

TOWN OF STERLINGTON, LOUISIANA

ZONING

Ord. No. 2006-08 (BCO), Adopted August 8, 2006.

Effective Date September 1, 2006

**CODE OF ORDINANCES
TOWN OF
STERLINGTON, LOUISIANA**

Published by Order of the Board of Aldermen

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of the
TOWN OF STERLINGTON, LOUISIANA

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Town Clerk
Marilyn Dilmore

ORDINANCE NO. 2006-08 (BCO)

An Ordinance Adopting and Enacting the Zoning Code of Ordinances of the Town of Sterlington, Louisiana and Providing for the Effect Thereof.

Section 1. Be it ordained by the Mayor and Board of Aldermen of the Town of Sterlington, Louisiana, in legal session convened, that pursuant to Article VI, Section 10 of the Louisiana Constitution of 1974 and Section 214 of the Charter of the Town of Sterlington, a codification of the ordinances of the Town of Sterlington, Louisiana is hereby adopted as "The Code of the Town of Sterlington, Louisiana," which codification shall supersede the prior 1976 codification, and all amendments thereto.

Section 2. Be it further ordained by the Mayor and Board of Aldermen of the Town of Sterlington, Louisiana, in legal session convened, that this adoption and enactment of this Code shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this adoption and enactment; nor shall such adoption and enactment affect any ordinance heretofore validly in force and effect, the provisions of "The Code of the Town of Sterlington, Louisiana" being considered as continuations of the previously enacted Code of the Town of Sterlington, Louisiana and ordinances of the Town of Sterlington, Louisiana and not as new enactments thereof.

The above ordinance was read in full, considered by sections and upon a vote being taken, the following result was had:

Yeas: 4
Nays: 0
Absent: 1
Not voting: 0

Whereupon the Mayor of the Town of Sterlington, Louisiana declared said ordinance to be duly adopted on the 8th day of August 2006, with an effective date of September 1, 2006.

ATTEST:
Marilyn Dilmore

Town Clerk
Town of Sterlington
State of Louisiana

Clifford Bullock

Mayor
Town of Sterlington
State of Louisiana

Chapter 1. ZONING*

State law references: Municipal zoning regulations, R.S. 33:4721 et seq.; enforcement, penalty, R.S. 33:4728, 33:4732.

ARTICLE A. ADMINISTRATIVE PROVISIONS

Sec. 1-1001. Department of Zoning.

- (a) There is hereby created a department in the Town to be designated as the zoning department.
- (b) The head of said department of zoning shall be the zoning administrator, who shall be appointed by the mayor and approved by the board in accordance with law, and who will serve at the pleasure of the mayor and board.
- (c) The zoning department shall be under the supervision and administration of the zoning administrator, whose duties and responsibilities it shall be to coordinate and administer the affairs and duties of the zoning administrator, the planning commission, the board of adjustment and to maintain all official records necessary and incidental and pertaining to the administration of the zoning ordinance and its related bodies.
- (d) The zoning administrator shall be responsible to require that no building or other permit, license or other document necessary to be approved by the zoning commission, any of which may be subject to the provisions of the zoning code, shall be issued by any department, agency or board of this Town until he has certified that the use to be made of the permit, license or other document is in full compliance with the provisions of the zoning ordinance.

Sec. 1-1002. Authority; Intent.

This chapter is adopted under authority of sections 4721 through 4732, Title 33, Louisiana Revised Statutes of 1950, as amended. The requirements set forth therein as prerequisite to the adoption of a zoning ordinance have been fulfilled. It is the intent of this chapter, with the [map accompanying the original ordinance], to provide for the harmonious development of the Town of Sterlington in accordance with the master plan heretofore made and adopted by the Sterlington Planning Commission to lessen congestion in the public streets, secure safety from fire, provide adequate light and air, avoid undue concentration of population, promote health and the general welfare and conserve the value of buildings by encouraging the most appropriate use of the land by districting according to the peculiar suitability of the land for particular purposes, all to create conditions favorable to health, safety, convenience and prosperity.

Sec. 1-1003. Area of Jurisdiction.

This chapter shall apply to all land within the corporate limits of the Town of Sterlington as such corporate limits exist or may exist in the future.

Sec. 1-1004. Annexed Territory.

Territory hereafter annexed to the Town of Sterlington shall be in the O-L District until and unless changed in accordance with the amendment procedure set forth herein.

Sec. 1-1005. Application of Regulations.

Except as hereinafter provided:

- (1) No land shall be used or occupied, no structure shall be erected, altered, used or occupied, and no use shall be operated unless in conformity with the regulations herein prescribed for the district in which such structure or land is located.
- (2) No structure shall be erected, altered, used, or occupied to exceed the height limits herein established, to have less building site area, or to have narrower or smaller front, side and rear yards than therein prescribed for the district in which the structure is located.
- (3) No part of a yard or other open space required about any structure for the purpose of complying with the provisions of this chapter shall be included as a part of the yard or other open space similarly required for another structure.
- (4) No building site shall be so reduced or diminished that the building site area, yards, or other open spaces shall be smaller than prescribed by this chapter.
- (5) Every structure, other than an accessory structure, hereafter erected, altered, used, or occupied shall have provided and continuously maintained for it a separate building site as herein defined.
- (6) Every use, unless expressly exempted by this chapter, shall be operated entirely within a completely enclosed structure.

Sec. 1-1006. Definitions.

For the purpose of this chapter certain words and phrases used herein are defined as follows:

Accessory structure: A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building. Detached garage, outdoor advertising system, storage building, etc.

Accessory use: A use customarily incidental to the principal use of a building site or to a building and located upon the same building site with the principal use. Parking lots, open storage activity, etc.

Alley: Any public space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use.

Alteration: Any structural change in the supporting or loadbearing members of a building, such as bearing walls, columns, beams or girders.

Bed and breakfast home: A use in which overnight accommodations are provided for no more than five (5) guest rooms for compensation for periods of seven (7) days in the same dwelling as that occupied by the owner, lessee, operator, or proprietor of the dwelling, all according to the standards as established in section 12-5021 of this Code.

Board: The board of adjustment established by this chapter.

Boardinghouse: A building where, for compensation and by prearrangement, five (5) or more persons other than occasional or transient customers are provided with meals.

Building: Any covered structure intended for the shelter, housing or enclosure of persons, animals or chattels. The term "building" shall be construed to include the term "structure."

Building site: The land occupied or to be occupied by a building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities, and off-street truck-loading facilities as are required by this chapter; except as approved by the board of aldermen according to the procedures established in section 12-2008(b), every building site shall abut upon a street.

Building site boundary: Any line separating a building site from a street, an alley, another building site, or any land not part of the building site.

Church: A building, together with its accessory building and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic, dental or medical: A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery.

Dwelling, cluster: A one-family detached dwelling, excluding mobile homes, built in a cluster subdivision according to design specifications in section 12-2005.

Dwelling, condominium: A group of two (2) or more dwellings, similar to an apartment complex or townhouse subdivision providing for joint ownership of the underlying land and physical facilities and for individual ownership of the living spaces within.

Dwelling, multiple-family: A detached building containing three (3) or more dwelling units and used by three (3) or more families living independently of each other; the term includes apartment house.

Dwelling, one-family: A detached building containing one dwelling unit and used exclusively by one family.

Dwelling, townhouse: One of series of two (2) or more individually owned, single-family dwellings, excluding mobile homes, attached in a row, distinguished from condominium units by the ownership of the underlying land resting with the dwelling's owner rather than in common ownership.

Dwelling, two-family: A detached building containing two (2) dwelling units and used by two (2) families living independently of each other.

Dwelling unit: One or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.

Family: One or more persons living together as a single housekeeping unit, which may include not more than four (4) lodgers or boarders.

Gross floor area: The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines; all horizontal dimensions shall be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same building site, measured the same way.

Home occupations: An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services within the limits imposed on such uses according to section 12-5021(g).

Hospital: An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, staff offices and emergency evacuation heliports.

Hotel: A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both, and where there is either no provision made for cooking in any guest room or provision made for cooking in not more than twenty-five (25) percent of the guest rooms; the term includes "motel."

Lot of record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of court of Ouachita Parish, or a lot described by metes

and bounds, the description of which has been recorded in the office of the clerk of court of Ouachita Parish.

Livestock keeping, raising, or breeding: The keeping, raising, or breeding of any animals, including fowl, of any type or nature whatsoever. However, (1) other than horses, cows, pigs, goats, mules, sheep or predators, keeping less than three (3) of any type of animal for personal comfort and not as a commercial activity or with any expectation of realizing any proceeds or otherwise profiting there from; or (2) keeping larger numbers of common household pets such as dogs, cats, hamsters, or caged birds; or (3) the occasional sale of pet offspring; or (4) small animal clinics and kennels shall not be considered livestock keeping, raising, or breeding.

Mobile home: Mobile homes, for purposes of this chapter shall be categorized into the following:

(1) *Class A:* New mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards in accordance with section 12-5021(f).

(2) *Class B:* New mobile homes certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, but not approved as meeting appearance standards.

(3) *Class C:* All mobile homes not meeting appearance standards specified above but found by the building inspector to be in good condition. All Class C mobile homes shall be a minimum of 720 square feet not including porches and garages.

(4) *Class D:* Mobile homes found by the building inspector to be in poor condition and unsafe for occupancy will not be allowed within Town limits.

Mobile home parks: A parcel of land under single ownership, whether public or private, which has been planned and improved for the placement of mobile homes for nontransient use.

Nonconforming structure: A building or part thereof lawfully existing on the effective date of this chapter and which does not conform to all of the regulations of the district in which it is located.

Nonconforming use: A use which lawfully occupied a building or land on the effective date of this chapter and which does not conform to the regulations of the district in which it is located.

Off-premises sign: A permanently placed sign, other than an outdoor general advertising structure, not on the same premises with the establishment it advertises, identifies, or enhances. A sign identifying a planned residential or commercial development according to sections 12-2005 or 12-5031 is considered to be an on-premises sign.

On-premises sign: A sign serving to identify or enhance commercial or other establishments which is on the premises of the establishment being served. An on-premises sign is considered part and parcel of the use to which it is associated.

Outdoor general advertising structure: A billboard or other off-premises sign larger than thirty-five (35) square feet of sign-face area.

Permitted structure: A structure meeting all the requirements established by this chapter for the district in which the structure is located.

Permitted use: A use meeting all the requirements established by this chapter for the district in which the use is located.

Recreational vehicle: A structure which is:

- (1) Built on a single chassis;

- (2) Contains four hundred (400) square feet or less of gross area measured at its largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a motorized vehicle; and
- (4) Designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle park: A parcel (or contiguous parcels) of land divided into two (2) or more lots for the temporary placement of recreational vehicles. For purposes of this definition, temporary shall mean placement not to exceed one hundred eighty (180) consecutive days, unless a variance has been approved.

Rehabilitative or recovery care center: A structure regularly utilized as a residence or otherwise used as a meeting place for time periods in excess of four (4) hours per day for two (2) or more days per week primarily for persons who are on criminal probation and/or parole, or who are recently released from prison, delinquent youth facilities or similar correctional or detention facilities, or who are recovering from alcohol or drug abuse problems, or have otherwise demonstrated a tendency toward alcoholism, drug abuse, and social or criminal conduct, and which structure is not the permanent residence of such persons.

Rooming house: A building, other than a hotel, where for compensation and by prearrangement, five (5) or more persons other than occasional or transient customers are provided with lodging.

Street: A public right-of-way which provides vehicular and pedestrian access to adjacent properties.

Street line: A line or boundary separating the public right-of-way from the land or property adjoining.

Structure: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground including but not limited to in-ground swimming pools, satellite reception antennae, etc., provided, however, that utility poles, fences, and free-standing walls shall not be considered to be structures.

Yard, front: An open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the street 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.

Yard, rear: An open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the rear line of the building site and the rear line of the building projected to the side lines of the building site. The depth of the rear yard shall be measured between the rear line of the building site and the rear line of the building.

Yard, side: An open, unoccupied space on the same building site with a main building, situated between the side line of the building and the adjacent side line of the building site and extending from the rear line of the front yard to the front line of the rear yard; if no front yard is provided, the front boundary of the side yard shall be the front line of the building site and, if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the building site.

ARTICLE B. DISTRICTS

Sec. 1-1011. General Provisions.

(a) *Types of districts.* For the purpose of this chapter the Town of Sterlington is hereby divided into the following types of districts:

Residential districts.

R-1 Districts: One-family residential district.

R-2 Districts: Multiple-family residential district.

R-1H Districts: Higher density residential district.

Business districts.

B-1 Districts: Transitional business district.

B-2 Districts: Business park district.

B-3 Districts: General business district.

Industrial districts.

I-1 Districts: Light to heavy industrial district.

Open land districts.

O-L Districts: Open land districts.

(b) *Order of restriction.* For the purpose of this chapter, these districts shall be ranked with respect to degree of restriction, in descending order of restriction as follows: O-L, R-1, R-1H, R-2, B-4, B-1, B-2, B-3 and I1.

(c) *Zoning map.* The districts and the boundaries of such districts are shown upon the zoning map of the Town of Sterlington, Louisiana, which map together with all information shown thereon, is hereby made a part of this chapter [by reference].

(d) *District boundaries.* District boundaries are lot lines, the center lines of streets, alleys, or highways or such lines extended, railway right-of-way lines; the municipal corporation lines as they exist at the time of enactment of this chapter or may exist in the future, or natural boundary lines such as streams.

(e) *Utility lines.* Water, electric transmission, sanitary sewer, telephone, and telegraph, storm water drainage, and natural gas lines, regardless of any other provision or regulation appearing in this chapter, shall not be deemed and shall not constitute "uses requiring planning approval" or "special exception uses" in any district insofar as their placement, erection, or construction on dedicated streets, alleys, and public ways is concerned, but on such streets, alleys and public ways, they shall constitute uses by right, and no permit, license or other document of approval for such use(s) shall be required under this chapter.

RESIDENTIAL DISTRICTS

Sec. 1-1012. R-1 Districts: One-Family Residential Districts.

These districts are composed mainly of areas containing one-family dwellings and open areas where similar residential development seems likely to occur; few two-family and multiple-family dwellings are found in these areas. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

(a) *Permitted uses.* In R-1 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Dwelling, one-family.

Farming and truck gardening (need not be enclosed within structure).

Home occupation.

Mobile homes, Class A only.

Name plate, not exceeding one square foot in area (need not be enclosed within structure).

Park or playground (public) including recreation center (need not be enclosed within structure).

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, water disposal, fire and police protection, and other public facilities, as not causing undue traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Church, including parish house, community house and educational buildings.

Fire station.

Golf course, but not including commercial miniature courses or commercial driving ranges (need not be enclosed within structure).

Library (public).

Pipe line or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards and team tracks (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions:

Bed and breakfast home.

Counseling center.

Electric substation or gas regulator station, need not be enclosed within structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the planning commission as being equally satisfactory for meeting enclosure requirements.

Institution for children or the aged.

Hospital or sanitarium.

Mobile homes, Class B only.

Nursery, day care or kindergarten.

Respite care facility.

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

Telephone exchange.

Water or sewage pumping station.

(b) *Building site area.* Except as provided in Article C, the minimum building site area shall be:

For a one-family dwelling, seven thousand two hundred (7,200) square feet.

For electric substation, gas regulator station, water or sewage pumping station, no minimum requirement.

For any other permitted use, ten thousand (10,000) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed thirty-five (35) feet.

(d) *Yards required.* Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard, twenty-five (25) feet.

Side yard, five (5) feet.

Rear yard, twenty-five (25) feet.

Sec. 1-1013. R-2 Districts: Multiple-Family Residence Districts.

These districts are composed mainly of areas containing a mixture of one-family, two-family, and multiple-family dwellings; in many of them there is evident a trend toward increased population density through conversion of large houses into duplexes or apartments and through use of remaining vacant land for apartment buildings. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; to prevent overcrowding of the land by requiring certain minimum building site areas for dwelling units.

(a) *Permitted uses.* In R-2 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Dwelling, one-family.

Dwelling, two-family.

Dwelling, multiple-family.

Dwelling, condominium (according to provisions of section 12-2005).

Dwelling, townhouse (according to provisions of section 12-2005).

Dwelling, cluster (according to provisions of section 12-2005).

Farming and truck gardening (need not be enclosed within structure).

Home occupation.

Mobile homes, Class A only.

Mobile home parks (must conform to mobile home regulations).

Name plate, not exceeding one square foot in area (need not be enclosed within structure).

Park or playground (public) including recreation center (need not be enclosed within structure).

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Church, including parish house, community house and educational buildings.

Fire station.

Golf course, but not including commercial driving ranges (need not be enclosed within structure).

Library (public).

Pipe line or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards and team tracks (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to the approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions:

Art gallery or museum.

Bed and breakfast home.

Cemetery (need not be enclosed within structure).

College or university.

Convalescent home.

Electric substation or gas regulator station, need not be enclosed within structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or fencing material in lieu of brick may be approved by the planning commission as being equally satisfactory for meeting enclosure requirements.

Hospital or sanitarium.

Institution for children or the aged.

Mobile homes, Class B or Class C.

Nursery, day care or kindergarten.

Respite care facility.

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

Water or sewage pumping station.

(b) *Building site area.* Except as provided in Article C, the minimum building site area shall be:

For a one-family or a two-family dwelling, seven thousand two hundred (7,200) square feet.

For a multiple-family dwelling:

First two (2) dwelling units, seven thousand two hundred (7,200) square feet.

Each additional dwelling unit, two thousand (2,000) square feet.

For electric substation, gas regulator station, water or sewage pumping station, no minimum requirement.

For other permitted use, ten thousand (10,000) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed forty-five (45) feet.

(d) *Yards required.* Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard, twenty (20) feet.

Side yard, five (5) feet.

Rear yard, twenty (20) feet.

Sec. 1-1014. B-1 District: Transitional Business Districts.

These districts are composed of land and structures occupied by or suitable for such uses as dwellings, offices, studios, some retail goods and services to satisfy the daily household needs of the surrounding residential neighborhoods. Although usually located between residential areas and the main business areas, these districts are in some instances freestanding in residential areas. The district regulations are designed to

permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residential districts. The construction of new residences in these districts, while permitted, is not encouraged.

(a) *Permitted uses.* In the B-1 district only the following uses are permitted:

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Altering and repairing of wearing apparel.

Antique shop.

Apothecary (limited to the sale of pharmaceuticals and medical supplies).

Apparel and accessory store.

Art gallery or museum.

Automobile filling station, where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories, and where services are limited to installation of items sold, washing, polishing, and greasing; fuel pumps need not be enclosed within structure.

Bakery, retail.

Bank.

Barber shop or beauty shop.

Book store.

Camera and photographic supplies store.

Candy, nut and confectionery store.

Catering shop.

Clinic, dental or medical.

Club or lodge (private), not including one the chief activity of which is a service customarily carried on as a business.

College or university.

Convalescent home.

Counseling center.

Dairy products sales.

Delicatessen.

Drug store.

Dwelling, multiple family.

Dwelling, one family.

Dwelling, two (2) family.

Dwelling, condominium (according to provisions of section 1-1005).

Dwelling, townhouse (according to provisions of section 1-1005).

Dwelling, cluster (according to provisions of section 1-1005).

Electric substation or gas regulator station, need not be enclosed within structure but must be enclosed with:

1. A cyclone or similar type of protective fence sufficient in height and so constructed as to resist scaling by unauthorized persons and obstruct passage of persons or materials, along the entire length of which there shall be a screening material or planted evergreen shrubs or climbing vines adequate to obstruct view and present a pleasing and esthetic appearance; or

2. A wall of brick, perforated brick, masonry or other similar material sufficient in height to obstruct view and passage of persons or materials; or

3. With the approval of the planning commission a similarly satisfactory enclosure adequate to meet the above stated requirements for the obstruction of view and passage of persons or materials.

Fire station.
Fix-it-shop.
Garden supplies store, handling packaged fertilizer and no other types of fertilizer.
Gift shop.
Grocery store, retail.
Hardware store, retail.
Hobby supply store.
Home occupation.
Hospital or sanitarium.
Ice cream store.
Institution for children or the aged.
Interior decorating shop.
Jewelry store.
Laundry, self-service only.
Laundry and/or dry cleaning pick-up station.
Library or reading room.
Mobile home, Class A only.
Nursery, daycare, or kindergarten.
Office.
Optician.
Park or playground (public), including recreation centers.
Post office.
Radio and television broadcasting studio.
Reducing salon.
Respite care facility.
Restaurant.
Retail auto parts store, excluding all mechanical operations.
Shoe store, retail.
Sporting goods store, retail.
Studio for professional work or teaching.
Toy store.
Water storage (need not be enclosed within structure).
Water or sewage pumping station.
YMCA, YWCA and similar institutions.

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Church, including parish house, community house and educational buildings.
College fraternity or sorority house.
Mobile home parks (must conform to mobile home regulations).
Pet shop.
Pipe line or electric transmission line (need not be enclosed within structure).
Railroad right-of-way, but not including shops, yards and team tracks (need not be enclosed within structure).
Small animal clinic.

