



## DEVELOPMENT CODE

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## Ordinance History

DC19-06, adopted new Development Code 9/3/19 in entirety and repealing all previous versions.

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**General Provisions of Development and Zoning**

- A. Legislative intent.** The Planning and Zoning Commission and the Town Council of Sorrento, have determined:
1. The Town of Sorrento is preparing for growth in new residential and commercial development in the future. This growth could far exceed historical trends.
  2. As a small town, Sorrento does not have an extensive infrastructure public investment to support rapid development. If development is not carefully planned, the costs of roads, water systems, and sewer systems can quickly accelerate the pressure to raise taxes.
  3. The Town of Sorrento is adjacent to property already zoned in the Town for Industrial development. The Town of Sorrento must carefully manage residential and commercial development close to this potential growth, in order to protect the public safety.
  4. Almost the entire Town of Sorrento is located in an area designated as a FEMA Flood Zone. This can create serious construction and public safety problems with concentrated development.
  5. If growth is not carefully managed, development may destroy the rural character of the Town of Sorrento. This character represents a valuable property right to the residents of the town.
    - a. As a small town, Sorrento does not have an extensive infrastructure public investment to support rapid development. If development is not carefully planned, the costs of roads, water systems, and sewer systems can quickly accelerate the pressure to raise taxes.
    - b. The Town of Sorrento is adjacent to property already zoned in the Town for Industrial development. The Town of Sorrento must carefully manage residential and commercial development close to this potential growth, in order to protect the public safety.
    - c. Almost the entire Town of Sorrento is located in an area designated as a FEMA Flood Zone. This can create serious construction and public safety problems with concentrated development.
    - d. If growth is not carefully managed, development may destroy the rural character of the Town of Sorrento. This character represents a valuable property right to the residents of the town.
  6. To protect property rights and manage public investments, the Town Council has enacted this ordinance to establish a clear plan for growth in Sorrento.

7. The purpose of this ordinance is to protect public health and safety, increase property values, promote orderly development consistent with the character of the Town, and provide for the careful management of public investment and taxes.
8. This ordinance reflects the experience that the Town has had in implementing land use regulations since the passage of the initial Zoning Ordinance in June 1996.

(DC19-06, 9/03/19)

- B. Enactment.** Be it ordained by the Council of the Town of Sorrento, pursuant to the powers granted by Title 33, Sections 4721-4729 of the Louisiana Revised Statutes, wishes to exercise all its power allowed under the police powers of the United States Constitution, the Louisiana Constitution, and Louisiana Revised Statute 33:1236, as amended.

(DC19-06, 9/03/19)

- C. Jurisdiction.** The provisions of this ordinance shall apply to the Town of Sorrento in Sorrento Town, Louisiana.

1. This ordinance shall be administered by the Town of Sorrento Planning and Zoning Commission, established under **Article IV. Boards and Commissions. Secs 2-107 & 208**: Sorrento Town Planning and Zoning Commission -- Created.
2. This ordinance sets forth the requirements for a person to obtain a development permit for the construction or major alteration of a building or structure in the Town of Sorrento. The requirements for development permits are set forth in **Section 17-2090(B)**: Development permits required. The ordinance also sets forth additional requirements for obtaining a building permit for single-family structures. The requirements for building permits are set forth in the Sorrento Town Building Code, Article 2 of the Code of Ordinances of the Town of Sorrento.

(DC19-06, 9/03/19)

- D. Commentary.** Throughout this ordinance, subsections prefaced “Commentary” are included. Each commentary represents an official statement of legislative finding and purpose. Whenever a section or sub-section of this ordinance is deemed to require clarification, explanation of its intent, or further elaboration, that section is followed by a commentary. The commentaries have been legislatively adopted together with the more formal text of the ordinance. They are intended as a guide to the administration and interpretation of the ordinance and shall be treated in the same manner as other aspects of legislative history.

(DC19-06, 9/03/19)

- E. Interpretation.** An administrator, the Planning and Zoning Commission, or the courts shall interpret this ordinance to promote the purposes set forth by the Town of Sorrento Council. Those called upon to interpret this ordinance shall proceed as follows:

1. Determine the public purpose of the standard for which an interpretation is required.
  - a. **Commentary.** Before any zoning interpretation is made, there must be an explicit identification of the purpose for which the initial regulation was imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable negative impact or potential. A sound interpretation of any standard in this ordinance cannot be ensured without a careful analysis of the end to which the regulation is directed.
  
