. All Mobile Homes must have a manufacturer approved, vented skirting, completely enclosing the area between bottom of the Mobile Home and the natural ground.
 - iv. Other than porches and exit steps, no additional structures will be allowed to attach to the Mobile Home.
 - v. The allowable area of porches shall not exceed 15% of the total area of the Mobile Home.
 - vi. All exit steps and porches must meet all Town building codes and ordinances.
 - vii. Mobile Home movers must contact the Town at least 7 days before moving the Mobile Home for placement and occupancy in the Town of Sunset.
 - viii. 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.
- D. Should a Mobile Home meet the standards of [Section 3.4.2: Nonconforming Uses](#), it may be replaced with another Mobile Home within 6 months of its removal, provided the replacement Mobile Home meets all the standards outlined in [Sub-Section 13.5.1.1: Manufacturing Requirements](#).
- E. 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 Town as legally existing on the date **(Insert date of CZO adoption here)**.
- F. Mobile Home permits are not issued by the Town 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 Town, properly placed on the property, skirted, and anchored.

- G. Mobile Homes may not be moved into the Town for occupancy unless an application for such as first been completed and Town staff has been made aware of the date that the Mobile Home will be moved.
 - H. Mobile Homes illegally placed in the Town or moved without Town approval must be removed within 30 days from the date the owner or mover receives notice from the Town.
 - I. Mobile Homes are not permitted in the town 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 Town and a permit fee as specified by the Town of Sunset per temporary Mobile Home/construction trailer will be collected. Temporary buildings in general are not permitted for occupancy and must be removed at the end of the one year period allowed.
- 13.1.4.2. Manufacturing requirements.
- A. No mobile/manufactured home may be transported into or relocated within the Town of Sunset, nor installed within the Town unless an installation permit has been obtained, and permits will not be issued for any mobile/manufactured home which is greater than ten (10) years in age and does not possess the seal or label issued by the United States Department of Housing and Urban Development.
- 13.1.4.3. Installation requirements.
- A. Any mobile/manufactured home which is moved into or relocates within the Town of Sunset shall be installed in compliance with the manufacturer's installation instructions if available. In the absence of the manufacturer's installation instructions the installation of mobile/manufactured homes shall comply with the provisions of R.S. 51:912.22, 51:912.23, 51:912.24, as may be amended from time to time as well as any other applicable state law.
- 13.1.4.4. Addressing.
- A. Municipal property addresses for properties without existing addresses must be obtained from the Town of Sunset. Proper Municipal Street addresses shall be obtained from the Town before a properly owner, tenant, or business owner uses such address.
 - B. Municipal address numbers must be posted clearly and visibly on the building and on a street side mailbox when used. Address numbers must be visible from the nearest street to the building. Therefore, the minimum height for address numbers is 4 inches.
 - C. No occupancy permit or public utilities will be provided until a legal address is obtained from the Town.
- 13.1.4.5. Modular and Manufactured Homes.

- A. Modular and Manufactured homes shall comply with the requirements as stated in *Article 4: Use Standards, Section 4.2.45: Residential: modular and manufactured home.*

13.1.5. Temporary buildings.

- A. All temporary commercial buildings being reviewed by the Town for occupancy or for business use in the Town of Sunset will be reviewed, prior to construction, as if they are permanent structures if they are connected or will connect to Town 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 Town. Mobile homes or mobile offices shall not be permitted as permanent business structures within the Town limits. Complete plans and specifications for each building must be provided to the Town to be reviewed as a permanent structure.
- B. 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 Town. 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.
- C. 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 Town. Such waiver may not exceed six months and must be granted by the Planning & Zoning Commission.
- D. 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 Town prior to placement 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 Town prior to placement.
- E. Non-profit fund raising organizations requesting to erect tents or temporary structures within the Town on a temporary basis must first receive written permission from the Mayor, or his designee.

15. APPENDIX A: Subdivision Procedures, Plat Checklists, and Plat Notes

15.1. General.

- A. The deadline for submittal of an application for preliminary or final review shall be 30 days before the Planning & Zoning Commission meeting.