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess the characteristics of unique or special form that each specific use

shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions: Auto laundry, self-service only (not to include mechanically operated, rotating brushes; all waste water must be discharged into a sewer).

Bed and breakfast home.

Liquor sales (not to be consumed on the premises).

Mobile homes, Class B or Class C.

(b) *Building site area.* Except as provided in Article C, the minimum building site area shall be:

For a one-family or two-family dwelling, seven thousand two hundred (7,200) square feet.

For a multiple-family dwelling:

First two (2) dwelling units, seven thousand two hundred (7,200) square feet.

Each additional dwelling unit, two thousand (2,000) square feet.

For electric substation, gas regulator station, water or sewage pumping station, no minimum requirement.

For other permitted use, seven thousand two hundred (7,200) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed thirty-five (35) feet.

(d) *Yards required.* Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard, twenty-five (25) feet.

Side yard, five (5) feet.

Rear yard, twenty (20) feet.

Sec. 1-1015. B-2 Districts: Business Park Districts.

These districts are similar to the B-3 Districts (general business districts) in that they are composed of land and structures used to furnish, in addition to some of the retail goods and services found in transitional business districts, many of the less frequently needed goods and services found in the general business districts. Usually easily accessible from thoroughfares (but not strung out along thoroughfares), these districts contain buildings that are freestanding on large, well-landscaped sites with off-street parking. Uses that are noisy, unsightly or otherwise objectionable or unattractive are seldom found in these districts, and the districts are not intended to accommodate those uses. The district regulations are designed to permit the development of the districts for their purpose in an open, spacious arrangement and to protect the abutting and surrounding residential area by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residence districts. It is intended that additional business park districts will be created in accordance with the amendment procedure set forth herein, as they are needed. To insure that these districts are actually developed to supply the business needs of the urban area, the amendment creating the district may set a time limit for its development.

(a) *Permitted uses:* In the B-2 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and services.

Altering and repairing of wearing apparel.

Ambulance service.

Amusement, commercial; miniature golf course and golf driving range (need not be enclosed within structure).

Antique store.

Apparel and accessory store.

Apothecary (limited to the sale of pharmaceuticals and medical supplies).

Appliance store.

Armory.

Art gallery or museum.

Artificial limb manufacture.

Auditorium.

Automobile and other motor vehicle parts store (retail).

Automobile and truck sales room where the primary function is the retail sale of new automobiles and the retail sale of used automobiles, accessories, tires, and batteries is a secondary function only, and where services are limited to installation of items sold, making minor mechanical adjustments, and washing and polishing; may not rebuild or overhaul engines, repair bodies, repaint automobiles, re-cap tires, steam clean automobiles, or motors, reupholster automobiles, or conduct dismantling; may display and store automobiles only within completely enclosed structures.

Automobile filling station; where the primary function is the retail sale of gasoline, oil, grease, tires, batteries, and accessories, and where services are limited to installation of items sold, washing, polishing, and greasing; fuel pumps need not be enclosed within structure.

Bakery (retail).

Bank.

Barber and beauty supplies and equipment sales.

Barber shop or beauty shop.

Bed and breakfast home.

Book store.

Business machines store.

Camera and photographic supplies store.

Candy, nut and confectionery sales, retail and wholesale.

Catering shop.

Town hall, police station, court house, federal building.

Clinic, dental or medical.

Club or lodge (private).

Computer sales and services.

Dairy products sales.

Delicatessen.

Department store (limited).

Drug store.

Dry goods store.

Electric substation or gas regulator station, need not be enclosed within structure but must be enclosed with:

1. A cyclone or similar type of protective fence sufficient in height and so constructed as to resist scaling by unauthorized persons and obstruct passage of persons or materials, along the entire length of which there shall be a screening material or planted evergreen shrubs or climbing vines adequate to obstruct view and present a pleasing and esthetic appearance; or
2. A wall of brick, perforated brick, masonry or other similar material sufficient in height to obstruct view and passage of persons or materials; or

3. With the approval of the planning commission a similarly satisfactory enclosure adequate to meet the above stated requirements for the obstruction of view and passage of persons or materials.

Fire station.

Fix-it shop.

Floor covering sales.

Floral shop.

Funeral home, mortuary or undertaking establishment.

Furniture store, retail.

Garden supply store (pkg. fert. only).

Gift shop.

Glass store.

Grocery store, retail.

Gymnasium, commercial.

Hardware store, retail.

Hobby supply store.

Hospital or sanitarium.

Ice cream store.

Interior decorating shop.

Jewelry store.

Laboratory, dental or medical.

Landscape garden sales.

Laundry, self-service only.

Laundry and/or dry cleaning, pick-up station.

Library (public).

Loan office.

Music store.

Nursery, daycare, or kindergarten.

Office.

Office equipment and supplies, retail.

Optician.

Pet shop.

Picture framing and/or mirror silvering.

Police substation.

Post office.

Radio and television broadcasting studio.

Radio and television store and repair shop.

Reducing salon.

Restaurant.

Shoe store.

Small engine repair.

Sporting goods store, retail.

Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance.

Surgical or dental supplies store.

Telephone exchange, but not including shops or garages.

Tobacco store.

Water storage (need not be enclosed within structure).

Water or sewage pumping station.

YMCA, YWCA and similar institutions.

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Church, including parish house, community house and educational buildings.

Dry-cleaning (nonflammable agents only).

Leather or luggage.

Pipe line or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yard and team tracks (need not to be enclosed within structure).

Small animal clinic.

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess the characteristic of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions:

Auto laundry, self service only (not to include mechanically operated, rotating brushes; all waste water must be discharged into a sewer).

Convalescent home.

Epoxy monuments--Manufacture and sales--Parking requirements one space for every nine hundred (900) square feet of gross floor area.

Hospital or sanitarium.

Hotel, motel, tourist home all for transient occupancy except that not more than one-third (1/3) of the gross floor area may be used for apartments for permanent occupancy.

Institution for children or the aged.

Liquor sales (not to be consumed on premises).

Marine store.

Mini-warehouses (as regulated by section 12-5026).

Passenger depot, railway or bus.

(b) *Building site area.* The minimum building site area shall be:

For electric substation, gas regulator station, water or sewerage pumping station, no minimum requirements

For any other permitted use, ten thousand (10,000) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed thirty-five (35) feet.

(d) *Yards required.*

(1) Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard, twenty-five (25) feet.

Side yard, five (5) feet.

Rear yard, ten (10) feet.

(2) Except that a rear yard abutting on a public alley need only be five (5) feet in depth, a rear yard abutting on a lot in a residential or B-1 District shall have the same minimum depth as the rear yard required in the abutting district.

Sec. 1-1016. B-3 General Business District.

These districts are composed of land and structures occupied by or suitable for furnishing the range of retail goods and services required by the residents of the Town and its trade area. The district regulations are designed to permit the development of the

districts for their purpose subject to limitations designed to prevent congestion of the area that would result from over-intensive development. It is intended that additional general business districts will be created in accordance with the amendment procedures set forth herein as they are needed to serve new neighborhoods. To insure that such districts that are created are actually developed to supply the business needs of the Town and its neighborhoods, the amendment creating the district may set a time limit for its development.

(a) *Permitted uses.* In the B-3 Districts only the following uses are permitted.

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and service.

Ambulance service.

Amusement, commercial; miniature golf course and golf driving range (need not be enclosed within structure).

Apothecary (limited to the sale of pharmaceuticals and medical supplies).

Apparel and accessory store.

Appliance store.

Armory.

Art gallery or museum.

Artificial limb manufacture.

Auditorium.

Automobile and truck sales, rentals and/or repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure, provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except the prohibition of sales.

Automobile filling station and/or repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure, provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except for the prohibition of sales.

Automobile laundry where the primary function is washing automobiles, but not including trucks or trailers, and retail sale of accessories, tires, and batteries is a secondary function only, and where services are limited to installation of items sold; operations shall be conducted only within a completely enclosed structure and all wastes shall be discharged into the sewer.

Automobile storage (commercial) (not to include wrecked or towed vehicles) (need not be enclosed within structure).

Bait store or sales (live bait) (need not be enclosed within structure).

Bakery retail.

Bakery, wholesale.

Bank.

Barber and beauty supplies and equipment sales.

Barber shop or beauty shop.

Bed and breakfast home.

Beverage manufacture (not including alcoholic).

Bicycle and/or lawnmower sales and repair.

Blueprinting and photostating.

Boat body repair (nonmetal).

Book store.

Building specialties store.

Business college.

Business machines store.
Cabinet or carpenter shop.
Camera and photographic supplies store.
Candy, nut and confectionery store.
Canvas products manufacture.
Catering shop.
Town hall, police station, court house, federal building.
Clinic, dental or medical.
Club or lodge (private).
Convalescent home.
Cosmetics (compounding only).
Creamery.
Dairy equipment sales.
Dairy products sales.
Delicatessen.
Department store limited to sale of items which may be sold by any other use permitted in this district.
Drug store.
Dry cleaning with nonflammable cleaning agents only.
Dry goods store.
Dry goods, wholesale.
Electric repair shop.
Electric substation or gas regulator station, need not be enclosed within structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the planning commission as being equally satisfactory for meeting enclosure requirements.
Exterminators.
Farm equipment and supplies sales (need not be enclosed within structure).
Feed store.
Fire station.
Fix-it-shop.
Fixture sales.
Floor covering sales.
Floral shop.
Food locker plant renting only individual lockers for home customer storage of food, cutting and packaging of meats and game permitted but not including any slaughtering or eviscerating thereof.
Food products, wholesale storage and sales.
Fruit and produce, wholesale.
Fruit store.
Funeral home, mortuary or undertaking establishment.
Fur dyeing, finishing and storage, no tanning.
Furniture repair and upholstering.
Furniture store, retail.
Garden supplies store, handling packaged fertilizer and no other types of fertilizer.
Gift shop.
Glass store.
Grocery store, retail.
Gymnasium, commercial.

Hardware store, retail.
Hardware, wholesale storage and sales.
Hobby supply store.
Hospital or sanitarium.
Hotel, motel, tourist home all for transient occupancy except that not more than one-third (1/3) of the gross floor area may be used for apartments for permanent occupancy.
Ice cream manufacture.
Ice cream store.
Institution for children or the aged.
Interior decorating shop.
Jewelry store.
Laboratory, dental or medical.
Landscape garden sales (need not be enclosed within structure).
Laundry.
Laundry, linen or diaper service and/or uniform service.
Leather or luggage store.
Library or reading room.
Liquor sales (for consumption on premises).
Liquor sales (not to be consumed on premises).
Loan office.
Locksmith.
Machinery, tools and construction equipment, sales and service (need not be enclosed within structure).
Marine store.
Mini-warehouses (as regulated by section 12-5026).
Motorcycle sales and service.
Music store.
News stand.
Nursery, day care for kindergarten.
Office.
Office equipment and supplies, retail.
Off-premises sign.
Optician.
Outdoor general advertising structure (need not be enclosed within structure).
Paint and wallpaper store.
Painting and decorating contractor.
Paper supplies, wholesale.
Passenger depot, railway or bus.
Pawn shop.
Pet store.
Photographic studio and/or processing.
Picture framing and/or mirror silvering.
Plumbing shop.
Police substation.
Post office.
Printing, publishing and allied industries.
Radio and television broadcasting studio.
Radio and television store and repair shop.
Reducing salon.
Restaurant.
Restaurant, drive-in (need not be enclosed within structure).

Restaurant supplies sales.
 Rooming house and boarding house.
 Rug cleaning.
 Seafood store, retail.
 Seed store.
 Shoe repair shop.
 Shoe store, retail.
 Shoe store, wholesale.
 Sign shop.
 Small animal clinic and kennels.
 Small engine repair.
 Sporting goods store, wholesale or retail.
 Stone monument sales, retail (need not be enclosed within structure).
 Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance.
 Surgical or dental supplies store.
 Tailor shop.
 Telephone exchange, but not including shops or garages.
 Theater, indoor.
 Tile shop.
 Tire store.
 Tobacco store.
 Tobacco, wholesale.
 Toy store.
 Trailer sales (need not be enclosed within structure).
 Variety store.
 Vegetable store.
 Venetian blind and metal awning fabrication and cleaning.
 Vulcanizing shop.
 Water distillation.
 Water storage (need not be enclosed within structure).
 Water or sewage pumping station.
 Welding equipment and supplies, sales and services (all outside storage must be enclosed within a solid fence at least seven (7) feet in height).
 YMCA, YWCA and similar institutions.

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Church, including parish house, community house and educational buildings.
 Meat slaughtering and/or packing in conjunction with retail sales.
 Pipe line or electric transmission line (need not be enclosed within structure).
 Fair grounds.
 Railroad right-of-way, but not including shops, yards and team tracks (need not be enclosed within structure).
 Revival church (temporary) as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three (3) such periods.
 Theater, outdoor (need not be enclosed within structure).

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions: Automobile and light truck body repair, but not including commercial wrecking, dismantling, or auto salvage yard, provided said businesses are equipped with professionally manufactured paint rooms approved by the Town fire marshal; provided the enclosed part shall comply with the requirements for maintenance of off-street parking facilities, except the prohibitions of sale.

Boat body repair (metal and nonmetal).

Drilling operations for water or for oil, gas or other fugacious minerals (not to exceed a length of operation in excess of three (3) months without express approval) and subject to such restrictions on access, visibility, noise, hours of operation or other restrictions as the board of adjustments may determine appropriate for the anticipated activity and location.

(b) *Building site area.* There is no minimum building site area.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed one hundred (100) feet.

(d) *Yards required.* Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard, twenty (20) feet.

Side yard, none.

Rear yard, ten (10) feet.

Sec. 1-1017. I-1 Districts: Industrial Districts.

These districts are composed of land and structures used for manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and commercial uses. These districts are usually separated from residential areas by commercial areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and commercial districts.

(a) *Permitted uses.* In the I-1 Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and service.

Air products manufacture.

Airport and/or dusting service (need not be enclosed within structure).

Armory.

Automobile filling station and/or repair, but not including commercial wreckage, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except for the prohibition of sales.

Automobile and truck maintenance shops and garages.

Automobile and truck sales, rentals and/or repair, but not including commercial wreckage, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except for the prohibition of sales.

Automobile storage (commercial) (need not be enclosed within structure).

Automobile and truck laundry, including steam cleaning.
Automobile and truck body repair.
Aviary (need not be enclosed within structure).
Bakery, wholesale.
Battery manufacture.
Beverage manufacture (not including alcoholic).
Boat body repair (metal and nonmetal).
Boiler or tank works.
Brooms and brushes manufacture.
Canvas products manufacture.
Carnival or circus, as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three (3) days and renewal for not more than three (3) such periods; need not be enclosed within structure.
Carting, express, crating, hauling, and storage.
Clothing manufacture.
Coffee roasting.
Cold storage plant.
Concrete and concrete products manufacture (need not be enclosed within structure).
Contractors, storage yard for vehicles, equipment, materials, and/or supplies (need not be enclosed within structure).
Cosmetics (compounding only).
Creamery.
Dairy equipment sales.
Diesel engine repair.
Dog pound (need not be enclosed within structure).
Drug manufacture.
Dry cleaning.
Dry dock.
Dry goods, wholesale.
Electric power generating station.
Electric repair shop.
Electric substation or gas regulator station need not be enclosed within structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the planning commission as being equally satisfactory for meeting enclosure requirements.
Electroplating.
Elevator maintenance service.
Farm equipment and supplies sales (need not be enclosed within structure).
Feed store.
Felt manufacture.
Fire station.
Fixture sales.
Food locker plant renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted but not including any slaughter or eviscerating thereof.
Food products manufacture.
Food products, wholesale storage sales.
Freight depot, railway and/or truck.
Frozen food plant.

Fruit and produce wholesale.
Fur dyeing, finishing and storage (no tanning).
Glass manufacture.
Glass products manufacture (from glass stock).
Hardware, manufacture.
Hardware, wholesale storage and sales.
Hatchery.
Hosiery mill.
Ice cream manufacture.
Ice manufacture.
Laboratory.
Laundry.
Laundry, linen supply or diaper service.
Linoleum manufacture.
Livestock keeping, raising or breeding.
Livestock pavilion or equestrienne pavilion.
Lumber yard and building materials (need not be enclosed within structure).
Machine shop.
Machinery, tools and construction equipment, sales and service (need not be enclosed within structure).
Mail order house.
Mattress manufacturing and rebuilding.
Metal products fabrication.
Metal sharpening.
Millinery manufacture.
Millwork and similar wood products manufacture.
Mini-warehouses (as regulated by section 12-5026).
Novelty and souvenir manufacture.
Nursery, daycare or kindergarten
Off-premises sign.
Office.
Office equipment and supplies manufacture.
Oil well supplies and machinery (need not be enclosed within structure).
Outdoor general advertising structure (need not be enclosed within structure).
Packing and gasket manufacture.
Painting and decorating contractor.
Paper products manufacture.
Paper supplies, wholesale.
Passenger depot, railway or bus.
Pipe storage (need not be enclosed within structure).
Plastic fabrication.
Plumbing shop.
Police substation.
Portable building manufacture.
Portable building sales (need not be enclosed within a structure).
Poultry (live) storage and/or dressing.
Printing, publishing and allied industries.
Printing inks manufacture and fabrication.
Radio and television broadcast transmitter.
Railroad facilities, except shops (need not be enclosed within structure).
Rehabilitative or recovery care center.

Restaurant supplies and sales.
Revival church (temporary) as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three (3) such periods.
Riding academy (need not be enclosed within structure).
Roofing and gravel storage (need not be enclosed within structure).
Roofing and sheet metal shop.
Rug cleaning.
Sand and gravel storage yard (need not be enclosed within structure).
Seed store.
Sewage disposal plant.
Shoe manufacture.
Shoe store, wholesale.
Sign shop.
Small animal clinic and kennels.
Small engine repair.
Sporting goods store, wholesale.
Stone cutting.
Syrup manufacture.
Taxidermist.
Telephone exchange (including shops and garages) (need not be enclosed within structure).
Tire store and storage.
Tobacco wholesale.
Toy manufacture.
Trade school.
Trailer manufacture.
Trailer sales (need not be enclosed within structure).
Transit vehicle storage and servicing (need not be enclosed within structure).
Venetian blind and metal awning fabrication and cleaning.
Water distillation.
Water storage (need not be enclosed within structure).
Water or sewage pumping station.
Welding shop.
Well drilling company.
Wholesale and warehousing.

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Pipe line or electric transmission line (need not be enclosed within structure).

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of this chapter governing special exceptions:

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic).
Animal reduction.

Animal black, lamb black, or bone black manufacture.

Automobile wrecking, dismantling or salvage, need not be enclosed within structure but must be enclosed within a fence at least seven (7) feet high and adequate to obstruct view, noise and passage of persons; chain link or similar fence will be permitted if screen planting adequate to obstruct view is provided.

Bones, distillation.

Butane and other liquified petroleum gas products storage and sales.

Cement, lime, gypsum and plaster manufacture.

Clay and clay products manufacture (need not be enclosed within structure).

Drilling operations for water or for oil, gas or other fugacious minerals (not to exceed a length of operation in excess of three (3) months without express approval) and subject to such restrictions on access, visibility, noise, hours of operation or other restrictions as the board of adjustments may determine appropriate for the anticipated activity and location.

Dwelling unit, owner/proprietor (one dwelling unit within any commercial or industrial structure, or on the same site, when limited to use by owner or the use of an employee, exclusive of all residential zoning restrictions of this chapter, for security or other approved business related purposes, and provided such use in conformance with all applicable restrictions which include building codes and fire codes).

Explosives, fireworks and gunpowder manufacture and/or storage.

Fertilizers manufacture or processing.

Garbage dumping (need not be enclosed within structure).

Glue, size or gelatin manufacture.

Junk yard, including storage, baling or sale of rags, paper, iron, or junk; need not be enclosed within structure but must be enclosed within a fence at least seven (7) feet high and adequate to obstruct view, noise, and passage of persons; chain link or similar fence will be permitted if screen planting is provided.

Matches manufacturing.

Meat slaughtering and/or packing.

Metal ingots, pigs, castings, sheets or bars manufacture.

Petroleum and petroleum products manufacture, processing or storage.

Rubber or gutta percha manufacture, processing or reclaiming.

Stockyards (need not be enclosed within structure).

Tannery, including curing of hides.

(b) *Building site area.* The minimum building site area shall be ten thousand (10,000) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed forty-five (45) feet.

(d) *Yards required.* Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard . . . 25 feet
 Side yard . . . 10 feet
 Rear yard . . . 10 feet

Except that a rear yard abutting on a public alley need only be five (5) feet in depth, and a rear yard abutting on a lot in a residential or B-1 District shall have the same minimum depth as the rear yard required in the abutting district.

Sec. 1-1018. O-L Districts: Open Land Districts.

These districts are composed mainly of large open unsubdivided lands that are vacant or in agricultural or forestry uses. The regulations are designed to protect the essentially

open character of the districts, until such time as plans for development are prepared, by prohibiting the establishment of scattered residential, business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth herein whenever such land is subdivided into urban building sites.