2. Determine the impact of the proposed interpretation.
  - a. **Commentary.** It is not always possible to define precisely the impacts of a proposed interpretation. Those charged with interpreting this ordinance should determine impacts after evaluating the viewpoints of adjacent land owners and, where appropriate, expert opinion from Town employees or independent parties.
  
3. Determine that the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.
  - a. **Commentary.** This ordinance provides the Town of Sorrento with the responsibility for administering its provisions. Their decisions can be appealed to the Planning and Zoning Commission and the Zoning Board of Adjustments. Decisions of the Board are subject to judicial appeal.

(DC19-06, 9/03/19)

**F. Findings of Fact.** The Town of Sorrento Council finds that:

1. Most of the Town of Sorrento exists within a flood hazard area. Construction within this area must meet special building standards to minimize the risk of loss from flooding.
  
2. The Town of Sorrento believes that there is a potential for rapid growth and further suburbanization. The Town has a limited infrastructure to support this growth. Building new infrastructure should be geographically concentrated in order to reduce the cost of this infrastructure.
  
3. The Town has a limited amount of land available for industrial and business development. The Town needs land use regulations to balance residential, commercial and industrial growth in order to protect the long-term tax base of the Town.

(DC19-06, 9/03/19)

- G. Guiding principles and policies.** To achieve the purposes of this ordinance as set forth in **Section 17-201(A): Legislative intent**, the Planning and Zoning Commission shall adopt the following set of integrated guiding principles and policies to manage land development in the Town of Sorrento.
1. Principle 1: Protect the public safety and property values by providing adequate separation of industrial, commercial, and residential uses.
    - a. **Commentary.** The central challenge in the Town of Sorrento is to protect public health and safety from five major challenges: 1) periodic flooding; 2) the encroachment of residential uses near chemical plants; 3) the growth of traffic on a narrow, rural road system; and 4) the increase waste water pollution from increased residential construction.
  2. Principle 2: Encourage growth only in areas of the Town that can support it with adequate soils, drainage, and physical infrastructure.
    - a. **Commentary.** The Town has limited development sites available that are outside the 100-year flood plain. A portion of the available land for future development is near industrial properties.
  3. Principle 3: Preserve rural, conservation, and recreation areas from high intensity residential and commercial development.
    - a. **Commentary.** The rural character of the Town comes from open space, trees, and historic sites. Residential growth, while not incompatible with preserving rural character, can erode this character.
  4. Principle 4: Streamline the process of land use management and encourage continuous public comment on development practices.
    - a. **Commentary.** Maintaining an open, fair process is critical to the success of this ordinance. Without public confidence in a fair, impartial process, enforcement of these regulations will not be effective.
  5. Principle 5: Use flexible performance zones that focus on controlling the intensity of development.
    - a. **Commentary.** Instead of having a proliferation of single use zones, the Town should expand the allowable uses of the existing zones and add a few more flexible use zones. The Commission should focus on managing the intensity and impact of development and not so much on the use. This approach meets the needs of a rural Town and reduces the cost of administration.
  6. Principle 6: Support subdivision development where water and sewer lines are likely to run.



- a. **Commentary.** Clustering subdivision development near water and sewer lines will reduce the overall cost of water and sewer to the taxpayers of the Town.

(DC19-06, 9/03/19)

**17-2010. Zoning Districts**

- A. **Establishment of zoning districts.** The Town of Sorrento is hereby divided into zoning districts. These districts are necessary to promote compatible uses within districts, to serve the other purposes of this ordinance as detailed in **Section 17-201(A): Legislative intent**, and to implement the principles and policies outlined in **Section 17-201(G): Guiding principles and policies**.