15.2. Phases.

- A. The procedure for review and approval of a subdivision or land development consists of three (3) separate phases. These phases are more generally outlined as follows:

- i. PHASE I: Ongoing process before plats, construction plans, restrictions (if any), and specifications are drawn.
 - 1) STEP #1: Informal meeting with the Administrator and other committees to discuss submittal of preliminary information concerning plans, specifications, plats, Procedures "A" or "B", annexation, zoning or variance before any detailed plans are drawn. NOTE: "A" and "B" refer to bond submittal.
 - 2) STEP #2: We recommend before any preliminary plans are drawn a plat sheet is submitted containing all the information listed on the attached checklist for plats. This plat would then be reviewed by the various town departments and returned with comments. The requirements for said plat are listed in paragraph 3.2.1 B (2).
- ii. PHASE II: Application for preliminary review and preliminary hearing by the Planning and Zoning Commission.
 - 1) STEP #1: Thirty days before the preliminary hearing the owner/developer shall submit completed application and pay fees for preliminary hearing. In addition, the names and addresses of all adjacent property owners (adjacent means next to or directly across the street) shall be furnished on the application or on a separate sheet.
 - 2) STEP #2:
 - Thirty (30) days before first the preliminary hearing submit 6 bound copies of the preliminary required plats with plans and specifications for construction as defined in [Article 13: Subdivision Regulations of this CZO](#), and 10 additional copies of any plats containing the information required by the attached checklist for plats. Items (1) and certification block Item (2) and Item (5) shall be completed and signed when the plat sheets are submitted to the Planning & Zoning Commission for reviews. All other certification blocks shall be left blank.
 - Within 3 days after receipt of completed preliminary information, plans and specifications will be sent by the Building Department to the Town engineer, Street

and Sewer & Water Departments, the Administrator and the Planning & Zoning Commission Chairman. Town Engineer, Street and Sewer Department and Administrator shall be sent a letter of review with recommendations to the Planning and Zoning Commission Secretary fifteen (15) days before the next meeting.

- The Planning & Zoning Commission Secretary shall send immediately a copy of the letters of review to the design engineer and the developer. Preliminary plans submitted at the Planning & Zoning Commission meeting should reflect any information asked for in the review letter.
- At least 5 days before the Planning & Zoning Commission's regular meeting, the Secretary will advertise one time in the local newspaper and send to the applicant by certified mail, notice of time, place and date of the public meeting. The secretary will also notify the adjacent property owners by regular mail of the time, place and date of the public hearing.

3) STEP #3: Planning & Zoning Commission Preliminary Review and Public Hearing

- A representative of the design engineer, Town engineer, and owner shall be present at the Commission meeting.
- The Zoning Secretary shall send a letter to the design engineer and the developer of approval of preliminary plats and construction Plans and specifications, disapproval or tentative approval, with any conditions, which shall be incorporated into the final plans.

iii. PHASE III: Final Approval

- 1) STEP #1: Prior to Final Approval by Planning & Zoning Commission the application for final approval is submitted including all plats and plans. Also submit the required review fees for final approval. The design engineer shall submit six (6) sets of plats and construction plans and specifications with all corrected data and information for final approval and ten (10) copies of final plat sheets. In addition submit one mylar sheet each of any plats containing the information required by the attached checklist for Plats. Also submit six (6) copies of any regulations or restrictions governing the use of this property. The performance bond must be posted if procedure "A" is used.
- 2) STEP #2A: Final Approval by the Commission and Council Under Procedure "A" with Bond

- Planning & Zoning Commission, after final review, either grants or denies final approval. If approved, this shall be noted on the plat as the official submittal data and a performance bond (in a form acceptable to Town Attorney) shall be posted (before any work is started or permits issued) by the developer with the Town Attorney in full amount of the construction cost. The Chairman of the Planning & Zoning Commission shall sign the plat sheet in the certification block for his signature.
 - A summary letter of Planning & Zoning Commission approval or denial is sent to the Council. If the Council approves, the Council President signs the certification block on the plat accepting the final plats and construction plans and specifications as approved by the Planning and Zoning Commission. If the Council wants to override the P.C. recommendations, they may either ask for further review by the Planning Committee, incorporating the Council's comments, or may vote at their Council meeting to finalize the review process. The final plat containing the signature for Planning & Zoning Commission approval and the signatures for acceptance of the Planning & Zoning Commission and Council President approval of final plans shall be recorded (this is not acceptance of dedication).
 - Construction can begin.
 - Lots can be sold.
 - Building Permits can be issued.
 - When all roads, easements, rights-of-way, parks and required utilities are approved and complete, a maintenance bond posted, and approved by Town Council action, the Council President shall sign the certification block on the plat containing the offer of dedication and post the necessary maintenance bond.
 - The certification block Item 6 on the plat for acceptance of dedicated property shall be signed by all parties. The Town Attorney shall record the completed plat as the final plat and shall record maintenance bond. The performance bond is cancelled by the Town Attorney.
- 3) STEP #2B: Final Approval by the Planning & Zoning Commission and Town Council under Procedure "B" [without bond]