(a) *Permitted uses.* In O-L Districts only the following uses are permitted.

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Archery range (need not be enclosed within structure).

Fair grounds.

Farming and truck gardening (need not be enclosed within structure).

Golf course comprising not less than fifty (50) acres, but not including commercial or non-commercial miniature course, at which retail sales of alcoholic beverages of low content are allowable within an enclosed club house, or for consumption by golfing participants solely upon the course premises.

Livestock keeping, raising, or breeding (need not be enclosed within a structure provided that open spaces used by animals are more than one hundred fifty (150) feet from any dwelling, commercial establishment, or other use).

Park or playground (public) including recreation center (need not be enclosed within structure).

Riding academy (need not be enclosed within a structure).

Skeet range and trap shooting range (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Church, including parish house, community house and educational buildings.

College or university.

Fire station.

Outdoor general advertising structure (need not be enclosed within structure).

Pipe line or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards and team tracks (need not be enclosed within structure).

Revival church (temporary) as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three (3) such periods.

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions:

Airport and/or dusting service (need not be enclosed within structure).

Cemetery (need not be enclosed within structure).

Dry dock

Electric substation or gas regulator station, need not be enclosed within structure but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or a fencing material in lieu of brick may be approved by the planning commission as being equally satisfactory for meeting enclosure requirements.

Excursion boat and dock (not to be used as dwelling).

Institution for children or the aged.

Marine vehicle filling station or pier (no maintenance or repair; fuel pumps need not be enclosed within a structure).

Radio and television broadcasting transmitter.

Water and sewage pumping station.

(b) *Building site area.* The minimum building site area shall be:

For electric substation, gas regulator station, water or sewerage pumping station, no minimum requirement.

For any other permitted use, ten thousand (10,000) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be designed, erected or altered to exceed thirty-five (35) feet.

(d) *Yards required.* Except as provided in Article C, the minimum dimensions of yards shall be:

Front yard . . . 25 feet

Side yard . . . 10 feet

Rear yard . . . 25 feet

Sec. 1-1019. R-1H Districts: Higher Density Residential Districts.

These districts are composed of areas containing mostly one-family detached and townhouse residential developments. It is intended to encourage innovative planned residential developments of a higher density than in R-1 zones, while not restricting lower density developments entirely and while maintaining a suitable neighborhood environment for family life. To foster a suitable family environment the districts require certain minimum yard and area standards, allow certain nonresidential uses such as schools and playgrounds, and exclude all commercial uses.

(a) *Permitted uses.* In R-1H Districts only the following uses are permitted:

(1) *Uses by right.* The uses listed below are permitted subject to the conditions specified:

Accessory use.

Dwelling, cluster (according to provisions of section 12-2005).

Dwelling, one family.

Dwelling, townhouse (according to provisions of section 12-2005).

Farming and truck gardening (need not be enclosed within a structure).

Home occupation (as in R-1 districts).

Mobile homes, Class A only.

Name plate, not exceeding one square foot in area (need not be enclosed within structure).

Park or playground (public) including recreation center (need not be enclosed within structure).

(2) *Uses requiring planning approval.* The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, water disposal, fire

and police protection, and other public facilities, as not causing undue traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Church, including parish house, community house and educational buildings.

Fire station.

Golf course, but not including commercial miniature courses or commercial driving ranges (need not be enclosed within structure).

Library (public).

Pipe line or electric transmission line (need not be enclosed within structure).

Railroad right-of-way, but not including shops, yards, and team tracks (need not be enclosed within structure).

Water storage (need not be enclosed within structure).

(3) *Special exception uses.* The uses listed below are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of adjustment in accordance with the provisions of Article G governing special exceptions:

Bed and breakfast home.

Counseling center.

Electric substation or gas regulator station, need not be enclosed within structure, but must be enclosed within a brick or perforated brick wall at least eight (8) feet high and adequate to obstruct view and passage of persons or materials, provided that the substitution of other masonry materials or fencing material in lieu of brick may be approved by the planning commission as being equally satisfactory for meeting enclosure requirements.

Institution for children or the aged.

Hospital or sanitarium.

Mobile homes, Class B only.

Nursery, daycare, or kindergarten.

Respite care facility.

School, elementary and/or secondary, meeting all the requirements of the compulsory education laws of the state.

Telephone exchange.

Water or sewage pumping station.

(b) *Building site area.* Except as provided in Article C (in the case of cluster home and townhouse developments specifically section 12-2005), the minimum building site area shall be:

For a one-family dwelling, seven thousand two hundred (7,200) square feet.

For electric substation, gas regulator station, water or sewage pumping station no minimum requirement.

For any other permitted use, ten thousand (10,000) square feet.

(c) *Building height limit.* Except as provided in Article C, no structure shall be erected or altered to exceed thirty-five (35) feet.

(d) *Yards required.* Except as provided in Article C (in the case of cluster home and townhouse developments specifically section 12-2005), the minimum dimensions of yards shall be:

Front yard, twenty-five (25) feet.

Side yard, five (5) feet.

Rear yard, twenty-five (25) feet.

ARTICLE C. SUPPLEMENTARY REGULATIONS

Sec. 1-1021. Supplementary Use Regulations.

(a) *Areas subject to inundation.* On any areas subject to periodic inundation, making them unsafe for human habitation, no building or portion thereof which is designed for dwelling use or as a place of public assembly shall be erected or altered unless protected from inundation.

(b) *Natural production uses.* In any district the extraction of oil, gas or other natural mineral deposit, including sod, sand, clay or gravel, may be permitted upon the approval of the board of adjustment and subject to such terms and conditions as the board may fix for the protection of adjacent property and uses.

(c) *Noise.* There shall be no production by any use of noise which at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.

(d) *Heat, glare, and vibration.* There shall be no omission by any use of objectionable heat, glare, or vibration which is perceptible beyond any boundary of the building site on which the use is located.

(e) *Hazard.* There shall not be created or maintained by any use any unusual fire, explosion or safety hazard beyond the boundary of the lot on which the use is located.

(f) *Mobile home class determination.*

(1) *Intent.* It is the intent of these regulations to encourage the provision of affordable housing in a general residential environment by permitting the use of Class A mobile homes (as defined herein) in all residential districts of the Town subject to limitations in size, shape and foundation as specified below.

(2) *Effect of approval.* Mobile homes approved as Class A either individually or by specific model shall be allowed in all residential districts subject to the requirements for all structures in the same district. Certification shall be contingent upon all requirements of subsection (4) (below) being met.

(3) *Application for Class A determination.* Applications for approval of mobile homes as Class A shall be submitted to the zoning administrator in such form as he may reasonably require to make determinations of suitability as specified herein. Applications shall include descriptions of but not be limited to exterior dimensions, roof slopes, exterior finish, skirting materials and the like.

(4) *Standards for determinations of Class A status.* Minimum width as measured across the narrowest portion of the dwelling's main structure shall be twenty (20) feet. The pitch of the main roof shall be not less than one foot of rise for each four (4) feet of horizontal run; minimum distance from eave to ridge shall be ten (10) feet. Exterior finish materials shall not reflect light of greater intensity than would be reflected from a surface painted with clean, white, gloss enamel. All Class A mobile homes shall be skirted to obscure from view any wheels, under-carriages, framing extensions, etc. with a material similar in appearance to the mobile home's exterior surfaces.

(g) *Home occupations provisions.*

(1) *Definition.* Home occupation: Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in this section.

(2) *Purpose and intent.* It is the purpose and intent of this section to:

a. Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land use.

b. Provide residents of the Town with an option to utilize their residences as a place to enhance or fulfill personal economic goals as long as the choice of home occupation does not infringe upon the residential rights of neighborhood inhabitants.

- c. Establish criteria for operating home occupation in dwelling units within residential districts.
 - d. Minimize the impact a home occupation has on a neighborhood with respect to public and private services such as street, sewer, water and electrical systems.
- (3) *Performance standards for R-1, R-1H, R-2, and B-1 zone.* A home occupation operating from a single-family or multifamily dwelling unit in a R-1, R-1H, R-2 and B-1 zone shall meet the following conditions:
- a. Area of use. The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space of the dwelling unit. Habitable space shall be as defined in the building code of the Town.
- (4) *Parking.*
- a. If the garage is converted into a habitable part of the dwelling unit and used for the home occupation, parking required by Article E of Chapter 1 of Section 1 of this Code.
 - b. The home occupation may not cause traffic or parking problems.
 - c. No additional parking area shall be allowed which tends to give the property a commercial appearance.
- (5) *Persons permitted to conduct home occupation.* The home occupation shall be conducted only by members of the family residing in the dwelling.
- (6) *Motorized or other power equipment.* The use of motorized or other power equipment in connection with the occupation shall be limited to electric motors of three (3) horsepower or less; no equipment may be used which creates undue noise, vibration, glare, fumes, odors or electrical interference.
- (7) *Home occupations permitted.*
- a. Craft work for sale off-site, such as the making of pottery, jewelry, or dolls, gunsmithing, and woodworking which is produced on the premises.
 - b. Tutoring, such as music lessons, dance lessons, swimming lessons, tennis lessons, or gymnastic lessons.
 - c. Garment work, such as tailoring, dressmaking, millinery work, ironing, and garment repair.
 - d. Office uses, such as offices used for phone solicitation, investment counseling, typing, notary public, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via telephone, telephone modem, for uses such as acquiring mailing lists or information libraries.
 - e. Artistic endeavors, such as art studios, photography, portrait studios, writing, lithography, and art glass.
 - f. Hair care. Hair care services and manicuring services carried on by one inhabitant of the dwelling.
 - g. Mail order, not to include retail sales on site.
- (8) *Signage.* One nonilluminated name plate attached to the dwelling unit but is allowed not to exceed one and one-half (1 1/2) square feet in size.
- (9) *Change to exterior of dwelling unit.* The exterior appearance of a dwelling unit shall not be altered to draw attention to the structure as a commercial or business operation, such as alteration of building material, size or color, lighting fixtures or the intensity of light, parking area, or other exterior changes which alter the residential character of the dwelling unit and detract from the residential character of the neighborhood.
- (10) *Storage or stock, supplies and products.* Storage of stock, supplies and products shall be permitted only inside the premises where a home occupation is being operated. No exterior storage of stock, supplies and products shall be permitted.
- (11) *Retail sales.* Sales of stocks of merchandise or products shall not be conducted on the premises, except as follows:

- a. One engaged in hair care and/or manicuring services may sell products directly related to such services;
- b. One engaged in garment work may sell custom work to specific clients but may not develop stocks of garments for sale to the general public;
- c. One engaged in phone solicitation, mail order sales may display sample products and take orders for the products on the premises, but deliver and payment for the products shall occur off-site; and
- d. One engaged in artistic endeavors may sell custom work to specific clients but may not develop stock of products for sale to the general public on site.

(12) *Nuisance unlawful.* It shall be unlawful for a resident operating a home occupation to:

- a. Produce, dump, or store combustible or toxic substances in or around a residential dwelling unit.
- b. Create interference or fluctuations of radio or television transmission received by other residents of the neighborhood.

(13) *Specific exclusions.* In no event shall any of the home occupations permitted herein be interpreted to allow any of the following businesses or commercial activities.

- a. Body or mechanical repair, modification of motor vehicles or lawn mower repair for compensation.
- b. Animal hospital or kennel.
- c. Residential health care facility.
- d. Restaurant.

(14) *Additional limitations.* In no event shall more than one home occupation be operated within any single dwelling unit.

(h) *Permanent yard sales.*

(1) No owner or occupant of property in the Town shall conduct a permanent garage or yard sale.

(2) For purposes of this section, a garage or yard sale is defined as the sale of personal or household items by a person or persons not licensed as a retailer operating lawfully according to sections 10-1001 and 12-5001(e).

(3) For purposes of this section, permanent is defined as: (1) having a duration in excess of seventy-two (72) hours; (2) having regularly scheduled hours of operation each day for more than three (3) days; or (3) having regularly scheduled days of operation each week for more than two (2) weeks.

(4) The Town may issue thirty-day permits to licensed retailers which will allow them to display goods outside of the confines of their approval structures. Any permit for a period in excess of thirty (30) days must be approved by the board of aldermen in legal session convened.

Sec. 1-1022. Supplementary Area Regulations.

(a) *Small lots.* Where a lot has an area less than the area required herein and was a lot of record on the effective date of this chapter, such lot, if used for dwelling purposes, shall be used only for a one-family dwelling. If located in a district permitting commercial or industrial uses, the lot may be used for any use permitted in the district in which the lot is located.

(b) *Reduced lot area.* No lot shall be so reduced in area that any required yard will be smaller than prescribed for the district in which the lot is located.

(c) *Visibility at intersections.* On a corner lot in any residential district no fence, wall, hedge or other structure or planting more than two (2) feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines

and a straight line joining such street lines at points which are thirty (30) feet distant from the point of intersection measured along such street lines.

Sec. 1-1023. Supplementary Height Regulations.

(a) *Height exceptions.* The height limitations for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.

(b) *Excess height.* In any district any main building may be erected or altered to a height in excess of that specified for the district provided each front, side and rear yard is increased one foot for each two (2) feet of such additional height; this provision includes areas where no yard is required.

Sec. 1-1024. Supplementary Yard Regulations.

(a) *Front yard depth.* Any lot lying between two (2) lots adjacent thereto and having structures erected upon them on the effective date of this chapter shall have a front yard equal in depth at least to the average depth of the front yards of the lots adjacent thereto; provided, however, that no front yard shall be less than ten (10) feet in depth, nor need any front yard have a greater depth than thirty-five (35) feet.

(b) *Additional side yard requirements.* Where the side of a lot in a commercial district abuts upon the side of a lot in a residential district, there shall be provided on the lot in the commercial district a side yard not less than twenty (20) feet in width on the side next to the residential district.

(c) *Accessory buildings.* No accessory building shall occupy any part of a required front or side yard or occupy more than thirty (30) percent of a required rear yard. No accessory building shall be erected or altered so that it is closer to any lot line than five (5) feet, except that in a B-3 district an accessory building may be as close to an interior, side lot line as the primary building on the site. No accessory building shall be closer to any right-of-way line than the primary building on the site. Accessory structures (other than buildings) shall meet the same requirements as accessory buildings, except that commercial, on-premises signs in commercial districts are allowed to occupy a required front or side yard, provided the sign structure is no closer to any right-of-way line than ten (10) feet.

(d) *Future street lines.* Front yard depth and, in the case of corner lots, side yard width shall be measured from the future street right-of-way line where such lines have been established by the master plan.

(e) *Corner lot.* In any district a corner lot shall have provided on the side adjoining the side street a side yard of twenty (20) feet in width; provided, however, that this regulation shall not be applied to reduce the buildable width of the corner lot to less than thirty (30) feet.

(f) *Projecting architectural features.* Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend more than two (2) feet into any required yard. Open fire escapes may extend into any required yard not more than three and one-half (3 1/2) feet.

(g) *Fences, walls, hedges, etc.*

(1) No fence, wall, hedge, structure or other object which obstructs sight shall be erected, placed, altered or maintained in any required front or side corner yard to exceed a height of three (3) feet; and no fence, wall or hedge, other than the wall of a permitted structure, shall be erected in any required side or rear yard to exceed a height of eight (8) feet, except that any residential property with a side corner yard having to its rear another residential side corner yard property may erect, maintain, place or alter a fence, hedge, wall, structure or other object not to exceed a height of eight (8) feet in any portion of that side corner yard.

(2) No chain link fence shall be erected in any required front or side corner yard in any residential districts for residential use, to exceed a height of five (5) feet.

(3) All swimming pools are required to have an enclosed fence or wall at least four (4) feet in height, with a self latching gate, surrounding such a facility and maintained in good condition to restrict the passage of animals or young children.

(4) All commercial and industrial establishments shall have enclosed all outdoor storage and materials within a fenced area, the design and specification to be determined by the zoning administrator.

(5) Any commercial or industrial zoned property on which a proposal to erect a fence or wall (not to exceed eight (8) feet in height) on any portion of the required yards must first be reviewed by the planning commission and board of adjustment for approval.

(6) It shall be unlawful for any person to erect, or install any electrically charged fence or electrically charged barrier wire within the Town.

(7) All fences, walls, hedges, and similar barriers shall be maintained in a reasonably good state of repair.

(8) A building permit for fences and walls is required at a cost of three dollars (\$3.00) and subject to approval by the zoning administrator.

(h) *Buffer protection.* For the purpose of creating conditions favorable for the development of residential areas of the Town, the following shall apply:

(1) Wherever the boundary of the residential district is conterminous with the boundary of a commercial or industrial district, and residential lots abut commercial or industrial lots, there shall be provided and maintained, on the commercial or industrial land abutting the residential district, a seven (7) foot wood fence constructed of cedar, redwood or cypress (the design and specifications of which shall be subject to the approval of the zoning administrator), or where permitted by specific exception by the planning commission with application for amendment to the zoning map or by variance by the board of adjustments, adequate screen planting, chain link fence (with metal slats or screen planting) or any combination, but to be at least seven (7) feet in height (the design and specification of which shall be subject to the approval of the zoning administrator).

(2) Wherever the boundary of a residential (single-family) district is conterminous with the boundary of a residential (multi-family) district and the single-family lots abut or are adjacent to an alley which abuts multi-family lots, there shall be provided and maintained, on the multi-family lots abutting the single-family lots a wood fence constructed of cedar, redwood or cypress, at least seven (7) feet in height (the design and specifications of which shall be subject to the approval of the zoning administrator), or by variance by the board of adjustments, adequate screen planting or chain link fence (with metal slats or screen planting), or any combination but to be at least seven (7) feet in height (the design and specifications of which shall be subject to the approval of the zoning administrator).

(3) Wherever the boundary of a business, industrial or campus district is conterminous with the boundary of:

a. Residential districts (including B-1 (Transition Business) developed or developing residential) and there exists a road, street, drainage canal or ditch, or other utility right-of-way or easement; or

b. O-L (Open land) District;

An application for review by the zoning commission shall be submitted so as to determine applicable buffer protection requirements.

(h) *Buffer protection.* Wherever the boundary of a residential district is coterminous with the boundary of a commercial or industrial district, and residential lots abut commercial or industrial lots, there shall be provided and maintained, on the commercial or industrial land abutting the residential district, adequate screen planting at least eight (8) feet in height, or a brick or perforated brick wall at least seven (7) feet in height (the design and specifications of which shall be subject to the approval of the zoning administrator).

(i) *Screen planting.* Screen planting shall in all cases, where herein required or permitted to be used in lieu of other protection, be of sufficient height (but in no case less than eight (8) feet three (3) years after planting) and density to afford protection from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and from excessive transmission of noise. It shall be maintained in a clean and neat condition.

Sec. 11-1025. Planned Unit Development Residential Projects.

(a) The following policy statement is in regard to the planned unit residential development project provision of the subdivision regulations which under the zoning administration falls under planned building groups:

(1) It is intended to permit, on application and approval of detailed plans, creation of new higher density, single-ownership residential projects and Smart Code Projects where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. Suitability of such tracts for the plans and development proposed shall be determined by the existing and prospective character of surrounding development, and by reference to the Master plan.

(2) In view of the substantial public advantages of planned unit development and Smart Code Developments, it is the intent of this chapter to promote and encourage development in this form where appropriate in location and character.

(3) Higher density, single-ownership residential developments represent a special plan for a minimum of two (2) acres permitting usage of smaller building sites than otherwise permitted by this chapter and the subdivision regulations. Certain modifications of the general subdivision requirements, as governed by section 2-2005(e) of this Code, are permitted when, in the opinion of the planning commission, adequate provisions are made for circulation, recreation, light, air, and service needs of the tract when fully developed and populated.

(b) Factors to be considered by the commission in review of planned unit residential development projects include:

(1) Deed covenants for the development should include provisions for maximum coverage of building sites and other design specifications in accordance with the provisions of section 1-2005(e) of this Code.

(2) Deed covenants must include adequate provisions for the perpetual maintenance of common areas such as courts and playgrounds.

(3) Plans for the development must include concrete curb and gutter streets, sidewalks, underground drainage, adequate spacing of structures to assure access by emergency vehicles, and adequate off-street parking and access by residents. The

planning commission may approve street rights-of-way of less than fifty (50) feet in width with vehicular turn-arounds of less than one hundred (100) feet in diameter provided the street is no longer than eight hundred (800) feet in unbroken length and further provided that the proposed street is part of a cluster, townhouse, or condominium development according to specifications in section 2-2005.

(4) Planned unit residential development projects and Smart Code projects will be required to follow subdivision regulation review procedures of sketch plan, general subdivision plan and final plat reviews as well as:

a. Evidence of provision for operation and maintenance of such areas, improvements, facilities, and service as will be for common use by some or all of the occupants of the development, but will not be provided, operated, or maintained at general expense; and

b. A preliminary traffic analysis indicating the probable effect of the proposed development on traffic patterns and capabilities of adjacent streets in the immediate area.

(5) Other than the specific requirements listed above, planned unit residential development projects will comply with general design and improvement standards of the subdivision regulations and this chapter.