(DC19-06, 9/03/19)

- B. **Zoning districts.**

- 1. High intensity districts:
  - a. Mixed use corridors (MU)
  - b. Mixed Use 2 corridors (MU2)
  - c. Heavy Industrial (HI)
  - d. Mobile Home Park / RV Park (MHRV)
- 2. Medium intensity districts:
  - a. Crossroad commercial (CC)
  - b. Medium Intensity residential (RM)
  - c. Medium Industrial (MI)
  - d. Light Industrial (LI)
- 3. Low intensity districts:
  - a. Rural (R)
  - b. Conservation (C)

- i. **Commentary.** This ordinance creates zoning districts that encourage mixed uses within districts. The primary policy objectives in developing these zones are: 1) to separate hazardous industrial uses from high concentrations of residential development; 2) to concentrate traffic from commercial and high intensity residential development around roads in the Town which can more easily handle higher traffic volumes; 3) to protect the public safety by encouraging development which is adequately served by roads, fire stations, and police stations, and 4) to preserve property values based on the rural character of the Town by discouraging residential subdivisions in remote areas of the Town and the commercial strip development which follows these developments.

(DC19-06, 9/03/19)

**17-2011. Zoning Map Guidelines**

- A. The boundaries of the various districts and overlay zones are shown on the Official Zoning Map of Sorrento Town, Louisiana. This map appears as **Appendix V** of this Unified Development Code, with an accompanying legend that explains the map’s symbols. The zoning maps, including all notations, are part of this Ordinance.
- B. The chairman of the Planning and Zoning Commissions and the Town Mayor shall sign and date the zoning map.
- C. Unless otherwise shown on the zoning map, the boundary lines of zoning districts and overlay zones are lot lines, property lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, the center lines of creeks and streams or corporate limit lines as they existed at the time of the enactment of this ordinance, or otherwise section lines, as they exist within the various townships and ranges. Boundary lines, which do not coincide with these landmarks, shall be determined by using the scale of the zoning map. If a boundary line traverses a parcel or tract of land and if a minimum of 51% of the property is located within a particular district, then the entire parcel or tract would be considered as being zoned that particular district. If a parcel or tract of land whose zoning is affected by this provision is subdivided, the zoning district in which the newly created tract, parcel or lot is located shall govern each individual tract, parcel, or lot of land created by the subdivision of the original tract.

(DC19-06, 9/03/19)

**17-2012. Mixed Use Corridors (MU) and (MU2)**

- A. **Mixed Use (MU).** This district is characterized by the most intensive residential and commercial development. These districts are located in areas where the road system is most capable of supporting growth with a minimum risk to the public safety. High-density residential development should include apartment buildings and townhouses. Commercial development should be concentrated or “clustered” at strategic sites in relation to population centers, other commercial sites, and adequate roads.
  - 1. **Commentary.** This district is designed to concentrate the most intensive residential and commercial development along the major arteries of the Town. By encouraging concentrated, cluster development, the Commission will minimize the infrastructure costs and manage public safety risks most appropriately. In addition, commercial development should use shared access to parking lots and shared parking lots in order to minimize traffic congestion and sprawl along the Town roadways. While this district allows many varied uses, the district should develop with adequate buffering, careful traffic planning, and appropriate lighting plans to minimize any nuisance between uses.
- B. **Mixed Use 2 (MU2).** This District is characterized by the allowance of limited commercial, retail and service establishments in areas where the surrounding

(DC19-06, 9/03/19)

neighborhood is predominantly residential and the character and operation of which are compatible with the character of the surrounding area.

1. **Commentary.** This district is designed to allow for commercial, retail and service establishments that are compatible and do not adversely impact the surrounding residential neighborhoods.

(DC19-06, 9/03/19)

**17-2013. Heavy Industrial (HI)**

- A. Heavy Industrial is characterized as high-impact manufacturing, compounding, processing, treatment and other uses that by their very nature create a certain real or potential nuisance and which are not compatible with nearby residential and commercial developments. Among the uses anticipated in the Heavy Industrial Zone are processing and storage, refineries, tank farms, foundries, primary metals and other enterprises whose raw materials, goods-in-process or finished products could be characterized as toxic, noxious, hazardous, odiferous, explosive, radioactive or otherwise potentially harmful to nearby neighbors if improperly handled. Heavy Industrial anticipates a requirement for the development of extensive on-site and off-site transportation infrastructure such as liquid and break-bulk river terminals, rail access and storage yards, tanker truck loading and unloading and other infrastructure. Limited retail sales are permitted in Heavy Industrial zones.

1. **Commentary.** While the Zoning Map, at the time of adoption may not include any areas zoned Heavy Industrial, the plan is for industrial development to be concentrated in areas that are already providing a site for industry in the Parish. This district is to be adequately served by infrastructure. Concentrating industrial development in this district also minimizes the public safety risks from production and transportation. In addition, concentrating truck traffic will reduce the maintenance costs on Town roads.