- Planning & Zoning Commission, after final review, either grants or denies approval. If approved, this shall be noted on the plat as the official submittal date. The Chairman of the Planning & Zoning Commission shall sign the plat sheet in the certification block for his signature.
- A letter of Planning & Zoning Commission approval or denial is sent to the council. If council approves the Council President signs the certification block on the plat accepting the plats and construction plans and specifications only as approved by the Planning and Zoning Commission.
- Construction can begin.
- Building permits can be issued to the owner/developer only.
- Lots cannot be sold or transferred.
- When all roads, easements, parks and required utilities are completed and approved by the Town Engineer, the owner/developer shall sign the certification block on the plat containing the offer of dedication and post the necessary maintenance bond.
- The certification block on the plat for acceptance or dedicated property shall be signed by all parties. The Town Attorney shall record the completed plat as the final plat and shall record the maintenance bond.
- Lots can be sold and building permits can be issued.

15.2.2. Notes.

- A. A denial has fifteen (15) days to appeal.
- B. All improvements shall be completed within twelve (12) months from the official submittal date and any performance bond shall be in force during the entire 12 months.
- C. Application for annexation, zoning, variance or subdivision review are separate applications.
- D. If the subdivision submittal is considered "minor" as defined in Article 2, preliminary and final plans can be approved at one Planning & Zoning Commission meeting. No Town Council approval is needed.

15.3. PLAT INFORMATION

15.3.1. General

- A. Items 1 through 6 shall be placed on all plats in the order and form shown below when submitted for preliminary and final review. After the final plat is corrected, furnish a mylar copy for use by the Town.

B. Definition (Plans) - The numbered construction documents, specifications, plats, and restrictions.

15.3.2. Items.

A. ITEM #1:

Name of Subdivision or
Development: _____
Name of Property Owner: _____
Name of Developer: _____
Address of Developer: _____
Legal Description of Property: _____

B. ITEM #2 - DESIGN ENGINEER'S CERTIFICATION & SEAL

I hereby certify this legal description is true and correct and the plat is in accordance with the provisions of the Louisiana Revised Statutes governing same.

Name (Print): _____
Signature Date: _____

C. ITEM #3 - PLANNING & ZONING COMMISSION CERTIFICATION

Procedure "A" with bond - Procedure "B" without bond.

Preliminary approved: _____
Date: _____

Final approval : the index of plan sheets

Official Submittal Date: _____

Numbered thru and other plans are hereby approved and by reference shall be part of the recorded plats.

Signature of final plans: _____

Commission Chairman Date: _____

Proof of performance bond;

Date submitted & approved

D. ITEM #4 - SIGNATURES OF ACCEPTANCE OF PLANNING & ZONING COMMISSION
APPROVED FINAL PLAT

Owner/Developer Date: _____

Design Engineer Date: _____

Town Engineer Date: _____

Administrator Date: _____

Bond Acceptance Date: _____

Town Attorney: _____

Town Council President Date: _____

Not Acceptance of Dedications: _____

E. ITEM #5 - OFFER OF DEDICATION BY OWNER/DEVELOPER

I hereby offer for dedication to the Town of Sunset use of roads, easements, servitudes, right-of-ways, parks and required utilities as shown on this plat and plans by reference as approved on (Date) by the Sunset Planning & Zoning Commission and Designated as (Name of Subdivision).

Owner/Developer: Date: _____

Signature: _____

F. ITEM #6 - ACCEPTANCE OF TOWN OF OFFER TO DEDICATE

The town of Sunset hereby accepts the dedication of roads, easements, servitudes, right-of-way, parks, and required utilities in (Name of Subdivision). This acceptance is subject to the Town's final acceptance of construction and posting of the required one year maintenance bond by the owner/developer.

Streets & Lighting Date: _____

Water Date: _____

Sewer Date: _____

Drainage Date: _____

Administrator Date: _____

Council President Date: _____

Recording Information: _____

Recordation: _____

Recorded By: Date: _____

15.3.3. Preliminary Plat

15.3.3.1. Checklist

A. The following information is required on all preliminary plats unless otherwise noted in bold. The Plan submitted for approval shall be prepared by one or more persons in the following professions: Architecture, Landscape Architecture, Land Planning, or Civil Engineering. (Should place stamp and seal on the appropriate drawings) 1.