Sec. 1-1026. Standards for Mini-warehouse Developments.

(a) *Definitions.* As used in this section:

(1) *Mini-warehouse developments* means a commercial enterprise consisting of rented storage space with individual unit areas not exceeding three hundred fifty (350) square feet;

(2) *Impervious surface* means a surface on the ground which does not allow passage of water, including, but not limited to, buildings, and concrete, gravel, stone, and shell parking areas, driveways, and walkways;

(3) *Impervious surface ratio* means the ratio of all impervious surfaces on a lot to the total area of said lot.

(b) *Setbacks required.* Notwithstanding the setback requirements specified in the various districts, the following setback requirements shall apply to all mini-warehouse developments:

(1) *Front yards* --Twenty-five (25) feet.

(2) *Side yards* --Five (5) feet.

(3) *Rear yards* --Ten (10) feet.

Except that a side yard abutting on a public street shall equal or exceed twenty (20) feet.

(c) *Height limitations.* Notwithstanding the height limitations of the various districts, all mini-warehouse developments shall be limited in height to thirty-five (35) feet, said height limitation shall apply to all structures on the site including signs.

(d) *Impervious surface ratio.* The impervious surface ratio for any mini-warehouse development shall not exceed .85:1.

Sec. 1-1027. Standards for Bed and Breakfast Homes.

(a) *Definition,* as used in this section and for the purpose of providing of the establishment of bed and breakfast homes within the Town, the following regulations shall apply:

(1) *Structure.* The bed and breakfast facility shall be operated within the principal structure and not in any accessory structure. The structure to be used as a bed and breakfast facility shall be of historic significance.

- (2) *Parking.* One off-street parking space per guest bedroom plus one parking space for each permanent resident and each nonresident employee shall be provided.
- (3) *Number of guest rooms.* A maximum number of five (5) guest bedrooms is allowed.
- (4) *Length of stay.* The maximum length of stay for any guest shall be limited to seven (7) days.
- (5) *Management.* The owner/proprietor must live in the principal structure.
- (6) *Signage.* Advertisement shall be limited to a nonilluminated name plate, not to exceed two (2) square feet in size, which shall be attached to the dwelling.
- (7) *Sale or display of merchandise.* The sale and/or display of merchandise of any type or nature shall be prohibited.
- (8) *Services.* Only lodging and meals may be provided, and no ancillary activities or services (such as receptions, weddings, or fund raisers) shall be permitted.
- (9) *Meals.* Meals other than breakfast shall not be served. Breakfast shall be served only to paying overnight guests. Guest rooms shall not contain cooking facilities.

Sec. 1-1028. Mobile Buildings.

- (a) A mobile building is any covered portable structure consisting of a permanent chassis constructed on a skid form of foundation and/or placed on concrete piers and anchored by the required number of tie-downs and which is to be used a principal or subordinate use of a building site intended for the enclosure of persons, animals, articles or chattels. Only limited on-site construction is required.
- (b) No mobile buildings shall be used as a main primary structure on any site unless approved by both the Sterlington Planning Commission and Board of Adjustments, except that the following temporary uses of mobile buildings shall be exempted from this review and permitted to be utilized for a period not to exceed one year (which period may be extended by the planning commission for good cause shown):
 - (1) Building construction office (on-site);
 - (2) Christmas tree sales office;
 - (3) Disaster/emergency office;
 - (4) Land development/subdivision office;
 - (5) Utility company repair office.
- (c) A mobile building may be used as an accessory structure to a primary use in any residential, commercial or industrial district, if in compliance with all provisions of section 12-5024(c) relating to accessory structures.
- (d) No mobile building may be utilized for residential purposes as an accessory use in any residentially zoned district.
- (e) No mobile buildings shall be permitted either permanently or temporarily in any fire district of the Town.

ARTICLE D. PLANNED BUILDING GROUPS

Sec. 1-1031. Policy on Planned Building Groups.

- (a) Except as set out in this article, a separate lot for each structure other than an accessory structure shall be required. To allow and encourage greater design flexibility for location for buildings comprising a planned group, the requirement for a separate lot for each building is waived and two (2) or more buildings may be erected and maintained on the same lot when the conditions of this article are met.

(b) A planned building group may also be established and affect more than one lot or parcel which may be owned by one or more persons by agreement of all affected land owners, after obtaining approval of such agreement and its terms, conditions, and provisions by the planning commission. Once approval of a planned building group pursuant to such an agreement is granted and any construction pursuant to such approval is commenced, no term, condition, or provision of the agreement may be changed, affected or modified in any way, whether orally or in writing, without the prior approval of the planning commission. All such agreements affecting more than one lot or parcel or owned by one or more persons for purposes of obtaining approval for a planned building group under this article shall contain all terms, conditions, and provisions that the planning commission shall determine to be appropriate or desirable, including but not limited to provisions regarding access or limitation of access to third persons or to adjoining land owners, or restrictions or limitations intended to prohibit circumvention of the subdivision, zoning, or other provisions of this Code or other policies, regulations or laws of the Town of Sterlington, Louisiana or the State of Louisiana. No parcel or lot, or any portion thereof, which is included in a planned building group established under this subsection shall be later excluded or removed from the planned building group without compliance with the subdivision, zoning and other provisions of this Code, unless determined as otherwise appropriate by the planning commission.

Sec. 1-1032. Conditions to be met by Special Plans for Building Groups.

(a) *District regulations.* All building groups shall comply with all of the regulations established for the district in which the building group is located except the regulation requiring a separate lot to be provided for each principal structure; such building group may be considered as one building for the purpose of complying with the required lot area, height, yard and other regulations.

(b) *Site plan and improvements.* A special plan for a building group may be required to show the following:

(1) *Drainage.* Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving and the proper design of finished grades;

(2) *Circulation.* Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, off-street loading areas, and landscaped separation spaces between pedestrian and vehicular ways;

(3) *Play areas.* In dwelling building groups, adequate and safely located play areas for small children.

(c) *Building spacing and orientation.* The following spacing between buildings shall be measured perpendicularly between exterior walls.

(1) *Spacing of buildings.* A building wall shall be located no closer to another building than a distance equal to the height of the taller building of the two (2); provided, further, that for a building containing dwelling units such distance shall not be less than fifteen (15) feet in the case of a wall having no windows;

(2) *Access by emergency vehicles.* The buildings in a planned building group shall be so arranged that every building is accessible by emergency vehicles.

Sec. 1-1033. Procedure on Special Plans for Building Groups.

(a) *Application for approval.* An application for approval of a special plan for a building group shall be filed with the office of zoning administration and shall contain the following information:

(1) *Interest and ownership.* The applicant's name (and all others represented by the applicant), address and interest in the application, the concurrence of the owner or owners of the entire land area included in the special plan and all incumbrances of such land, and evidence of the right and actual intent to develop the designated area.

(2) *Plans for building group.* Plans showing the land area included within the special plan, with its boundaries and dimensions, all public and private easements and rights-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties, the location, number of stories, and gross floor area of proposed principal buildings and accessory buildings, curb cuts, driveways, off-street parking areas, off-street loading areas, walks, open areas to be set aside for special purposes, the location and height of proposed walls, fences, and screen planting, the types of paving or other surfacing to be used in the various areas, and such other site information as may be necessary to describe completely the proposed building group.

(b) *Administrative examination.* Upon receipt of an application for approval of a special plan for a building group, and after assuring that the application is properly and completely made out, the office of zoning administration shall transmit the application to the planning commission.

(c) *Review by planning commission.* The planning commission shall review each application and approve or disapprove the special plan; approval may establish conditions and limitations. The planning commission shall then return the application, together with its report of approval or disapproval to the office of zoning administration, who shall notify the applicant of action taken.

(d) *Filing and recording of special plan.* Upon approval of a special plan, a copy of such plan shall be filed among the records of the Town of Sterlington, and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, shall limit and control the issuance and validity of permits and certificates, and shall restrict and limit the use and operation of all land and structures within the area designated in such special plan to all conditions and limitations specified in such special plan and the approval thereof.

(e) *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn.

Secs. 12-5034--12-5040. Reserved.

ARTICLE E. OFF-STREET PARKING

Sec. 1-1041. Provision of Off-Street Parking Required.

The off-street parking facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking facilities need be neither provided nor maintained for land actually used or for structures actually existing (whether occupied or vacant) on the effective date of this chapter unless, after the effective date of this chapter such land, structures, or uses are enlarged, expanded or changed, in which event, the land, structures and uses hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such land, structures, and uses, and maintained as herein required at

least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure, or use.

Sec. 1-1042. Size; Location.

Each off-street parking space shall be an area of appropriate dimensions, of not less than nine (9) feet by eighteen (18) feet net, exclusive of access area. Except as otherwise permitted under a special plan for location or sharing of facilities, off-street parking facilities shall be located on the lot on which the use or structure for which they are provided is located; required off-street parking facilities for multifamily dwelling uses shall not occupy any part of a required front yard.

(1) *Compact car stall.* Notwithstanding the above, one compact car stall (eight (8) feet by sixteen (16) feet) for every twenty (20) standard places of required parking shall be allowed provided that such spaces clearly are identified, through signage or pavement markings, of its restrictive size. More than one compact car stall may be allowed for each twenty (20) spaces of required parking upon the approval of the planning commission.

(2) *Handicapped stall.* For every twenty-five (25) spaces of parking facility, one handicapped vehicle stall (thirteen (13) feet in width) shall be provided and marked with signage as provided in section 9-3008.

(3) *Corner lot parking/clear zone.* At no time shall any required parking space occupy a triangular section of land, the apex of which is located at the corner of the property boundary nearest any section of two (2) public streets and the legs of which extend away from such apex along the property boundaries for a distance of twenty (20) feet.

(4) *Landscaping.* Every commercial, industrial and public nonresidential parking facility shall provide not less than the following percentage of the gross parking space available which shall be devoted to landscaping and/or green space, as follows:

TABLE INSET:

Spaces	Percentage of Gross Parking Area Devoted to Landscaping and/or Green Space
Up to 19 spaces	2%
20 spaces or more	5%

In addition, landscaping shall be both placed and maintained so as not to interfere with visibility, both within the parking area and on adjacent public streets, and so as not to interfere with traffic movement within the parking area.

Sec. 1-1043. Maintenance.

Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

(1) *Drainage and surfacing.* They shall be properly graded for drainage, surfaced with concrete or asphaltic concrete.

(2) *Entrances and exits.* They shall be provided with entrances and exits so located as to minimize traffic congestion.

(3) *Access.* Vehicular access to individual parking spaces shall be provided by aisles not less than twelve (12) feet wide for zero-degree parallel parking, twelve (12) feet wide

for forty-five-degree angle parking, sixteen (16) feet wide for sixty-degree angle parking and twenty-four (24) feet wide for ninety-degree (perpendicular) parking.

(4) *Blocks.* Blocks of parking bays containing not more than three hundred (300) parking spaces shall be established if the total number of parking spaces to be provided exceeds three hundred (300). Such blocks shall be defined by landscaped strips at least fifteen (15) feet wide. Each such landscaped strip shall be raised and protected by curbs and shall contain a four-foot wide pedestrian walk extending the full length of the strip. Vehicular access aisles within the block shall be connected to one or more roadways at least twenty-four (24) feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.

(5) *Surfacing.* Surfacing of all parking facilities shall be concrete, asphaltic concrete, asphalt and all parking facilities shall be properly graded for drainage and maintained in good condition, free of weeds, dust, trash and debris.

(6) *Lighting.* Lighting shall be provided in all parking facilities accommodating ten (10) or more vehicles, and such lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties and does not interfere with traffic.

(7) *Other uses.* Other uses such as the sale, repair, dismantling or servicing of vehicles, equipment, materials or supplies shall not be conducted within required off-street parking facilities.

(8) *Residential districts.* In residential districts off-street parking facilities shall be used only by vehicles up to eight thousand (8,000) pounds gross vehicle weight, manufacturer's capacity rating, and having wheels not exceeding seventeen (17) inches in diameter.

Sec. 1-1044. Amounts of Off-Street Parking Facilities Required.

At least the following amounts of off-street parking facilities shall be provided. The classifications of uses shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the amount of off-street parking facilities to be provided is not readily determinable hereunder, the classification of the use shall be fixed by the office of zoning administration.

TABLE INSET:

Dwellings	2 spaces per dwelling unit
Hotels	1 space per guest room
Mobile home parks and trailer parks	1 space per mobile home or trailer
Hospitals and sanitariums	1 1/2 spaces per bed
Nursing homes	1 space per 4 beds
Theatres: Auditoriums, gymnasiums, convention hall, stadiums	3 spaces per 10 seats
Churches	1 space per 4 seats
Funeral homes	1 space per 3 chapel seats
Schools, elementary	2 spaces per teaching station

Schools, senior high	1 space per 4 students
Business colleges: Trade schools	1 space per 3 students
Restaurants	1 space per 100 square feet of gross floor area
Furniture or appliance store, machinery, equipment, automotive and boat sales and service	1 space per 900 square feet of gross floor area
Retail store, personal serve establishments; offices; repair shops; medical and dental clinics; libraries; clubs; lodges	1 space per 200 square feet of gross floor area
General service or repair establishments, printing, publishing, heating, electrical and broadcasting	1 space per 2 employees
Industrial and manufacturing establishments; creamery; bottling plant; warehouse and distribution establishments	1 space per 2 employees on maximum work shift
Mini-warehouse developments	None
Commercial amusement establishments, including arcades, bottle clubs, dance halls, lounges, pool halls, etc.	1 space per 100 square foot of gross floor area
Storage, retail sales	1 space per 400 square feet of gross storage area
Bed and breakfast homes	1 space per guest bedroom plus 1 parking space for each permanent resident and each nonresident employee shall be provided
Nursery, day care, kindergarten	1 space per each 10 children of approved capaTown but not less than 2 spaces minimum. For nursery, day care, kindergarten, owner/occupant the required spaces are in addition to required spaces for residential uses
Offices	1 space per 300 square feet gross floor area (excluding common areas)
Retail store, personal establishments; repair shops; medical and dental clinics; libraries; clubs; lodges	1 space per 200 square feet of gross floor area

Sec. 1-1045. Off-Street Loading.

In addition to required off-street parking spaces a minimum of one off-street loading facility shall be provided for all structures devoted to commerce, industry, manufacturing, storage, warehousing, professional purposes, hospitals and similar uses exceeding twelve thousand (12,000) square feet gross floor area.

Sec. 1-1046. Special Provisions for Location or Sharing of Facilities.

Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking facilities may be located on another site a distance no greater than four hundred (400) feet from the one occupied by the use or structure for which the facilities are provided; also, two (2) or more uses may share the same off-street parking facilities and each of such uses may be considered as having provided such shared space individually.

(1) *Applications for approval of special plan.* An application for approval of a special provision hereunder shall be filed with the office of zoning administration by the owner or owners of the entire land area to be included within the special plan, and all incumbrances of such land area and structures. The application shall contain such information required by this chapter or deemed necessary by the office of zoning administration and shall include plans showing the location of the uses or structures for which off-street parking facilities are required and the location at which the parking zoning facilities are proposed to be located.

(2) *Review of application.* Applications hereunder shall be reviewed by the office of zoning administration and either approved or disapproved; any approval may establish conditions and limitations, and shall be registered among the records of the office of zoning administration and shall thereafter be binding upon the applicants, their heirs, successors and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures included with in such special plans to all conditions and limitations specified in such plans and the approval thereof.

(3) *Amendment or withdrawal of special plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn.

Sec. 1-1047. Off-Street Parking Driveways (Entrances and Exits).

(a) All off-street parking facilities on or for properties along major traffic routes, designated herein, and all other streets determined by the planning director to carry undue volume of traffic shall be provided with driveways (entrance and exits) so located as to result in no undue interference with or hazard to free movement of normal traffic and to prevent vehicles from backing into streets (other than residential driveways serving two-family dwellings or less). When possible, entrances and exits shall be developed on two (2) or more frontages to facilitate traffic movement on through streets and minimize congestion. These requirements shall apply to new development of new and existing facilities.

(b) The permissible number, arrangement, and width of driveways (entrances and exits) is governed by the frontage of abutting private property. The number of driveways should be the minimum number required to adequately serve the needs of abutting property uses. Nonresidential and residential uses of frontages of less than seventy-five (75) feet are limited to:

(1) One two-directional driveway; or

- (2) Two (2) one-directional driveways (minimum twelve (12) feet wide), and must comply with all other requirements. Where two (2) drives are provided for one frontage, the distance between drives measured along the right-of-way line shall not be less than:
- Residential, twelve (12) feet minimum;
 - Nonresidential, twenty (20) feet minimum.

Normally not more than two (2) drives shall be provided to any single property frontage or business establishment. When more than two (2) are necessary to facilitate operations, the minimum distance between drives shall be increased to one hundred (100) feet. In case of a corner property with frontage on two (2) or more streets and requiring driveways on more than one frontage, the minimum distance between two (2) drives on one frontage may be reduced to seventy-five (75) feet, but must meet all other requirements.

- (c) The driveway width shall be adequate to handle properly the anticipated volume and type of traffic and shall conform within the range of dimensions below, measured at narrowest point parallel to right-of-way:

TABLE INSET:

			Minimum (feet)	Maximum (feet)
(1)	<i>Residential:</i>			
	a.	Single-family	10	20
	b.	Multifamily	15	24
(2)	<i>Nonresidential:</i>			
	a.	Two-directional use	20	30
		Maximum only major traffic routes		35
	b.	One-directional use	12	24

- (d) (1) Radius of curves at the junction of driveway and street pavement must be greater than the frontage boundary line clearance and shall be developed within the following dimensions:

- Residential:* Five-foot radius minimum, ten-foot radius maximum.
- Nonresidential:* Ten-foot radius minimum, thirty-foot radius maximum.

The turn-out shall not extend across adjacent property lines.

- (2) Driveway shall be positioned to clear the frontage boundary lines (side lot line extension) by a distance of:

- Residential:* Two-foot minimum.
- Commercial:* Five-foot minimum.

- (e) Corner clearance at an intersecting street is the dimension measured along the edge of the pavement between a point opposite the street right-of-way lines and the tangent projection of the nearest edge of extend beyond the intersecting street right-of-way lines. Entrances and exits from nonresidential properties opposite "T" intersections shall coincide with the intersecting streets or be offset one hundred and twenty-five (125) feet from centerline to centerline. When a bridge, overpass, underpass, tunnel, or similar obstruction occurs within the right-of-way from which a driveway has access, that driveway shall offset the obstruction by a minimum of one hundred twenty-five (125) feet measured from the nearest point. In the event that the number of paved driving lanes

within the frontage right-of-way should increase or decrease, driveway curb openings shall not be permitted nearer to any part of that transition area than twenty-five (25) feet.

(f) In the event that this subsection is applicable to property with a lesser frontage dimension than needed to meet the minimum standards established in this subsection and such property was subdivided and held in separate ownership prior to the adoption of this subsection, one driveway access to the property shall be permitted upon approval of location by the planning commission.

ARTICLE F. NONCONFORMING USES AND STRUCTURES

Sec. 1-1051. Nonconforming Uses.

(a) *Continuance of nonconforming uses.* Except as hereinafter provided, the lawful operation of a nonconforming use as such use existed on the effective date of this chapter or on the effective date of any amendment hereto by which the use became a nonconforming use, may be continued.

(b) *Number of dwelling units.* The number of dwelling units in a nonconforming dwelling use may be increased, provided the following conditions are met:

(1) The structure shall not be enlarged or extended.

(2) The number of dwelling units shall not be increased to more than the number of dwelling units permitted in districts where the use would be conforming.

(c) *Expansion or enlargement of nonconforming use.* The land area occupied by a nonconforming use shall not be increased except:

(1) To provide open, off-street parking space or open, off-street loading space for the nonconforming use, such space to be maintained in accordance with the regulations herein established; or

(2) Upon motion duly passed by the board of aldermen, in legal session convened, subsequent to a public hearing before the board of adjustment and subsequent to a public hearing before the board of aldermen in legal session convened.

(d) *Extension of nonconforming use in structure.* A nonconforming use in a structure may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein.

(e) *Change in use.* A nonconforming use shall not be changed to another use of lower or less restrictive classification; a nonconforming use may, however, be changed to another use by right of the same or higher classification.

(f) *Termination of nonconforming uses.* Except as hereinafter provided, any nonconforming use that has been abandoned or discontinued for a period of twelve (12) months shall not thereafter be reestablished.

Sec. 1-1052. Nonconforming Structures; Regulations.

(a) *Continuance of nonconforming structures.* Except as hereinafter provided, any nonconforming structure may be occupied and operated and maintained in state of good repair.

(b) *Enlargement or extension of nonconforming structures.* A nonconforming structure in which a nonconforming use is operated shall not be enlarged or extended; a nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter.