(DC19-06, 9/03/19)

**17-2014. Crossroad Commercial District (CC)**

- A. This district serves the commercial needs of the outlying residents in the Town. The purpose of this district is to disperse commercial development opportunities throughout the Town, while minimizing the adverse impact on traffic flows.

1. **Commentary.** Most of the commercial development in the Town should be focused on mixed-use corridors, where the roads can handle traffic volumes. At the same time, residents in the outlying areas of the Town need convenience retail of standalone stores or smaller neighborhood convenience centers. To reduce congestion on rural roads and improve road access, these commercial buildings should be located at intersections.

(DC19-06, 9/03/19)

**17-2015. Medium Intensity Residential District (RM)**

- A. This district is designated for single-family residential development.

1. **Commentary.** This district is designed to be adjacent to high intensity mixed use corridors.

(DC19-06, 9/03/19)

**17-2016. Medium Industrial (MI)**

- A. Medium Industrial is intended to accommodate heavier forms of fabrication, assembly, processing and storage, and larger scale warehousing & distribution that, by nature, may create an infrequent visual, audio or scent nuisance to nearby residential and commercial developments. Medium Industrial anticipates that some components of finished products may be produced on site and assembled into a final product. Retail sales are not permitted in Medium Industrial Zones excepting when they can be proven to be auxiliary to the process (for example, an outlet store for products manufactured or warehoused within the facility). Medium Industrial anticipates a moderate to heavy volume of vehicular traffic. While periodic movement and storage of rail cars is permitted in a Medium Industrial Zone, such activity should be limited in frequency so as to not present a persistent obstacle to the free flow of traffic in the vicinity of the establishment. Large scale warehousing & distribution centers are allowed in Medium Industrial zones with the caveat that appropriate steps shall be taken to properly plan and develop internal roadways and connections to public streets that promotes the free flow of traffic in the area.

1. **Commentary.** This district provides a public safety buffer between large-scale residential and commercial development and industrial plants. These plants pose a serious public health risk that must be carefully managed. Beginning in 1985, the chemical industry operating in the Parish of Ascension established the Community Awareness Emergency Response, or CAER, Committee. The CAER Committee has installed a 26-siren community alerting system, designed to be heard within an approximate radius of 2.5 miles of each plant, in the area in which the plants are located. The system will provide effective early warning for the community. The Medium Industrial District should fall within this community alerting system and is designed to discourage high-density residential development within this warning zone.

(DC19-06, 9/03/19)

**17-2017. Light Industrial (LI)**

- A. Light Industrial is intended to accommodate light manufacturing, assembly, fabrication, processing, small scale warehousing & distribution, repair facilities and similar operations utilizing previously prepared materials. Light Industrial operation should be operated in a clean and quiet manner in compatibility with surrounding commercial and residential users. Generally, operations in Light Industrial zones should be contained wholly within a structure. Where it is necessary to have exterior storage areas for raw materials, finished products, goods-in-process, lay down yards, etc., these should be screened from view via vegetation or opaque fencing. Retail sales would be allowed in Light Industrial zones where they are incidental to the operation.

1. **Commentary.** This district will enable the Town to expand its economic base without encroaching on residential development. By establishing high development standards for this district, the Town may reduce the

impact of business development on surrounding residential development, while at the same time encouraging investment in high-income employment.