- i. Title subdivision place on lower center/ lower right corner of plat
- ii. Legal Description including Section, Township, and Range
- iii. Property ID#s for each lot
- iv. Name of owner/subdivider/developer
- v. Engineer's Name
- vi. Boundaries of Subdivision
- vii. Street names and rights-of-way widths of roads adjoining the project
- viii. Major Street Plan area required for a proposed major street
- ix. Zoning District classification and boundaries
- x. Section and Township Lines
- xi. Abutting Property Ownership: show ownership on plat of all abutting properties

- xii. Abutting Lots or Tracts: show lot number or tract name on all abutting properties or unsubdivided land
- xiii. Abutting Subdivision(s): show abutting subdivision name(s) and filing(s) of abutting subdivision(s)
- xiv. Lots show proposed lot or tract numbers and all dimensions
- xv. Servitudes: show proposed servitudes and dimensions
- xvi. Right-of-way: show proposed right-of-way, dimensions of streets and radii of turning circles
- xvii. Sidewalks: show sidewalk servitudes (where applicable)
- xviii. Bridges and Culverts: show existing bridges and culverts within the proposed development area
- xix. Sewerage Disposal Statement for proposed development
- xx. Contours (Not required for Exchange of Property/ Combination of Lots Applications)
- xxi. Drainage: show existing and proposed drainage ditches / canals / streams and right-of-way
- xxii. Utilities: show existing and proposed utilities such as water, gas electric, etc.
- xxiii. North Arrow, Scale and Date
- xxiv. Vicinity Map with north arrow and scale
- xxv. Dedication Notes: For Public Use (e.g. streets, rights-of-way, utilities, sewer, etc.) For Private Use (e.g. common area, ponds, recreation, etc.) Private Streets must state, "The Town of Sunset is not responsible for the maintenance and or upkeep of private streets."
- xxvi. Existing Buildings: show location and address of existing buildings
- xxvii. Special Use Areas: show proposed location of: parks, playgrounds, church, school sites, etc.
- xxviii. General Notes
 - 1) Zoning District:
 - 2) Acreage:
 - 3) Inundation Level:
 - 4) Streets: Type: i.e. Local Neighborhood Street (Appendix B)
 - 5) Land Use:
 - 6) Electric Company:
 - 7) School District:
 - 8) Gas Company:
 - 9) Nearest 100 Yr. Flood Elevation:
 - 10) FEMA Flood Zones:
 - 11) Water District:
 - 12) Sewer District:
 - 13) Fire District:
 - 14) Design Water Surface at Outfall(s):
 - 15) FIRM Base Flood Elevation:
 - 16) Waiver(s): State requested waiver(s) on the preliminary plat

- showing section and paragraph of the Unified Development Code
- xxix. Drainage Impact Study (If Required): provide three (3) copies submitted to the Planning & Zoning Commission. (All Public Hearing Cases)
 - xxx. Traffic Impact Statement (If Required): Applicant must have a statement from a Louisiana licensed civil engineer confirming that the Traffic Impact requirement as stated in Section 10.2.4 has been completed prior to being heard at the Planning & Zoning Commission Meeting. Failure to have the statement prior to the Meeting will result in the items deferral/denial. (All Public Hearing Cases)
 - xxxi. Fee: a non-refundable processing fee is required for all preliminary plat applications.
 - xxxii. Engineer's / Surveyor's Certification, Signature & Seal must be shown on all preliminary plats submitted for Planning & Zoning Commission Staff Review and Approval.
 - xxxiii. Application Form must be completed and signed
 - xxxiv. Minimum Lot Requirements all subdivided lots must meet the minimum lot requirements established by the CZO.
 - xxxv. Street Improvements: no lots may be subdivided or subdivided on private streets or roads or on unimproved rights-of-way unless such Streets are first improved to Unified Development Code standards
 - xxxvi. Private Street: the width of the private street and its name must be indicated on the plat as well as the type of construction. Show typical sample cross section of Private Street
 - xxxvii. Label proposed subdivision and street names: Label all streets, alleys, ways, right-of-ways, and private streets, together with their widths and names. Show typical sample cross section of Street(s).
 - xxxviii. Flood Elevation Data the FEMA Flood Zone and the FIRM Base Elevation; where the area subdivided lies at or below record inundation level or the FIRM Base Elevation, whichever is greater, that Area Shall be Shaded by an approved shading pattern
 - xxxix. Sewer Lines and Wyes: All lots being created must have a sewer wye, the cost of which must be borne by the property owner or subdivider if no sewer wye exists
 - xl. Parish Health Unit Approval if property is located outside the Public Wastewater Network and no sanitary sewer facilities are available; subdivision requires the Chief Sanitarian of the Parish Health Unit Certifies on the plat to be approved the method of sewage disposal. Note: The Health Unit will not sign a plat that has been granted or is requesting a waiver. (Not required for Exchange of Property/ Combination of Lots Applications)
 - xli. Green open space provisions such as golf courses, parks, passive or scenic areas; community recreation or leisure time facilities such as benches and gazebos; and areas for such public or quasi-public

institutional uses such as public facilities.

- xlii. DOTD approval/non-objection: Where proposed development accesses a state highway or connecting street, approval is contingent upon LADOTD approval of access.