(c) *Restoration of damaged nonconforming structures.* A nonconforming structure damaged in any manner and from any cause whatsoever to the extent of not more than sixty (60) percent of its replacement cost may be restored, provided restoration is begun within one year and completed within two (2) years of the date of the damage, provided that a structure damaged as the result of fire, flood, windstorm, earthquake, or other unforeseen cause, which was a conforming structure at the time of its erection, if erected after July 23, 1973 or a conforming structure when this chapter became effective on August 2, 1973, if erected prior to such date but which structure has since become nonconforming as the result of a change in this chapter or the zoning map, may be restored, regardless of the extent of the damage thereto and the nonconforming use of the structure continued, if such structure can be legally restored under applicable laws and ordinances and if restoration is begun within one year and completed within two (2) years of the date of the damage.

(d) *Restoration of obsolete nonconforming structures.* A nonconforming structure which becomes obsolete or substandard under any applicable ordinance and for which the cost of replacing such structure in lawful compliance with the applicable ordinance exceeds sixty (60) percent of the replacement cost shall not be restored.

Secs. 12-5053--12-5060. Reserved.

ARTICLE G. ADMINISTRATION; ENFORCEMENT

STERLINGTON L PLANNING COMMISSION By-Laws, Rules and Procedure .

Sec.1-1053. General Governing Rule:

The Sterlington Regional Planning Commission shall be governed by the provisions of Act 239 of 1956 adopted by the Legislature of the State of Louisiana; the objectives and purposes of the Commission shall be those contained in such Act, and as set forth in the Sterlington Ordinance_____.

Sec.1-1054 Officers and Duties:

1. Election and Terms. The officers of the Planning Commission shall be the Chairman, Vice-Chairman, and Second Vice-Chairman.

a. The annual election of officers shall be held at the Commission's regular meeting in January of each year. Officers shall be elected by a majority of the Commission and shall serve until their successors have been elected and qualified. No member shall serve as Chairman for more than two consecutive terms. Duly elected officers serving at the time of the adoption of these bylaws on _____ shall continue their service as officers until the Commission's regular meeting and elections in _____.

b. Should the Chairman resign, the Vice-Chairman shall assume the office of Chairman and the Second Vice-Chairman shall assume the office of Vice Chairman until the next regularly scheduled elections of officers. The Commission shall also elect a Second Vice-Chairman to serve until the next election.

2. Duties. The Chairman, or in his absence the Vice-Chairman, shall perform all duties required by law, by ordinance, and/or by these rules; he/she shall preside at meetings and shall have all the duties normally conferred by parliamentary usage on such officers. The Second Vice-Chairman shall preside at meetings in the absence of the Chairman and the Vice-Chairman. All documents requiring approval of the Commission, including requisitions or warrants against appropriation items, shall be signed by the Chairman, or in his absence, by the Vice-Chairman.

Code of Ethics. When any Commission member or staff member has an interest, either financially or through a personal relationship with a particular application, that person shall refrain from voting or participation in the actions of such application. The Louisiana Code of Government Ethics (Revised Statutes 42, Section 1101, et seq.) shall act as the rules of ethics for the Commission.

Sec.1-1055 Meetings:

1. Regular Meetings.

Regular meetings of the Planning Commission shall be held on the first Monday of each month at 5:15 p.m. in the Council Chambers Town Hall, Monroe, Louisiana. Should an additional meeting be necessary to conduct regular business, the zoning director shall notify members at least one week prior to such meeting. Any additional meeting shall be held at 5:15 p.m. in the Town Council Chambers, Sterlington, Louisiana. Date of such meeting shall be set by a majority vote of the members present.

The first meeting of the calendar year shall constitute the annual organizational meeting of the Commission.

2. Special Meetings.

Special meetings of the Commission may be called by the Chairman, or, in his absence, by the Vice-Chairman. At least twenty-four (24) hours notice of the time set for a special meeting shall be given to each member. In the event a special meeting is called for the purpose of amending the by-laws, this meeting shall be called only after each member has been informed of the purpose of the meeting, provided a copy of the proposed by-law changes, and given a one (1) week notice.

3. Minutes.

The Secretary, subject to the direction of the Commission and the Chairman, shall keep all records, conduct all correspondence, and shall keep the minutes and records of proceedings of the Commission.

4. Quorum.

A quorum shall consist of five (5) members of the Commission for the transaction of all business. Any time the full body shall fall below nine (9) members, a majority of the sworn members shall constitute a quorum.

5. Order of Business.

The order of business at regular and special meetings shall be substantially as follows:

Roll Call

Approval of minutes of preceding meeting Administrative matters (communications, bills, etc.)

Unfinished business

New business

Adjournment

Where public hearings are scheduled at the time of a regular meeting, they shall immediately follow the roll call.

6. Attendance.

Each Commissioner shall be responsible for submitting to the Chairperson an explanation, in writing, should he/she miss two consecutive meetings in any year. The Chairperson shall distribute this written explanation to other members of the Commission to determine if said member has neglected his/her responsibility to the Commission. The letter should be received by the Chairman at least five (5) days prior to the next regularly scheduled meeting. A reminder letter will be sent to the absent member from the Zoning Department after the second missed meeting.

Any member attending less than seventy-five (75%) percent of the meetings per year shall submit a letter of resignation for consideration by the Mayor.

7. Time Limit on Meetings.

The time limit during regular meetings shall be set at 8:15 p.m. At such time all cases not under discussion will be continued until the next regular meeting. The Commission may, by a majority vote, schedule an additional meeting to consider the extra cases or to continue to hear cases past the 8:15 p.m. time, if desired.

The Chairman shall discourage repetition and non-pertinent information during each case.

Each speaker shall be granted at least seven (7) minutes either in support of or opposition to an issue. The Chairperson may, within his discretion, permit or grant additional time for each participant.

8. Citizen Participation: Any citizen wishing to comment on issues not on the regular agenda will be given the opportunity to address the Commission at the conclusion of the regularly scheduled meeting, provided that he/she has completed a citizen participation request. Each participant shall be granted at least five (5) minutes of citizen participation.

Sec.1-1056 Organization:

Committees.

In general, the policy of the Commission shall be to act on planning matters as a whole body rather than by means of standing committees. Special committees may, however, be appointed by the Chairman, as necessitated, for such purposes and terms as the Commission may determine. Similarly, citizen advisory committees may be appointed by the Chairman for such purposes and terms as the Commission may determine.

Sec.1-1057 Notice of Hearing and Conduct of Hearing:

A. Notice of Hearing
Adjacent Property Owners.

The Commission shall give public notice to adjacent property owners by mail at least ten (10) days in advance of the time set for the hearing. The public notice shall state the location of the building or lot and the general nature of the question involved. In addition, a poster shall be placed on the site indicating to the general public a request for change in use on the property in question.

B. Conduct of Hearing:

1. Appearances: Any person may appear in person or by agent or attorney at the hearing.

Missed Cases: (No Attendance by Applicant):

Should an applicant fail to appear at the prescribed time, the application shall automatically be continued until the next regular meeting. Failure of the applicant to appear a second time constitutes withdrawal of the application with no action taken.

2. Order of Business: At the hearing the order of business shall be substantially as follows:

a. Statement of the case by the Secretary.

b. Verification that all legal requirements have been met. c. Hearing of evidence and examination of witnesses.

3. Testimony: All testimony, objection thereto, and rulings thereon, shall be recorded by the Secretary.

4. Voting: All voting should be by roll call, and ayes and nays shall be recorded in the minutes of the Board by individual vote of each Board member.

Sec.1-1058. Decisions:

Within a reasonable time after presentation of all testimony and evidence, the Commission shall make its determination. The Commission shall subsequently notify the parties in interest of its decision by registered or certified mail

Sec.1-1059. Rehearings:

A request for a rehearing may be made in the same manner as provided for original hearings. A rehearing shall constitute a separate action and is subject to the fee structures of new cases. The request may be denied by the Commission if it appears there has been no substantial change in facts, evidence, or conditions of the original case. The Secretary shall conduct a phone survey of regular members for this rehearing request. No case shall be reheard by the Commission (if failing to obtain a positive ruling by the members during the phone survey) until at least six (6) months have passed after the original ruling.

Sec.1-1060. Adoption and Amendment:

1. Adoption: These by-laws shall take effect upon their approval by the Town Council of the Town of Sterlington and their adoption by the Commission. After the initial adoption, the by-laws shall be adopted henceforth on the day of the first regular meeting of the Commission each year, subsequent to the appointment of new Commission members, the new Commission shall immediately, following the election 'of the Chairperson and Vice-Chairperson of the Commission, adopt bylaws either by adopting the prior Commission's by-laws (with or without amendments) or by adopting new by-laws.

2. Amendment: These by-laws may be amended at any regular or special meeting of the Commission upon the favorable vote of at least three (3) members of the Commission, provided notice has been given one (1) week in advance of the regular or special meeting and further provided that each member of the Commission has been given a copy of the proposed by-laws change(s) one (1) week prior to the meeting.

Sec. 1-1061. Generally.

(a) *Permits and licenses.* No building or other permit, license, or other document of approval, the use of which may be subject to the provisions of this chapter shall be issued by any department, agency or board of the municipality until the office of zoning administration shall have certified that the use to be made of the permit, license, or other document is in full compliance with the provisions of this chapter.

(b) *Plans required.* Each application for a new structure or for the alteration of an existing structure shall be accompanied by a drawing, in duplicate, showing the site plan, the location of the building on the site, accurate dimensions of the building and site, location of off-street parking and off-street loading spaces required, and such other information as may be necessary for the enforcement of these regulations.

(c) *Construction begun or authorized prior to effective date of chapter.* Nothing herein contained shall require any change in the plans, construction, or designated use of a structure the construction of which shall have legally and actually begun prior to the effective date of this chapter or, if a building permit shall have been issued within ninety (90) days of the date of such permit, and which entire structure shall be completed within two (2) years after the effective date of this chapter.

(d) *Violations.* Any person, firm, or corporation violating any provision of this chapter shall be fined upon conviction not less than ten dollars (\$10.00) and not more than twenty-five dollars (\$25.00) or imprisoned for not more than thirty (30) days, or both, for each offense; each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any penalty hereunder shall not preclude the building

inspector, office of zoning administration, municipal counsel, or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specifically damaged by such violation, from instituting injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.

(e) *Certificate of occupancy required.*

(1) *Approval of facilities.* Any nonresidential use or home occupation either newly established, relocating from one place to another, or substantially altering its activities must obtain a certificate of occupancy in a form prescribed by the office of zoning administration in advance. Before issuing said certificate, the facilities to be occupied must be approved by the building inspector and the bureau of fire prevention as meeting their regulatory requirements. Utility services may be denied by the Town for failure or refusal to acquire said certificate.

(2) *Acknowledgment of vacancy.*

a. Should any building upon which a certificate of occupancy has been issued become vacated for a period of thirty (30) days or more, it shall be considered as though there has been a change in occupancy and in the nature and use of the building, unless the owner, lessee or other lawful occupant applies for an acknowledgement of vacancy, which shall entitle the building to maintain electrical, gas and other utility service during such period of vacancy.

b. An acknowledgement of vacancy shall not allow the storage of any item other than those properly existing on the premises during the occupancy existing prior to the vacancy, shall not allow any restoration or renovation of the building without compliance with all other requirements of this code and issuance of all necessary permits and licenses otherwise required, and shall require continued maintenance of all fire protection equipment and standards at that level required prior to the vacancy. Upon their request, the bureau of fire prevention and the Town building inspector shall be granted access to the building by the owner, lessee or other lawful occupant in order to verify these requirements.

c. An acknowledgement of vacancy shall cost ten dollars (\$10.00) and shall be valid for so long as the building remains vacated.

d. In addition to any other penalty provided for any other violation of this Code, any material violation of this section 12-5061(e)(2) shall entitle the bureau of fire prevention or Town building inspector to immediately withdraw the acknowledgement of vacancy and to require the utility service to the building be terminated.

(f) *Abatement procedures.*

(1) *General procedures.* In the event that any person, including but not limited to the property owner, general agent of such property, lessee or tenant shall fail or neglect to comply with the provisions of this chapter, the Town is authorized, empowered, and directed to cause the violation to be corrected and abated and to assess the charges against the person responsible.

(2) *Abatement notice.*

a. If the Town undertakes abatement action, the property owner shall be notified of the Town's intent to abate the violation and shall be given no less than ten (10) days to voluntarily abate the violation. The Town may serve notice on the owner by registered or certified mail, addressed to the owner at his last known address or through personal delivery by any employee of the Town.

b. Notice of the Town's intent to abate a violation shall identify the nature and location of the violation, including the legal property description, the owner thereof who is

responsible, the length of time allowed for voluntary correction, and the violator's administrative review rights.

c. The Town may extend the time limit for compliance or voluntary abatement through the execution of an abatement contract, signed and duly executed, which specifies the actions to be taken and the time limit allowed.

(3) *Abatement charges.* All charges, costs, and expenses for abatement or correction of the violations incurred by the Town shall be assessed to the person responsible; and, if said person refuses to reimburse the Town's costs within thirty (30) days, the amount thereof may be collected through civil proceedings directed against such person.

(4) *Administrative review.* Any person notified of proposed correction or abatement action by the Town shall have the right for ten (10) days from the date of receipt of such notice to request in writing an administrative review according to section 12-5067.

(g) *Criminal penalties.* Abatement actions taken by the Town under this chapter shall not preclude the imposition of criminal penalties as otherwise provided by law.

Sec. 1-1062. Board of adjustment; establishment and membership.

(a) The board of adjustment shall consist of five (5) members, and may include two (2) alternate members, all of whom shall be land owners and qualified voters. The membership of the first board shall serve respectively, one for one year, one for two (2) years, one for three (3) years, one for four (4) years and one for five (5) years. Thereafter members shall be appointed for terms of five (5) years each.

(b) Of the two (2) alternate members first appointed, one alternate member shall be appointed for a term of three (3) years and the other for a term of two (2) years. Thereafter each alternate member shall be appointed for a term of three (3) years. Alternate members shall serve only when called upon to form a quorum and when so serving shall have all of the powers and duties of regular members.

(c) All members and alternate members of the board of adjustment shall be appointed by the mayor and board of aldermen. All members shall be removable for cause by the mayor and board of aldermen upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall elect its own chairman, who shall serve for one year.

Sec. 1-1063. Rules of Procedure.

The board of adjustment shall adopt rules in accordance with the provisions of any ordinance of the Town of Sterlington adopted pursuant to Louisiana Revised Statute 33:4721 through 33:4729; however, any rules adopted by a board of adjustment shall not be effective until approved in writing by the mayor and board of aldermen.

Sec. 1-1064. Hearings.

(a) Hearings and meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(b) (1) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds

thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

(3) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Sec. 1-1065. Records.

The board shall keep minutes of its hearings and meetings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be public records. All testimony, objections thereto, and ruling thereon, shall be taken down by a reporter employed by the board for the purpose.

Sec. 12-5066. Decisions.

The concurring vote of a majority of the members of the board present and voting shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter on which it is required to pass upon any ordinance, or to effect any variation in the ordinance. Nothing herein contained shall be construed to empower the board to change the terms of this chapter, to effect changes in the zoning map, or to add to the specific uses permitted in any district.

Sec. 1-1067. Powers of Board of Adjustment.

The board shall have and exercise the following powers:

(1) *Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Louisiana Revised Statute 33:4721 through Louisiana Revised Statute 33:4729 or of any ordinance adopted [pursuant] thereto. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to vary or modify the application of any of the regulations or provisions of the ordinance relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. In exercising all of its aforementioned and following described powers the board may, in conformity with Louisiana Revised Statute 33:4721 through Louisiana Revised Statute 33:4729, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement,

decision or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken.

(2) *Interpretation.* To interpret the zoning map and to pass upon disputed questions as they arise in the administration of the zoning regulations.

(3) *Special exceptions.* To hear and decide, in accordance with the provisions of this chapter, requests for special exceptions, subject to such terms and conditions as may be fixed by the board. No exception shall be authorized unless the board shall find that all of the following conditions exist:

a. That the exception will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the exception is sought;

b. That the exception is essential to maintain the functional design and architectural integrity of the development; and will be in harmony with the spirit and purposes of this chapter;

c. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

d. That the exception will not weaken the general purposes of this chapter or adversely affect the public health, safety, or welfare, or the master plan.

(4) *Variances.* Where, by reasons of exceptional narrowness, shallowness or shape of a specified piece of property at the time of enactment of this chapter, or by reason of exception topographic conditions or other extraordinary and exceptional characteristics of such piece of property, the strict application of any regulation in this chapter would result in peculiar and exceptional or undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. Variances shall be subject to such terms and conditions as may be fixed by the board. No variance shall be authorized unless the board shall find that all of the following conditions exist:

a. That the variance will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the variance is sought;

b. That the development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this chapter, cannot yield a reasonable return in services;

c. That the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property;

d. That the variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

e. That the variance will not alter the essential character of the district in which is located the property for which the variance is sought and will be in harmony with the spirit and purposes of this chapter;

f. That the variance will not weaken the general purposes of this chapter or adversely affect the public health, safety, or welfare, or the master plan.

Sec. 1-1068. Appeals from Board of Adjustment.

Any person aggrieved or any officer or department may have a decision of the board reviewed in the manner provided by section 4727, Title 33, Louisiana Revised Statutes of 1950.

Sec. 1-1069. Application Fees.

The planning and zoning director shall collect appropriate fees for application procedures specified herein. Such fees shall include:

- (1) *For map amendments:* Two hundred fifty dollars (\$250.00) for the first acre and ten dollars (\$10.00) for each additional acre. The minimum charge is two hundred fifty dollars (\$250.00) and the maximum charge is two thousand dollars (\$2,000.00).
 - (2) *For planned building groups, planned unit developments, and mobile home parks:* One hundred dollars (\$100.00) for the first acre and ten dollars (\$10.00) for each additional acre. The minimum charge is one hundred dollars (\$100.00) and the maximum charge is two thousand dollars (\$2,000.00). Acreage is computed on total acres, exclusive of streets.
 - (3) *For planning approval:* One hundred dollars (\$100.00)
 - (4) *For special exceptions:* One hundred dollars (\$100.00)
 - (5) *For variances:* One hundred dollars (\$100.00)
 - (6) *For zoning ordinance amendments:* One hundred dollars (\$100.00)
 - (7) *For revocations:* One hundred dollars (\$100.00)
 - (8) *Annexations:* No charge.
 - (9) *Dedications:* No charge.
 - (10) *Preliminary subdivision review:* One hundred dollars (\$100.00) for the first acre and ten dollars (\$10.00) for each additional acre. The minimum charge is one hundred dollars (\$100.00) and the maximum charge is two thousand dollars (\$2,000.00). Acreage is computed on total acres, exclusive of streets.
 - (11) *Final subdivision review:* One hundred dollars (\$100.00) for the first acre and ten dollars (\$10.00) for each additional acre. The minimum charge is one hundred dollars (\$100.00) and the maximum charge is two thousand dollars (\$2,000.00). Acreage is computed on total acres, exclusive of streets.
- Sec. 12-5070. Reserved.

ARTICLE H. AMENDMENTS; INTERPRETATION

Sec. 1-1071. Amendment Policy.

(a) *Reason for amendment.* This chapter and the zoning map are based on comprehensive planning studies and are intended to carry out the objective of a sound, stable and desirable development. It is therefore declared to be the public policy to amend this chapter only when one or more of the following conditions prevail:

- (1) *Error.* There is a manifest error in this chapter;
 - (2) *Change in conditions.* Changed or changing conditions in a particular area, or in the planning area generally, make a change in the ordinance necessary and desirable;
 - (3) *Increase in need for sites for commerce or industry.* Increased or increasing needs for commercial or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district;
 - (4) *Subdivision of land.* The subdivision or imminent subdivision of open land into urban building sites makes reclassification necessary and desirable.
- (b) *Limitations on proposed amendments.* All proposed amendments to this chapter shall be subject to the following limitations:

(1) *Minimum sizes for new districts.* No amendment changing the classification of an area shall be adopted unless the area meets the following requirements as to minimum size:

a. *B-1, B-2, B-3 and I-1 Districts.* A proposed new B-1, B-2, B-3 or I-1 District shall contain at least two (2) acres of gross area; except that a business district of a higher, more restrictive classification which abuts a business district of a lower classification shall have no minimum size requirement.

b. *O-L, R-1, and R-2 Districts.* There is no requirement of minimum size for new O-L or R-1 Districts; however, a proposed new R-2 District which does not abut a B-1, B-2 or B-3 District shall have at least two (2) acres of gross area.

c. *Additions to existing district.* An enlargement of or addition to an existing district shall not be considered a new district and shall be exempt from any requirement as to minimum size.

Sec. 1-1072. Amendment Procedure.

(a) *By whom initiated.* Amendments to this chapter may be initiated by the Town of Sterlington by the planning commission; or by any person, firm, or corporation.

(b) *Amendment application.* An application for amendment to this chapter submitted by any person, firm or corporation shall contain at least the following:

(1) *Interest and ownership.* The applicant's name, address, and interest in the application, the concurrence of the owner or owners of the entire land area and structures to be included within the proposed district, with evidence that the applicant actually intends to develop the designated area, and have both the means and ability to do so;

(2) *Plat.* A plat showing the land area which would be affected, and the proposed zoning classification of the area;

(3) *Error.* The error in this chapter that would be corrected by the proposed amendment.

(c) *Administrative examination.* Upon receipt of a completed application for amendment, the office of zoning administration shall examine the application and shall make such investigation as is necessary. Within ten (10) days of the receipt of an application, the office of zoning administration shall transmit the application, together with its report to the planning commission.

(d) *Preliminary hearing by planning commission.* The planning commission shall hold a preliminary hearing on each application for amendment to this chapter and shall notify the applicant and the office of zoning administration of the time and place of such preliminary hearing. After holding a preliminary hearing the commission shall certify the application for public hearing. No later than seven (7) days before the public hearing date the applicant shall:

(1) Furnish the commission with such additional information as it may request; including amendments seeking changes in the zoning map, furnish the commission with the name, description of property owner and mailing address of each owner of property lying within a distance of three hundred (300) feet of all of the fronting corners of the property the classification of which is sought to be changed.

(e) *Public hearing by planning commission.* The planning commission shall fix a reasonable time for a public hearing and shall give public notice thereof, as well as notice to the applicant and to the office of zoning administration; the commission may also notify the owners of surrounding property by mail. The commission shall prepare a record of its proceedings for each case to be filed in the office of the commission, and to

be a public record; a certified copy of the record or proceedings shall be transmitted to the mayor and board of aldermen.

(f) *Legislative disposition.* The mayor and board of aldermen shall examine all applications and shall take further action. Before enacting any amendment the board of aldermen shall hold a public hearing and shall give public notice, as required by law.

(1) *Conditions.* Conditions fixed in amendments relating to rezoning shall be construed to be covenants running with the land in the area involved and shall be binding upon applicants for amendments, their heirs, successors, and assigns.

(2) *Reconsideration.* No land for which an application for reclassification has been acted upon in a public hearing by the board of aldermen and mayor shall be considered again by the planning commission for the same classification [until] at least six (6) months from the date such application was acted upon.

State law references: Notice of hearing, R.S. 33:4724.

Sec. 1-1073. Interpretation; Validity; Effective Date; Repealer.

(a) *Interpretation.* In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Whenever the provisions of this chapter require a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of lot be left unoccupied, or other higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of this chapter shall govern; whenever other applicable statutes, ordinances or regulations require higher standards than the provisions of this chapter, such other applicable statutes, ordinances or regulations shall govern.

(b) *Validity.* The requirements and provisions of this chapter are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid the decision of the court shall not affect the validity of this chapter as a whole or any section or part thereof other than the section or part thereof so declared to be unconstitutional or invalid.

(c) *Effective date.* This chapter shall take effect at noon the second day of August, 1973.

(d) *Repealer.* All ordinances or parts of ordinances conflicting with any provisions of this chapter are hereby repealed insofar as same conflict with and affect this chapter.

Chapter 2 SUBDIVISION REGULATIONS*

State law references: Municipal control of subdivision, R.S. 33:111.

Sec. 2-2001. Purposes.

(a) These subdivision regulations are adopted under authority of section 112 of Title 33, Louisiana Revised Statutes of 1950 as amended. The planning commission has fulfilled the requirements set forth therein as prerequisite to the adoption of regulations governing the subdivision of land. It is the intent of the regulations to provide for the harmonious development of the Town; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the master plan; for adequate and convenient open spaces for traffic, utilities, recreation, light and air; and

for a distribution of population and traffic that will tend to create conditions favorable to health, safety, convenience or prosperity.

(b) These regulations shall govern all subdivisions of land within the Town as now or hereafter defined.

(c) From and after the effective date of these subdivision regulations, every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval and recorded as required herein, and no plat shall be recorded or shall have any validity unless it shall have been approved by the planning commission as having fulfilled the requirements of these regulations.

(d) Subdivision for which no plat is required:

(1) The planning commission may designate, authorize and empower a representative to review proposed resubdivisions of parcels of land fronting on an existing public street, and when the representative finds that the conditions specified in subsection (3) hereof are met, he may stamp on the deed or act of conveyance of such parcel "approved by Sterlington Planning Commission, no plat required," sign and date it; and the subdivision shall thereupon be exempt from the fee, platting, hearing and other submission requirements of these subdivision regulations; and the deed or act of conveyance may be forthwith recorded in the conveyance records of the parish.

(2) The representative mentioned in subsection (1) hereof shall also be and is hereby authorized to review proposed resubdivisions of parcels of land fronting on an existing street, in those instances where the deed or deeds evidencing the resubdivision(s) has or have already been recorded in the conveyance records of the parish; and when the representative finds that the conditions specified in subsection (3) hereof are met, he may issue a certificate evidencing the approval of the planning commission to the resubdivision, without requiring a plat of the resubdivision, sign and date the certificate; and the subdivision shall thereupon be exempt from the fee, platting, hearing and other submission requirements of the subdivision regulations; and the certificate shall be forthwith recorded in the conveyance records of the parish, by the person who has applied for the certificate. The certificate shall not be furnished to the applicant unless and until he first files with the representative of the planning commission a certified copy of the deed or deeds containing the proposed resubdivision for which approval is sought.

(3) The conditions referred to in subsections (1) and (2) hereof are:

a. The parcel or parcels in question lie within an existing subdivision for which a plat is of record in the office of the clerk of court, Ouachita Parish, such plat either having been filed prior to the date of these regulations or, if filed thereafter, having been approved by the planning commission.

b. No change in existing or dedicated street rights-of-way is required by or contained in the conveyance in question.

c. The conveyance in question effects only a shifting of existing rear or side lot lines.

Sec. 2-2002. Definitions.

For the purpose of the subdivision regulations certain words and phrases used herein are defined as follows:

Alley: Any public space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use.

Block: A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces, or by a combination of both.

Board: The chief legislative body of the Town.

Building setback line: The line indicating the minimum horizontal distance between the street line and the face of the buildings.

Crosswalkways: A public right-of-way, ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

Development: The act of installing site improvements and building structures.

Easement: A grant by the owner of the use of a strip of land by others for specific purposes.

Engineering plans: The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

Final plat: The final map or drawing on which the proposed plan is submitted to the planning commission for approval and which, if approved, will be submitted to the clerk of court of Ouachita Parish for recording.

General subdivision plan: The preliminary map or drawing on which the proposed layout of a subdivision is submitted to the planning commission for consideration and tentative approval.

Improvements: Street surfacing, with curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities and monuments.

Lots: A portion of a subdivision intended as a unit for transfer of ownership or for development.

Major street plan: The component part of the master plan for the Town showing the general locations of principal thoroughfares.

Master plan: The comprehensive plan made and adopted by the planning commission for the physical development of the Town; the term includes any unit or component part of the plan separately adopted and any amendment to the plan or part thereof.

Municipal or municipality: The Town of Sterlington and, where appropriate to the context, that area lying within the corporate limits of the Town as the corporate limits exist or may exist in the future.

Parks, recreation and school sites plan: The component part of the master plan for the Town showing the general locations of parks, recreation areas and school sites.

Planning commission or commission: The Sterlington Planning Commission, as such commission was created heretofore by ordinance adopted by the board, pursuant to Act No. 239, Acts of 1956, of the Legislature of the State of Louisiana.*

***Editor's note:** The statute cited is codified at R.S. 33:131 et seq. and is on the subject of regional planning commissions. Provisions on municipal planning commissions are found at R.S. 33:101 et seq.

Reserve strip: The strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to street or other public use.

Roadway: The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs.

Sidewalk: The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sketch plan: The sketch map or drawing showing the general design of a proposed subdivision.

Street: A public right-of-way which provides vehicular and pedestrian access to adjacent properties.

Closed end street: A short street having one end open to traffic and being terminated at the other end with a vehicular turnaround.

Collector street: A street, existing or planned, which serves or is intended to serve as a secondary trafficway, collecting traffic from minor streets and feeding it into major streets or to important generators of traffic.

Major street: A street, existing or planned, which serves or is intended to serve as a principal trafficway and which is designated on the major street plan as a limited access highway, major street, parkway or other term to identify those streets comprising the basic structure of the street system of the Town.

Marginal access street: A street running parallel to and adjacent to or in the immediate vicinity of a major street and which has as its principal purpose the relief of the major street from the local service of abutting properties.

Minor street: A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Subdivider: Any persons, group or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

Subdivision: The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of sale or building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. For the purposes of the regulations, divisions of land for agricultural purposes, when the resulting parcels are five (5) acres or larger in size, shall not be deemed to be subdivisions of land.

Tentative approval: The approval by the planning commission of the general subdivision plan or plat as approval is required by these regulations.

State law references: Planning commission, R.S. 33:101 et seq.

Sec. 2-2003. Procedure for Approval of Plat and Construction Plans.

(a) The procedure for review and approval of a subdivision by the planning commission consists of three (3) consecutive steps, as follows:

(1) Preparation and submission of a sketch plan of the proposed subdivision, together with the attendant items required herein. Submission of a sketch plan is not mandatory, but this step is recommended as a means of identifying and solving design and other subdivision problems.

(2) Preparation and submission for review and tentative approval of construction plans, together with the attendant items required herein.

(3) Preparation and submission for review and final approval of a final plat, together with the attendant items required herein.

(b) Sketch plan:

(1) The purpose of the sketch plan is to develop a general design on which to base the final plat and construction plans, and thus to avoid having to revise the design to make it conform to the master plan and to relate it to surrounding development. To this end, the subdivider should consult informally with the planning commission's technical staff on preparation of the sketch plan.

(2) Prior to the filing of an application for approval of the final plat and construction plans, the subdivider shall submit to the planning commission two (2) copies of the sketch plan of the proposed subdivision, together with the attendant items required herein. This step does not require formal application, fee or filing of the subdivision plat with the planning commission. The sketch plan shall be reviewed by the planning commission or by the planning director. The review shall take into consideration, in addition to the requirements set out in these regulations, the components of the master

plan, especially the major street plan and the parks, recreation and school sites plan, the zoning regulation and other plans, programs and regulations that might affect the area and the design and development of the subdivision.

(3) Within fifteen (15) days, the planning commission or the planning director shall inform the subdivider that the sketch plan as submitted or as modified does or does not meet the objectives of these regulations. When the planning commission or the planning director finds that the sketch plan does not meet the objectives of these regulations, the reasons thereof shall be given, together with any changes recommended to be made. In the event the subdivider does not agree to changes recommended by the planning director, he may request and shall receive review and formal action by the planning commission at its next regular meeting.

(c) Construction plans:

(1) The purpose of the construction plans, together with the attendant items required herein, is to provide plans for the construction of the subdivision and its improvements. To this end, during preparation of the construction plans the subdivider should consult with the planning commission's technical staff, with the Town engineer and with other officials and agencies concerned with subdivision and the improvements. The construction plans shall be based upon the general design shown on the sketch plan, together with the recommended or required changes.

(2) The subdivider shall submit to the planning commission four (4) copies of the construction plans, together with the attendant items required herein, with written application for tentative approval at least seven (7) days prior to the meeting at which it is to be considered. This step shall constitute formal application for approval and filing of the subdivision with the planning commission. The construction plans, together with the attendant items required herein, shall be reviewed by the planning commission and will be referred for review and report to the Town engineer, the director of the parish health unit, the utility agencies or companies concerned with the tract or adjacent tracts and other appropriate officials. The review shall take into consideration, in addition to the plans and other factors considered in connection with the sketch plan, the particular requirements and conditions affecting installation of improvements.

(3) Notice of the time and place at which construction plans will be considered shall be sent by the planning commission to the subdivider and to the person whose name and address appears upon the plan as the owner of the land. At the regular monthly meeting next following the submission of construction plans, but in any event within forty-five (45) days, the planning commission shall act upon the construction plans and shall communicate in writing to the subdivider its tentative approval or its disapproval. In the case of tentative approval, the planning commission shall state:

- a. The specific changes required to be made in the construction plans.
- b. The character and extent of the required improvements.
- c. The amount of the surety bond which it will require in lieu of the completion of improvements required herein.

In the case of disapproval, the planning commission shall state the ground of disapproval.

(4) Tentative approval of construction plans shall not constitute acceptance of the plat of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the final plat, which final plat will be submitted for approval of these regulations and the conditions of tentative approval of construction plans shall be effective for a maximum period of one year unless, upon application by the subdivider, the planning commission grants an extension. If the final plat has not been submitted to the planning commission for final approval within this time limit, the construction plans shall again be submitted for tentative approval.

(d) Final plat:

(1) The purpose of the final plat, together with the attendant items required herein, is to provide an accurate record of street and property lines and other elements being established on the land and the conditions of their use. The final plat shall be based on the construction plans, together with the required changes, but it may include only the portion of the approved construction plans which the subdivider proposes to record and develop at the time, provided, however, that the portion conforms to all requirements of these regulations.

(2) The subdivider shall submit to the planning commission four (4) copies of the final plat, together with the attendant items required herein, with final approval at least seven (7) days prior to the meeting at which it is to be considered. The final plat, together with the attendant items required herein, shall be reviewed by the planning commission and will be referred for review and report to the Town engineer, the director of the parish health unit, the utility agencies or companies concerned with tract or adjacent tracts and other appropriate officials. The review shall take into consideration conformance to the approved construction plans and fulfillment of any conditions of approval and the proper installation of required improvements in conformance with the requirements of these regulations and other applicable standards and regulations.

(3) Before action on the final plat, the planning commission shall give notice by registered mail to the subdivider and the owner of the land, whose name or names and addresses are shown on the plat, of the time and place of the hearing to be held on the plat, at least five (5) days before the date fixed for the hearing. The planning commission shall act upon the final plat within forty-five (45) days after its submission and shall communicate in writing to the subdivider its final approval or disapproval. Similar notices shall be mailed to the owners of the land immediately adjoining the platted land, as their names appear on the parish assessment rolls. In the case of final approval, the planning commission shall enter such approval upon the final plat by the signature of its secretary. In the case of disapproval, the planning commission shall state the ground of disapproval.

(4) Final approval of a final plat shall not constitute acceptance by the public of the dedication of a street or other public way, park or space. Final approval of a final plat shall be null and void if the final plat is not recorded in the records of the clerk of court of the parish within ninety (90) days after the date of final approval or upon application by the subdivider, the planning commission grants an extension.

State law references: Plat procedures, legal effect of approval of plat, R.S. 33:113.

Sec. 2-2004. Documents.

(a) Specifications for sketch plan:

(1) The sketch plan shall show in simple outline the general design of the proposed subdivision in relation to existing conditions and to its surroundings. It may be either a mechanical drawing or a freehand sketch, made at any convenient scale and size.

(2) The sketch plan shall contain the following information:

a. *Location map:* A diagram showing the relation of the proposed subdivision to main traffic arteries, schools, recreation areas, business and industrial areas and other important features.

b. *Survey data:* Contours or spot elevations required for the general subdivision plan or a sufficiently close approximation of such contours or spot elevations to determine necessary drainage.

- c. *Miscellaneous data*: The scale of the sketch plan, north arrow and date, and the name and address of the owner, the subdivider and the professional engineer or land surveyor.
 - d. *Streets*: The street pattern in relation to existing and proposed streets, including those shown on the major street plan or on a neighborhood plan.
 - e. *Lots and blocks*: The general arrangement of lots and blocks, with dimensions of typical lot widths and depths.
 - f. *Nonresidential sites*: Identification of existing and proposed parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - g. *Utilities*: The approximate locations and sizes of existing utility lines.
 - h. *Easements*: The approximate locations, widths and purposes of existing easements.
- (3) The sketch plan shall be accompanied by the following attendant items:
- a. *Protective covenants*: A brief statement of the protective covenants proposed to be recorded with the plat.
 - b. *Improvements*: A statement of the utilities and street improvements proposed to be made.
- (b) Specifications for construction plans:
- (1) The construction plans shall show accurately and in sufficient detail for construction of the subdivision and its improvements the design of the proposed subdivision in relation to existing conditions and its surroundings. It shall be drawn to a scale of one inch equals one hundred (100) feet or larger and the sheet size shall not be larger than thirty-two (32) inches by thirty-six (36) inches. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.
 - (2) The construction plans shall contain the following information:
 - a. *Location map*: A diagram showing the location of the proposed subdivision.
 - b. *Survey data*: The boundary lines of the subdivision with length and bearing of lines; section and corporation lines; contours at intervals of two (2) feet, based on a datum plane approved by the Town engineer; where contours will not provide adequate information for drainage determinations, spot elevations, in sufficient number to show drainage conditions, shall be given.
 - c. *Miscellaneous data*: Present tract designation according to the records of the clerk of court of the parish; the title or name under which the proposed subdivision is to be recorded, with name and address of the owner and the subdivider; notations giving scale, (true) north arrow, datum, benchmarks, date of survey and name of the registered professional engineer or land surveyor.
 - d. *Streets*: The name, right-of-way width and location of streets and other public ways on and adjacent to the tract; the type, width and elevation of surfacing; any legally established center line elevations; walks, curbs, gutters, culverts and similar features; the name, right-of-way width and location of proposed streets, with their grades and gradients, typical section, existing ground profile, etc., and similar data for alleys, if any.
 - e. *Lots and blocks*: Lot lines, lot numbers and block letters, tabulation stating gross and net acreage of the subdivision, acreage of existing and proposed public areas within the tract, number of residential lots, typical lot size and lineal feet of proposed streets.
 - f. *Nonresidential sites*: Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - g. *Utilities*: The location, size and invert elevation of the existing sanitary and steam sewers, the location and size of water mains and gas mains; the location of fire hydrants,

utility poles, etc. All proposed utilities shall be shown in sufficient detail for proper construction.

h. *Easements*: The location, width and purpose of existing and proposed easements.

i. *Building setback lines*: Minimum building setback lines.

j. *Adjoining land*: The approximate direction and gradient of the ground slope, including any levees or embankments; the character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; and names of recorded subdivision plats of adjoining platted land by record name, date and number and the names of record owners of adjoining unsubdivided land.

k. *Other existing conditions*: The locations of watercourses, marshes, wooded areas, isolated preservable trees one foot or more in diameter, buildings or structures and other significant features on the tract.

l. *Proposed public improvements*: Highways or other major public improvements planned by public authorities for future construction on or near the tract.

(3) The general subdivision plan shall be accompanied by a draft of the protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(c) Specifications for final plat:

(1) The final plat shall show accurately the subdivision as established on the ground and in relation to its surroundings. It shall be drawn to a scale of one inch equals one hundred (100) feet or larger, and the sheet size shall not be larger than thirty-two (32) inches by thirty-six (36) inches. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning commission.

(2) The final plat shall contain the following information:

a. *Location map*: A diagram showing the location of the proposed subdivision.

b. *Survey data*: Primary control points, approved by the Town engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred; the boundary lines of the subdivision, right-of-way lines of the streets, easements and other rights-of-way and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves; the location and description of monuments, according to state law, and statement of the closure error.

c. *Miscellaneous data*: Notations giving scale, (true) north arrow and date of final plat.

d. *Streets*: The name and right-of-way width of each street or other public way.

e. *Lots and blocks*: Identification by letter of each block and by number of each lot in each block.

f. *Nonresidential sites*: The purpose for which sites, other than residential lots, are dedicated or reserved.

g. *Utilities*: The location and dimensions of any utility rights-of-way or easements.

h. *Easements*: The location, dimensions and purpose of any other easements.

i. *Building setback line*: Minimum building setback line on all lots and other sites.

j. *Adjoining land*: The names of recorded subdivision plats of adjoining platted land by record name, date and number; the names of record owners of adjoining unsubdivided land.

k. *Certificate of owner*: Notarized certification by the land owner of the adoption of the plat and the dedication of streets and other public areas.

l. *Certificate of survey*: Certification by the registered professional engineer or land surveyor that the plat represents a survey made by him, that the monuments shown thereon actually exist as located and that all dimensional and other data are correct.

m. *Approvals:* Space for certificates of approval of the planning commission, the Town engineer and the director of the parish health unit, where approval is called for by these regulations. The certificate of the Town engineer shall state that the subdivider has complied with one of the following alternatives:

1. All improvements have been installed in accord with the requirements of these regulations and with the action of the planning commission in giving tentative approval of the construction plans; or

2. A bond or certified check has been posted, which is available to the Town and in sufficient amount to assure completion of all required improvements.

(3) The final plat shall be accompanied by the following attendant items:

a. *Protective covenants:* The protective covenants in form for recording.

b. *Construction plans:* Two (2) complete sets of "as-built" construction plans shall be furnished or if a bond has been placed for guarantee of construction, the final plat shall be accompanied by a letter stating that the "as-built" plans will be provided immediately after construction is completed.

c. *Conveyances:* A conveyance to the Town by a fee simple or by easement of land set aside for parks, recreation area or other public use.

Sec. 2-2005. Subdivision Design Standards.

(a) *Streets:*

(1) *Street layout:* The street layout shall be devised for the most advantageous development of the entire neighborhood in which the land to be subdivided is located. Existing streets that abut the subdivision shall be continued, and the continuations shall be at least as wide as the existing streets and in alignment with them. The street layout shall also provide for the future projection into unsubdivided adjoining lands.

(2) *Street drainable:* All streets shall be designed with curb and gutter and underground drainage. No valley drains will be allowed.

(3) *Curvature of streets:* The minimum radius of curvature of streets on the centerline shall be:

Major street . . . 600 feet

Collector street . . . 300 feet

Minor street . . . 100 feet

Closed-end street . . . 100 feet

(4) *Street grades:* Street grades shall conform in general to the terrain and shall be sufficient for adequate surface drainage.

(5) *Right-of-way widths:* The minimum right-of-way widths for streets, alleys and crosswalks shall be:

Major street . . . 100 feet

Marginal access street . . . 50 feet

Collector street . . . 80 feet

Minor street . . . 50 feet

Closed-end street . . . 50 feet

Turnaround right-of-way diameter . . . 100 feet

Alley . . . 20 feet

Crosswalk . . . 10 feet

(6) *Roadway and sidewalk widths:* The minimum widths for streets and alleys and the minimum sidewalk widths for streets and crosswalks shall be (street widths are given for back of curb to back of curb):

TABLE INSET:

	Concrete	Asphalt
Major street-width as determined by the governing body or agency responsible for construction		
Marginal access street	24	26
Collector street	26	28
Minor street	26	28
Closed-end street	24	26
(turnaround roadway diameter)	80	80
Alley	20	20
Collector street sidewalk	5	5
Other sidewalk	4	4

(7) Curb radii: Curb radii shall be not less than twenty-five (25) feet. Where an angle of intersection of less than sixty (60) degrees is permitted, curb radii shall be increased as necessary to insure safety.

(b) *Blocks:*

(1) Size and shape of blocks: The lengths, widths and shapes of blocks shall be determined with consideration of the limitations and opportunities of topography, the provision of building sites suitable to the intended uses and the need for convenient access, circulation and control of and safety from street traffic. In general, block lengths shall not exceed one thousand two hundred (1,200) feet and block lengths shall not be less than five hundred (500) feet; provided, however, that where site conditions make longer blocks necessary or desirable, the blocks may be as long as one thousand six hundred (1,600) feet.

(2) Crosswalks: Pedestrian crosswalks shall be provided across blocks longer than eight hundred (800) feet. Crosswalkways shall also be provided where necessary for convenient access to schools, playgrounds, shopping centers and other community facilities.

(3) Blocks on major street: Where the proposed subdivision is adjacent to or contains a major street, the long dimensions of the blocks shall be parallel to the major street.

(4) Blocks for commercial or industrial use: Blocks intended for commercial or industrial use shall be designed specifically for that use, with consideration of off-street loading and unloading and off-street parking facilities and access thereto.

(5) When feasible, all trees of major growth and top soil in the subdivision shall be preserved.

(c) *Lots:*

(1) Size and shape of lots: The size, width, depth, shape and orientation of lots and the minimum building setback lines shall be appropriate to the location of the subdivision and the type of development and use contemplated. Every lot shall contain a suitable building site.

(2) Minimum dimensions: Lots for residential use shall be at least sixty (60) feet wide at the building setback line and shall contain at least the following areas:

Where served by the municipal or an approved private water supply system and sanitary sewerage system--Seven thousand two hundred (7,200) square feet.

Where served by the municipal or an approved private water supply system but not by the municipal or an approved private sanitary system--Fifteen thousand (15,000) square feet.

Where served by neither the municipal nor an approved private water supply system nor a sanitary sewerage system--Twenty thousand (20,000) square feet.

a. For the purpose of this regulation, the individual wells and individual sewage disposal systems are not considered to be approved private water supply and approved private sanitary sewerage system.

b. In accordance with the provisions of section 12-2008, the commission may approve subdivision plans for a planned unit residential development which provides an average building site area per dwelling unit of not less than eight (8) percent of the building site area required in the zoning district in which the site is located, provided further that no single-family dwelling site shall be less than six thousand (6,000) square feet in area and fifty (50) feet in width at the building setback line.

(3) Maximum depth: The maximum depth of any lot, exclusive of unusable land, shall be three and five-tenths ($3 \frac{5}{10}$) times the width of the lot at the building setback line.

(4) Lot to abut on a street: Every lot shall abut upon a dedicated street for at least twenty-five (25) feet.

(5) Corner lots: Corner lots for residential use shall be increased in width over the minimum specified herein so that front yard distance can be provided on both streets, and the building setback line shall be so located.

(6) Property lines at corners: Where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least ten (10) feet or shall be chords of these arcs.

(7) Side lines of lots: Side lines of lots shall be approximately at right angles or radial to the street line.

(8) Double frontage lots: Double frontage lots will be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A buffer park strip at least ten (10) feet wide and across which there shall be no right of access shall be provided along the line of lots abutting major streets or disadvantageous use.

(d) *Public spaces:*

(1) Utility easements: Easements for public utilities shall be at least twelve (12) feet wide, preferably six (6) feet on each side of rear or side property lines of lots except where unusual circumstances make street side construction more desirable. The width of easements shall be increased, or they shall be extended, where necessary to provide space for utility pole bracing or other construction. No new half easement for utilities shall be plotted.

(2) Drainage easements: Easements for watercourses, drainage ways or streams shall conform substantially with the line of the watercourse and shall have further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with open drainage ways.

(3) Parks, recreation areas and school sites: Wherever a subdivision embraces a park, a combination playground and elementary school site, a combination playfield and junior high school site or a combination athletic field and senior high school site, as shown on the parks, recreation and school sites plan component of the master plan, the park, recreation area or school site shall be platted in the general location and of the size called for by the parks, recreation and school sites plan.

(e) *Townhouse, condominium and cluster home residential developments:*

(1) The planning commission may approve townhouse, condominium, and cluster home developments under the following general conditions:

a. The drainage and sewage systems are approved by the local health authority, Town officials, and the designated engineering review agencies.

b. Restrictions shall be submitted prior to final subdivision and shall be made a part of the plat, setting up perpetual servitudes for parking, utilities and the like and providing for joint maintenance responsibility by the owners, occupants, and/or developers for all joint facilities such as planned open space, parking, drives, drying yards, play areas, and the like according to the provisions of this section and the zoning ordinance as appropriate.

c. Townhouse, condominium and cluster home dwellings should not be haphazardly interspersed with traditional, single-family dwellings.

d. If townhouse, condominium and cluster subdivision tracts are not under construction within six (6) months of final subdivision approval, the commission may revoke approval unless some compelling reasons can be shown for its continuance.

(2) General suitability.

a. The planning commission shall not approve the subdivision if it is determined that, in the best interest of the public, the site is not suitable for development purposes of the kind proposed or that adequate provision has not been made to protect the community at large from the adverse effects of higher density residential developments such as traffic congestion, drainage, etc.

b. Land subject to flooding and land deemed to be topographically or geologically unsuitable shall not be platted for residential occupancy, not for other uses, as may increase danger to health, life or property or aggravate erosion or flood hazard.

(3) Townhouse development design standards:

a. No townhouse development shall be approved of less than two (2) nor more than six (6) gross acres. A maximum of fifteen (15) dwelling units per gross acre will be allowed.

b. Townhouse lots shall have a minimum area of two thousand (2,000) square feet with a minimum width of eighteen (18) feet and maximum allowable lot coverage of seventy-five (75) percent.

c. Townhouses shall have a minimum front setback of twenty (20) feet regardless of whether this front setback is part of an individual lot or part of the common open space. Front yards may contain driveways, walkways, and/or fences but no carports, garages, or accessory structures. Where townhouse lots are designed to face upon an open space or common access court rather than upon a street, this open space shall be a minimum of forty (40) feet in width and said space shall not include vehicular drives or parking areas. Setbacks on adjoining units shall vary a minimum of two (2) feet.

d. A maximum of eight (8) living units shall be allowed in each row of townhouses. When an end unit of a row of townhouses does not side on a street, an open space or court of at least twenty (20) feet in width shall be provided between it and the adjacent row of townhouses; however, where two (2) rows of townhouses that together contain less than eight (8) living units are immediately adjacent to each other, this open space between the ends of the two (2) buildings may be reduced to a minimum of fifteen (15) feet.

e. No side setback is required for townhouse developments except where the side lot line abuts a street, in which case a minimum of ten (10) feet is required between the building and the right-of-way. No windows, doors, or other openings shall be installed in any common wall between units, however, where a two-story townhouse adjoins a single-story townhouse, openings may be installed in the second story wall of the two-story unit.

f. A minimum ten (10) feet of rear setback is required, which may contain walks, drives, and/or fences, but no accessory structures, covered patios or carports.

g. The maximum height of any townhouse dwelling shall be thirty-five (35) feet.

(4) Design standards for condominium developments are identical to townhouse developments when townhouse style construction is undertaken. All other building styles

shall meet design standards outlined in Chapter 5 of this part governing multiple-family dwellings units.

(5) Cluster dwelling development and design standards:

- a. The planning commission may approve cluster home (detached) development tracts of not less than two (2) nor more than ten (10) acres. A maximum of eight (8) dwelling units per gross acre shall be permitted in R-1H zones and nine (9) in R-2 and B-1 zones.
- b. Cluster dwelling lots shall have a minimum area of four thousand (4,000) square feet in R-2 and B-1 zones with a minimum width of forty (40) feet at the building setback line.
- c. Cluster dwellings shall have a minimum front setback of fifteen (15) feet. Front yards may contain driveways, walkways, and fences but no carports garages or accessory structures. All cluster dwellings shall face upon a street. Setbacks on adjacent units shall vary a minimum of four (4) feet.
- d. Cluster dwellings shall have minimum side yards of five (5) feet. The required side setback shall not be penetrated by accessory structures or appurtenances such as carports or garages but may contain trellises, fences, walks, or landscaping features. Eaves and fireplace columns may penetrate one required side yard by no more than two (2) feet. On corner lots the side setback shall be a minimum of ten (10) feet.
- e. Accessory buildings, exterior mounted equipment (such as air conditioning units, swimming pool pumps and the like) shall in no case be constructed within five (5) feet of another dwelling or accessory structure on an adjacent lot.
- f. A minimum of ten (10) feet of rear setback is required which may contain walks, drives, and/or fences but no accessory structures.
- g. The maximum height of any cluster dwelling shall be thirty-five (35) feet.

Sec. 2-2006. Improvement Design Standards.

(a) Street, utility and other improvements shall be installed and other improvements shall be installed in each new subdivision in accordance with the standards and requirements specified herein. Improvements required by the regulations shall be made in accordance with the specifications and subject to the approval of the Town engineer, director of the parish health unit, the utility agencies or companies concerned with the tract or adjacent tracts and other appropriate authorities.

(b) Required improvements:

(1) *Monuments:* Lot and block corners shall be marked with iron pipes at least one-half (1/2) inch in diameter and sixteen (16) inches long. Angle points, points of curves in streets, the out boundary corners of the subdivision and intermediate points as required by the Town engineer shall be marked with either concrete blocks six (6) inches square in diameter and thirty (30) inches long or with iron pipes two (2) inches in diameter and four (4) feet long.

(2) *Roadways:* Roadways shall be constructed with curb and gutter for asphalt streets and an integral type curb for concrete streets. All curbs shall be mountable type unless otherwise approved by the Town engineer. The minimum acceptable surfacing shall be two and one-half (2 1/2) inches of hot asphalt on six (6) inches of compacted sand-clay-gravel or six (6) inches thick concrete on stabilized or compacted soil. Minimum physical compaction requirements shall be as follows:

TABLE INSET:

Subgrade	95% (AASHO T-99)
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(top six (6) inches)	
Sand-clay-gravel base	95% (AASHTO T-180)
Asphalt	95% (Minimum of Briquette Density (75) blow)

a. Concrete minimum strength shall be three thousand (3,000) pounds per square inch at twenty-eight (28) days. Testing requirements shall be as follows:

Concrete --A minimum of four (4) cylinders shall be made for each day's pour. Two (2) shall be tested at seven (7) days and two (2) at twenty-eight (28) days.

Asphalt --Control bin samples shall be run each day the plant is in operation. One briquette shall be obtained and density determined for each five hundred (500) linear feet of roadway.

Base and subgrade --One compaction test shall be run for each five hundred (500) linear feet of roadway.

b. A copy of all test results shall be submitted to the Town engineer immediately after they are available.

(3) *Drainage*: All drainage shall be accomplished by underground conduits and shall be collected from the roadway by means of catch basins. Surface water shall not be allowed to run over three hundred (300) feet along the street gutter.

(4) *Water supply*: Where the Town water supply is not accessible to all lots, the subdivider shall install a water supply system in accordance with the requirements and under the supervision of the Town engineer and director of the parish health unit. The system shall include adequate fire protection. The minimum line size shall be six (6) inches with a maximum length of six hundred (600) feet being fed from an eight (8) inch or larger main. A leakage and pressure test shall be conducted on the system in accordance with American Water Works Association standards. A letter certified by the developer's engineer shall then be sent to the planning commission and the Town engineer stating that the tests have been conducted and the results of these tests.

(5) *Sanitary sewerage*: Where a public sanitary sewer is reasonably accessible, the subdivider shall install a sanitary sewer system with a stub-out for each lot in the proposed subdivision and shall connect the system to the public sewer. To avoid cutting pavement or roadway when connections are made, stub-outs shall extend from the sewer line to points outside the roadway. All sewer work shall be done in accordance with the Louisiana Department of Health requirements. A leakage test shall be conducted on the completed sewerage system. Allowable leakage (infiltration) shall be as specified by the Town engineer for all sewerage work within the Town. A letter certified by the developer's engineer shall then be sent to the planning commission and the Town engineer stating that the test has been conducted and the results of the test.

(6) *Gas lines*: To avoid cutting pavement or roadway when service connections from the gas main are made, stub-outs shall extend from the main points outside the roadway.

(7) *Above ground utilities*: Above ground utilities shall normally be placed on rear or side property lines of lots along easements provided for this purpose. Existing franchise rights are not affected by this requirement and special consideration will be given to street lighting requirements and unusual circumstances.

(8) *Street signs*: Each intersection shall have signs on diagonally opposite corners identifying the streets which form the intersection. Construction and installation of street signs shall be in accordance with the requirements of the Town engineer.

(c) Guarantees of performance:

(1) *Completion of improvements*: The planning commission shall not approve the final plat of any subdivision unless the improvements required by these regulations have

been installed in accordance with the standards and specifications of the appropriate officials and agencies and their approval has been certified to the planning commission.

(2) *Surety bond:* In lieu of the completion of improvements prior to the submission of the final plat for approval, the planning commission may accept a bond in an amount and with surety and conditions satisfactory to it providing for and securing to the Town to actual construction and installation of the improvements within a period specified by the commission and expressed in the bond.

Sec. 2-2006.1. Street Lighting--Installation.

It is in the public interest for the owner and/or developer of a residential subdivision within the corporate limits of the Town, who shall hereafter elect to provide underground service lines for the distribution of electricity in said subdivision, to be required as a condition precedent to the approval of such subdivision by the Town to make provision in the plan of such subdivision for the installation at the owner's and/or developer's expense of street lighting facilities within said subdivision, with street lights to be installed at locations and in accordance with specifications approved by the Town and the holder of the franchise for the furnishing of electricity within the corporate limits of the Town, with the ownership and subsequent maintenance thereof to be assumed by the holder of the franchise for the furnishing of electricity within the corporate limits of the Town in accordance with the appropriate rate schedule in effect from time to time and on file with the Louisiana Public Service Commission.

Sec. 2-2006.2. Same--Payment of Cost.

It is in the public interest for the owner and/or developer of a residential subdivision within the corporate limits of the Town, who shall hereafter elect to provide underground service lines for the distribution of electricity in said subdivision, to be required as a condition precedent to the approval of such subdivision by the Town to make provision in the plan of such subdivision for the payment by the residents thereof of the full costs of all street lighting therein to the extent that the cost of street lighting therein from time to time is not assumed by the Town, said provision in the plan of such subdivision to include but not be limited to the requirement of restrictive covenants affecting the act of sale of any and all lots therein whereby the full cost of the operation of the underground street lighting system is to be the pro rata obligation of the residents thereof as a real obligation running with each lot to the extent said costs from time to time are not assumed by the Town, the costs to said residents to be paid by said residents to the Town or the Town's designee.

Sec. 2-2007. Acceptance of Subdivision with Improvements.

(a) Upon the satisfactory completion of construction the developer shall obtain written final approval and acceptance from the Town engineer and submit this approval to the planning commission.

(b) For a period of twelve (12) months after acceptance of the work the developer shall keep all filled trenches, pipes, manholes, structures, paving, etc., constructed by him in good condition, making repairs to defects in materials or workmanship as may develop or be discovered. The developer shall file with the commission a surety bond, securing to the Town satisfactory performance of this work for a period of one year from the date of the bond. The amount of the bond shall be ten (10) percent of the cost of the

improvements as determined by the Town engineer. The forms of the bond shall be approved by the Town legal council. The bond shall be subject to cancellation only upon written approval of the Town engineer.

Sec. 2-2008. Administration.

(a) These subdivision regulations shall be administered by the planning commission. The planning director shall be the officer in charge of the administration.

(b) Modifications:

(1) a. *Hardship*: Where the planning commission finds that extraordinary hardships may result from strict compliance with these regulations, it may modify the regulations so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of the master plan or these regulations.

b. *Variance in access*: The requirement of this chapter that each lot shall abut upon a dedicated street may be satisfied by a recorded servitude of passage or similar right, whether legal or conventional, if approved by the board of aldermen after review by the planning commission. Such approval may limit, in whole or in part, the requirements of section 12-2005(a) (relating to street design standards) and section 12-2006 (relating to street improvement design and construction standards), or provide such other limitations or alternative requirements as may be deemed appropriate, but any limitation or alternative requirements must be expressly provided in the approval.

(2) *Large scale development*: The standards and requirements of these regulations may be modified by the planning commission in the case of a plan and program for a complete community, a neighborhood unit or a planned unit residential development project which contains a minimum of twenty (20) acres, which in the judgment of the planning commission provides adequate public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides covenants or other legal provisions as will assure conformity to and achievement of the plan. Notwithstanding other provisions of these regulations the following improvements shall be mandatory in any planned unit residential development project: Concrete curb and gutter streets, underground drainage and sidewalks. Planned unit development project final plats may not be modified unless resubmitted to and approved by the planning commission in the same manner as the original submission.

(3) *Conditions*: In granting modifications, the planning commission may require conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

(c) The disapproval of a general subdivision plan or plat may be appealed by the subdivider by filing with the planning commission and with the commission council a written notice of appeal. Upon receiving notice of appeal, the planning commission shall transmit to the board a certified copy of the proceedings in the case upon which the appeal is taken. The board may overrule the disapproval by a recorded vote of not less than two-thirds (2/3) of its entire membership. Upon the overruling, the board shall notify the planning commission, directing the issuance of a certificate of approval to permit the recording of the plat.

(d) No plat of a subdivision of land lying within the Town shall be filed or recorded in the office of the clerk of court of the parish, until it has been submitted to and approved by the planning commission and the approval of the commission endorsed in writing on the plat by the secretary of the commission.

(e) Whoever, being the owner or agent of the owner of any land located within a planning commission, transfers or sells or agrees to sell any land by reference to or

exhibition of or by other use of a plat of a subdivision before such plat has been approved by the planning commission and recorded or filed in the office of the clerk of court of the parish shall pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the purpose of selling or transferring shall not exempt the transaction from the penalties or from the remedies herein provided. The Town may enjoin the transfer or sale or agreement by injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

Sec. 2-2009. Amendments.

(a) These subdivision regulations are based on comprehensive planning studies and on the need for uniform standards of design and construction for subdivisions and improvements to carry out the objective of a sound, stable and desirable development. It is recognized that casual change or amendment to the regulations would be detrimental to the achievement of that objective, and it is therefore declared to be the policy of the planning commission to amend these regulations only when one or more of the following conditions prevail:

(1) There is a manifest error in the regulations.

(2) Changed or changing conditions in a particular area, or in the planning region generally, make a change in the regulations necessary and desirable.

(b) Amendments to these subdivision regulations may be requested by any person concerned with or affected by the application of the regulations. A request for amendment shall state the name, address and interest of the person requesting the amendment, the nature and purpose of the amendment requested and the need therefore.

Sec. 2-2010. Interpretation.

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Whenever the provisions of these regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these regulations shall govern; whenever other applicable statutes, ordinances or regulations require higher standards than [than] the provisions of these regulations, such other applicable statutes, ordinances or regulations shall govern.

Chapter 3. MOBILE HOME PARKS*

*State law references: Manufactured housing, R.S. 51:911.21 et seq.

Sec. 3-3001. Purpose; Intent.

(a) These mobile home park regulations are adopted under authority of the police power of the Town.

(b) It is the intent of this chapter to provide for the harmonious design of parks for mobile homes; for the convenient and attractive arrangement of mobile home sites; for adequate vehicular and pedestrian circulation and parking; for recreation and other

common open spaces and facilities; and in general for the creation of conditions favorable to health, safety and convenience of mobile home parks as residential areas.

(c) This chapter supplements the "Sanitary Code of the State of Louisiana, Chapter XI, Camps" adopted by the mayor and board on June 24, 1969 (section 8-1001 hereof), and such other codes that have been adopted by the mayor and board, such as, but not limited to, the housing code, building code, electrical code and plumbing code, and as their regulations may be amended.

(d) This chapter does not govern the construction, plumbing, wiring or other characteristics of mobile homes as structures, nor does it govern the location of a single mobile home located outside mobile home parks as are defined in this chapter.

(e) These regulations shall govern all mobile home parks within the territorial boundary of the Town, as it now exists or may be extended.

(f) From the effective date of this chapter, every mobile home park, as herein defined, shall be designed and constructed in conformance with these regulations.

State law references: General municipal powers, R.S. 33:401 et seq.; state sanitary code, R.S. 40:4.

Sec. 3-3002. Definitions.

For the purpose of this chapter certain words and phrases used herein are defined as follows:

Block: A parcel of land entirely surrounded by park streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof or by the boundaries of the mobile home park.

Developer: Any person, group or corporation acting as a unit, or any agent thereof, developing or proposing to develop land so as to constitute a mobile home park as defined herein.

Easement: A grant by the owner of the use of a strip of land by others for specific purpose.

Engineering plans: The drawings on which the proposed improvements are shown and which, if approved, will be used for construction of the improvements.

Final plan: The final map or drawing on which the mobile home park plan is submitted for approval and which, if approved, will be used to lay out and construct the mobile home park.

Improvements: Street surfacing, with curb and gutter, walkways and walks, water mains and service lines, sanitary sewers and service lines, storm sewers and other drainage structures and utilities installations.

Master plan: A comprehensive plan made and adopted by the Town planning commission, for the physical development of the Town and surrounding area; the term includes any unit or component of the plan separately adopted and any amendment to the plan or part thereof.

Mobile home: A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to indicated utilities. A travel trailer, designed to be used as a temporary dwelling for travel, recreational and vacation use, is not to be considered as a mobile home.

Mobile home lot: A parcel of land rented for the exclusive use of the occupants of a single mobile home.

Mobile home park or park: A parcel of land, whether publicly or privately owned, which has been planned and improved for the placement of mobile homes for nontransient use; and the definition of a "mobile home park" shall also mean any parcel

of land upon which two (2) or more mobile homes are located, regardless of whether or not a charge is made for the accommodation.

Mobile home stand: That part of a mobile home lot which has been reserved for the placement of a mobile home, appurtenant structures or additions.

Park street: A private roadway which provides vehicular access to adjacent properties.

Planning director: The zoning administrator or such other person as shall be designated by the mayor.

Public street: A public right-of-way which provides vehicular and pedestrian access to adjacent properties.

Sketch plan: The sketch plan or drawing showing the general design of a proposed mobile home park.

Walk: A pedestrian way. A "common walk" is one intended for general pedestrian traffic and a "private walk" is one serving only an individual mobile home stand.

State law references: Definitions relating to manufactured housing, R.S. 51:911.22.

Sec. 3-3003. Planning Commission Review of Park Plans.

The procedure for review and approval of a mobile home park plan by the planning commission consists of two (2) consecutive steps as follows:

(1) Preparation and submission of a sketch plan of the proposed mobile home park, together with the attendant items specified herein. Submission of a sketch plan is not mandatory, but this step is recommended as a means of identifying and solving design and other problems.

(2) Preparation and submission of a final plan, together with the attendant items required herein.

Sec. 3-3004. Sketch Plan.

(a) The purpose of the sketch plan is to develop a general design on which to base the final plan, and thus to avoid having to revise the design to make it conform to the master plan, to the provisions of this chapter and to other regulations, and to relate it to surrounding development. The developer should consult informally with the planning director, the technical staff of the planning commission, the Town engineer, the health officer, the utility agencies, companies or departments concerned and other appropriate officials.

(b) Prior to the filing of an application for approval of the final plan, the developer shall submit to the planning commission two (2) copies of the sketch plan of the proposed mobile home park, together with the attendant items specified herein. This step does not require formal application or fee. The sketch plan shall be reviewed by the commission or its staff. The review shall take into consideration, in addition to the requirements set out in this chapter, the relation of the proposed mobile home park to the master plan and to other plans, programs and regulations that might affect the design and development of the mobile home park.

(c) Within fifteen (15) days, the commission or its staff shall inform the developer and the building inspector that the sketch plan as submitted or as modified does or does not meet the objectives of this chapter. When the commission or its staff finds that the sketch plan does not meet the objectives of this chapter, the reasons therefor shall be given, together with any changes recommended by the staff of the commission or other

officials. He may request and shall receive review and approval or disapproval by the commission at its next regular meeting.

Sec. 3-3005. Final Plan.

(a) The purpose of the final plan, together with the attendant items required herein, is to provide plans for the design and construction of the mobile home park and its improvements. During the preparation of the final plan the developer should consult with the planning director, the technical staff of the commission, the Town engineer, the health officer, the utility agencies, companies or departments concerned and other appropriate officials.

(b) The developer shall submit to the planning commission four (4) copies of the final plan, together with the attendant items required herein, with written application for final approval at least ten (10) days prior to the commission meeting at which it is to be considered. The final plan, together with the attendant items required herein, shall be reviewed by the commission and will be referred for review and report to the engineer, the health officer, the utility agencies, companies, or departments concerned and other appropriate officials. The review shall take into consideration conformance to the approved sketch plan and fulfillment of any conditions of the approval.

(c) The commission shall act upon the final plan within forty-five (45) days after its submission, taking into consideration the reports from the officials and agencies named above, and shall communicate in writing to the developer its approval or disapproval. In the case of approval, the commission shall enter the approval upon the final plan by the appropriate certificate. In the case of disapproval, the commission shall state the ground for disapproval.

(d) Approval of a final plan shall not constitute acceptance of the mobile home park but shall be deemed only as an expression of approval of the plan submitted as a guide to construction. Final acceptance of the mobile home park for occupancy shall be by action of the building inspector acting upon instructions from the mayor and board. Approval of a final plan shall not constitute acceptance by the public of the dedication of a street or other public way, park or space.

Sec. 3-3006. Specifications for Sketch Plan.

(a) The sketch plan shall show in simple outline the general design of the proposed mobile home park in relation to existing conditions and to its surroundings. It may be either a mechanical drawing or a free hand sketch, made at any convenient scale and size.

(b) The sketch plan shall contain the following information:

(1) *Location map.* A diagram showing the relation of the proposed mobile home park to main traffic arteries, schools, recreation areas, business and industrial areas and other important features.

(2) *Survey data.* Contours or spot elevations required for the final plan or a sufficiently close approximation of such contours or spot elevations to determine necessary drainage.

(3) *Miscellaneous data.* The scale of the sketch plan, north arrow and date and the name and address of the developer, the owner (if a person other than the developer) and the professional engineer or land surveyor.

- (4) *Park streets and walks.* The park street pattern in relation to existing public streets, including those shown on the plan for circulation (major street plan) or on a neighborhood plan, and the pattern of common walks and parking areas.
- (5) *Lots and blocks.* The general arrangement of mobile home lots and blocks, with dimensions of typical lot width and depths.
- (6) *Mobile home stands.* The location and grouping of mobile home stands.
- (7) *Nonresidential sites.* Identification of proposed recreation area, service buildings and their sites, and any other nonresidential uses or sites; the general locations of nonresidential buildings.
- (8) *Utilities.* The approximate locations and sizes of existing utility lines to which connections are proposed to be made.
- (9) *Easements.* The approximate locations, widths and purposes of existing easements.
- (10) *Improvements.* A statement of the utilities and the street and other improvements proposed to be made. Water and sewerage service will be that of the Town.

Sec. 3-3007. Specifications for Final Plan.

- (a) The final plan shall show accurately and in sufficient detail for construction of the mobile home park and its improvements the design of the park in relation to existing conditions and the surroundings. It shall be drawn to a scale of one inch equals one hundred (100) feet, or larger, and the sheet size shall not be larger than thirty-two (32) inches by thirty-two (32) inches. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire mobile home park.
- (b) The final plan shall contain the following information:
 - (1) *Location.* A diagram showing the location of the proposed mobile home park.
 - (2) *Survey data.* The boundary line of the mobile home park with length and bearing of lines; section and corporation lines, if any; mobile home lot lines; contours at intervals of two (2) feet, based on a datum plane that is mean sea level; where contours will not provide adequate information for drainage determinations, spot elevations in sufficient number to show drainage conditions shall be given.
 - (3) *Miscellaneous data.* The title or name by which the proposed mobile home park is to be known, with name and address of the developer, the owner (if a person other than the developer); notations giving scale, true north arrow and date of final plan.
 - (4) *Park streets and walks.* The locations of park streets, common walks and other walkways.
 - (5) *Lots and blocks.* Identification by letter of each block and by number of each mobile home lot in each block.
 - (6) *Mobile home stands.* The location of each mobile home stand on its lot.
 - (7) *Nonresidential sites.* The purpose for which sites, other than mobile home lots, are to be used.
 - (8) *Utilities.* The locations and dimensions of any utility rights-of-way or easements.
 - (9) *Easements.* The locations, dimensions and purposes of any other easements.
 - (10) *Building setback lines.* Minimum building setback lines on all mobile home lots and other sites.
 - (11) *Adjoining land.* The names of recorded subdivision plats of adjoining platted land; the names of record owners of adjoining unsubdivided land.
 - (12) *Certificate of owner.* Notarized certification by the land owner of the adoption of the mobile home park plan.

(13) *Certificate of survey.* Certification by the registered professional engineer or land surveyor that the plan represents a survey made by him and that all dimensional and other data are correct.

(14) *Approvals.* Space for certification of approval of the commission, the Town engineer, the building inspector and the health officer.

(c) The final plan shall be accompanied by the following items:

(1) *Engineering plans.* The cross sections and profiles of streets showing grades approved by the Town engineer. The profiles shall be drawn to Town standard scales, and elevations shall be based on a datum plane that is mean sea level. Plans for water supply and sanitary sewerage are also required.

(2) *Plan review fee.* A check payable to the Town for the payment of the fee of twenty-five dollars (\$25.00) for review of the final plan.

Sec. 3-3008. Selection of Site.

(a) The minimum area of a tract to be developed as a mobile home park shall be six (6) acres, and the minimum frontage on a public street shall be fifty (50) feet. The minimum number of mobile home lots completed and ready for occupancy, together with all required improvements and services, before the first occupancy is permitted shall be thirty-five (35).

(b) The location of the mobile home park shall be convenient to community facilities and services such as employment centers, shopping centers, schools and recreation areas. Police and fire protection shall be reasonably accessible, or provisions shall be made assuring these facilities and services.

(c) Direct vehicular access to the park shall be provided by means of an abutting improved street of such width and construction as to be adequate for vehicular traffic requirements of the park as well as the other properties served by the access street.

(d) The mobile home park site shall be selected with consideration of the proximity and possible effect of environmental factors which exist or may result from the change in land use with regard to the health and safety or comfort of persons who are to reside in the park or persons using land in the vicinity of the park. No site shall be used which does not either have municipal water supply, and which does not have municipal sanitary sewerage. No site shall be used which is subject to undue pooling of water, or air pollution by smoke, dust or fumes.

Sec. 3-3009. Development of Site.

(a) Any nonresidential use shall be subordinate to the residential use and character of the property and shall be such as not to adversely affect the desirability of the park or adjacent or neighboring properties for residential use for family occupancy.

(b) Natural scenic features of the land, such as streams, shall be considered to be community assets, and the design of the park shall protect and utilize these scenic features. Because of their value in soil conservation, health and community appearance, large trees shall be preserved wherever possible.

(c) Where a mobile home park site adjoins land used for a railroad right-of-way, an industrial area, a commercial area or other land use which would have a depreciating effect on the residential use of the land, a buffer park strip of not less than thirty (30) feet in width shall be provided. Buffer park strips shall comply with the following regulations:

(1) Screen planting shall be provided in sufficient density and of sufficient height (but in no case less than eight (8) feet two (2) years after planting) to afford protection to the

mobile home park site from glare of lights, from blowing paper, dust and debris, from visual encroachment and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition.

(2) No part of a buffer park strip shall be used for any purpose other than screen planting unless such screen planting is provided adjacent to the density to accomplish the purpose of protection, in which case as much as twenty (20) feet of the required thirty (30) feet may be used for parking or other open space uses or service uses not in conflict with the purpose of protection nor in violation of any other provisions of this chapter.

Sec. 3-3010. Site Planning; General Considerations.

(a) Site planning and improvements shall provide for the facilities and amenities appropriate to the needs of the occupants, for safe, comfortable and sanitary use by the occupants under all weather conditions and for practical and efficient operation and maintenance of all facilities. The site, including mobile home lots, structures and all site improvements, shall be harmoniously and efficiently organized in relation to topography, the shape of the site and the shape, size and position of structures and common facilities and with full regard to use, appearance and livability.

(b) Adequate protection shall be provided against any undesirable off-site views or any adverse influence from adjoining streets and areas.

Sec. 3-3011. Park Streets, Walks and Parking.

(a) The park street layout shall be devised for the most advantageous development of the land. Park streets shall provide access to the mobile home lots or other sites. The street system shall provide convenient circulation by means of properly located streets. Closed-end streets (culs-de-sac) shall be no longer than six hundred (600) feet and shall be provided at the closed end with a vehicle turnaround.

(b) Park streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage and proper functioning of sanitary and storm sewer systems.

(c) Park street intersections shall be at right angles or nearly so. Where, for topographic or other reasons, an intersection cannot be at right angles, the intersection shall be so designed as to insure safety. Street jogs with centerline offsets less than twenty-five (25) feet shall be avoided.

(d) Pavements shall be of adequate widths to accommodate the contemplated traffic load. The minimum widths of pavements shall be:

(1) *Street* --Twenty-two (22) feet--Back of curb to back of curb with no less than eighteen (18) feet rolling surface.

(2) *Closed end street* --Turn around diameter--Eighty (80) feet.

(e) Common walks shall be provided where pedestrian traffic is concentrated and where necessary for convenient access to recreation areas, service buildings and other community use facilities. They should be located preferably through interior areas removed from the vicinity of streets. Walks shall be at least three (3) feet wide.

(f) Individual walks to each mobile home stand shall be provided from a common walk or paved street or from a paved driveway or parking space or area connecting to a paved street. Individual walks shall be at least one and one-half (1 1/2) feet wide.

(g) Off-street parking shall be provided. Provided, however, that required off-street parking may be located either on the mobile home lot or within two hundred (200) feet of

the lot. The park streets of the mobile home park shall not be considered to answer the requirement for off-street parking spaces.

Sec. 3-3012. Blocks; Mobile Home Lots.

(a) The lengths, widths and shapes of blocks shall be determined with consideration of the limitations and opportunities of topography, the provision of the mobile home lots and the need for convenient access, circulation, control of and safety from traffic. In general, block lengths shall not exceed eight hundred (800) feet and block lengths shall not be less than three hundred (300) feet. Common walks shall be provided across blocks longer than three hundred (300) feet.

(b) The size, depth, shape and orientation of mobile home lots and the minimum building setback lines shall be appropriate to the location of the mobile home park and to the type of development and use contemplated. Mobile home lots shall be laid out at such angle with the street as to provide for placing of mobile homes to the best advantage.

(c) Mobile home lots shall be at least forty (40) feet wide at the building setback line and shall contain at least four thousand (4,000) square feet.

(d) Mobile homes shall be placed no closer than ten (10) feet to any park street or to any park property line and no closer than five (5) feet to any mobile home lot line.

(e) Mobile homes shall be placed not less than twenty (20) feet from any other mobile home. Mobile homes or their appendages shall not be placed over sewer main lines.

(f) The maximum lot coverage by the mobile home shall be thirty-five (35) percent. An unenclosed patio shall not be considered a part of the structure for the purpose of calculating lot coverage.

Sec. 3-3013. Public Spaces and Facilities.

(a) Not less than eight (8) percent of the gross site area of a mobile home park shall be devoted to recreational facilities, generally provided in a central location or, in the larger parks, decentralized. A recreation area includes space for community building and community use facilities, such as guest parking, adult recreation and child play areas, swimming pools, utilities and drying yards.

(b) Where easements are required for public utilities, they shall be at least twelve (12) feet wide. The width of easements shall be increased, or they shall be extended, where necessary to provide for utility pole bracing or other construction. No new easement for utilities shall be platted.

(c) Easements for watercourses, drainage ways or streams shall conform substantially with the lines of the watercourses and shall have further width or construction, or both, as will be adequate for maintenance.

(d) One or more service buildings shall be provided at these locations as to be reasonably accessible to residents of the park. Service buildings shall include space and separation for a park manager's office, storage of maintenance equipment and supplies, recreation management and adequate individual storage compartments for each lot in the mobile home park.

Sec. 3-3014. Improvements.

(a) Street, utility and other improvements shall be installed in each mobile home park in accordance with the standards and requirements specified herein.

(b) Improvements required by these regulations shall be made in accordance with the specifications and under the supervision of the Town engineer, health officer, the utility agencies, companies or departments concerned and other appropriate authorities.

(c) The following improvements are required:

(1) *Park streets.* Park streets shall be surfaced for their entire width and shall have roll top or valley type gutter at each edge. The minimum acceptable all weather surfacing shall be two and one-half (2 1/2) inches of hot asphalt on six (6) inches of compacted gravel or equivalent base to provide adequate subsurface drainage.

(2) *Walks.* Common walks shall be concrete at least four (4) inches thick. Individual walks shall be concrete at least three (3) inches thick.

(3) *Car parking areas.* Car parking areas shall have all weather surfacing on compacted base the same as park streets.

(4) *Water supply.* The developer shall install a water supply system connected to the public water supply of the Town. An individual water connection shall be provided for each mobile home stand. The connection shall consist of a riser terminating at least eight (8) inches under the ground surface with one one-half-inch valved outlet.

(5) *Sanitary sewerage.* The developer shall install a sanitary sewerage system connected to the public sanitary sewer of the Town. A four-inch sewer connection suitably located for connection to the mobile home shall be provided for each mobile home stand in accordance with the sanitary code for mobile homes of the Town.

(6) *Surface drainage.* The mobile home park shall be so designed that surface water will be drained into natural watercourses or into the municipal storm water drainage system. Necessary facilities for drainage of roadways and for drainage of surface water in the park shall be installed. All streets shall be designed with curb and underground drainage. No valley drains will be allowed.

(7) *Utilities.* Above ground utilities shall be placed along streets or on rear or side lines of mobile home lots in easements provided for this purpose. Installations shall be constructed in accordance with the requirements and under the supervision of the utility agencies, companies or departments concerned.

(8) *Illumination.* Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night.

(9) *Street signs.* Each intersection shall have signs on diagonally opposite corners identifying the streets which form the intersection. Construction and installation of street signs shall be in accordance with the requirements of the Town engineer.

(10) *Landscaping.* Lawn and ground cover shall be provided for all exposed ground surfaces not paved or covered with other solid material or in areas as woods and ravines which are to be preserved in their natural state. Screen planting shall be provided as necessary to screen objectionable views such as laundry drying yards, garbage and trash collection stations and rear yards of adjacent properties.

Sec. 3-3015. Guarantees of Performance.

The planning director shall not issue a certificate of compliance with the provisions of this chapter for any mobile home park unless the improvements required by this chapter have been installed in accordance with the standards and specifications of the appropriate officials and agencies and their approval has been certified. A certificate of compliance shall have been issued prior to the occupancy of the park.

Sec. 3-3016. Administration.

This chapter shall be administered by the planning director of the Town with the advice of the planning commission and mayor and board of the Town.

Sec. 3-3017. Modifications.

(a) Where the planning commission finds that extraordinary hardships may result from strict compliance with this chapter, it may modify the regulations so that substantial justice may be done and the public interest secured, provided that such modifications will not have the effect of nullifying the intent and purpose of the master plan or these regulations.

(b) In granting modifications, the commission may require those conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

Sec. 3-3018. Approval; Enlargement.

No mobile home park and no extension or enlargement of a mobile home park shall be constructed without prior approval of the planning commission and the building inspector. Increasing the number of mobile homes in a mobile home park and/or enlarging the land area devoted to this use shall both be considered an enlargement or extension.

Sec. 3-3019. Violations.

(a) Every owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation of this chapter may be found guilty of a separate offense.

(b) Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 3-3020. Amendments.

(a) The regulations contained in this chapter are based on comprehensive planning studies and on the need for uniform standards of design and construction for mobile home parks and improvements to carry out the objective of a sound, stable and desirable development. It is recognized that casual change or amendment to the regulations would be detrimental to the achievement of that objective. And it is therefore declared to be the policy of the mayor and board to amend these regulations only where there is manifest error in the regulations or where changed or changing conditions make a change in the regulations necessary and desirable.

(c) Amendments will be made in accordance with the requirements for amending this Code.

Sec. 3-3021. Interpretation.

In interpreting and applying the regulations in this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Whenever these regulations require higher standards than are required in any other applicable statute, Code provision or regulation, these regulations shall govern; whenever other applicable statutes, or Code provisions or regulations require higher

standards than these regulations, such other applicable statutes, or Code provisions or regulations shall govern.