- B. Light Industrial Development Standards.** The development standards for the Light Industrial (LI) District include the following:
1. **Site plan review.** Development within the Light Industrial district requires a site plan review by the Planning Commission to ensure that the development meets the development standards set forth in this Section. The site plan shall include:
    - a. Vicinity map;
    - b. Boundaries and dimensions of the property;
    - c. Location of buildings and structures with existing and proposed location and layout of off-street parking.
    - d. Loading and unloading areas and location, design and height of walls and fencing;
    - e. Location of storage areas and refuse containers;
    - f. Location and size of signs;
    - g. Landscaping plan;
    - h. Outdoor lighting plan;
    - i. Proposed architectural treatment of buildings;
    - j. Location and size of all existing and proposed utilities;
    - k. Site drainage;
    - l. Access to public streets;
    - m. Interior circulation pattern, including truck circulation for loading and unloading;
    - n. Adjacent public streets and the latest available traffic counts of those streets;
    - o. Indications of adjoining uses.
  2. **Building Plan review and building standards.** Development within the Light Industrial district requires a building plan review by the Planning Commission to ensure that the development meets the development standards set forth in this Section. The building standards include:
    - a. All buildings shall be designed by a certified architect or engineer
    - b. All sides, elevations or facades shall be visually pleasing and architecturally comparable with these standards.
  3. The majority of exterior and externally visible opaque surfaces shall be constructed of the following materials:
    - a. Brick;
    - b. Architectural precast concrete panels;
    - c. Decorative concrete block;
    - d. Cut stone;
    - e. Wood; or
    - f. Other building materials that the Planning Commission determines will present a visual statement of a building structure's strength, permanence and attractiveness. The building

materials used shall be harmonious with the natural environment and with the general character of a high-quality business park.

4. No loading dock shall face the street, unless the site configuration is such that it is unavoidable. In that event, the Planning Commission shall specifically review and approve the location of the loading dock.
5. The Planning Commission must approve ancillary structures. Approval shall be granted only if:
  - a. The ancillary building is essential to the principal use of the building site
  - b. The structure of the ancillary building conforms to the architectural standards of other buildings on the site
  - c. The ancillary building is properly screened to minimize adverse visual impacts, if any
  - d. Conform to the overall objectives of this Section, as determined by the Planning and Development Staff.
6. **Landscaping Plan review and landscaping standards.** The landscaping on the site shall follow a Landscaping Plan that has been reviewed and approved by the Planning Commission. The Landscaping Plan shall include the location, name, size and quantity of plant materials. The plan shall show all ground cover and mulch areas; landscape and construction materials; and construction details. The Planning Commission shall approve landscaping plans that substantially enhance the property value of the building site and maintain the rural character of the Town. In making this determination, the Planning Commission shall consider:
  - a. The extent of landscaping, including the use of seeding, sodding, raised planters, architectural decorative walls or fencing, earth berms, trees and shrubs, ground cover, and lighting.
  - b. The use of trees and shrubs that enhance the rural character of the Town.
  - c. The extent to which the landscaping plan represents a long-term improvement to the rural character of the Town.
7. **Failure to complete or maintain landscaping.** All landscaping shall be completed within 90 days following occupancy. The owner of the building site shall be responsible for maintaining all landscaping approved in the original plan. If the owner does not complete the approved landscaping plan within 90 days of occupancy, the Planning Commission may direct the Parish Building Official to revoke the owner's Certificate of Occupancy. If the owner or the owner's assigns do not maintain the landscaping as set forth in the approved plan, the Town of Sorrento or its agent, at the direction of the Planning Commission,

shall enter the site and conduct such maintenance. The Town of Sorrento may seek full reimbursement for these maintenance services.

(DC19-06, 9/03/19)

**17-2018. Rural District (R)**

- A. This district is designated for low-density residential development in rural areas.
1. **Commentary.** This district should develop consistent with the rural character of the Town. In addition, haphazard development in the more rural parts of the Town will stretch the Towns limited road, police and fire budgets. The Town cannot afford to service large concentrations of residential development in this district.

(DC19-06, 9/03/19)

**17-2019. Conservation District (C)**

- A. This area is designated to conserve the major environmental assets of the Town. The district is intended for single family residential.
1. **Commentary.** This district includes the most rural parts of the Town. These areas are not only environmentally fragile; roads that can handle large traffic increases do not serve them.

(DC19-06, 9/03/19)

**17-2020. Mobile Home Park / RV Park District (MHRV)**

- A. This area is designated to provide for an area to develop Mobile Home and/or RV Parks. The district is intended for high density, single family residential development that is designed consistent with the Town of Sorrento Mobile Home, RV Park and Campground Regulations ordinance – Appendix VIII . This district is intended to ensure a suitable living environment in Mobile Home, RV parks or Campgrounds and to ensure the compatibility of such developments with adjacent property.
- B. Properties shall only be considered for this zoning designation if they are located outside of the most up-to-date 100-year flood plain designation according to the FEMA/FIRMS map and immediately adjacent to a piece of property that is already zoned MU, CC or MHRV.
1. **Commentary.** This district is designed to concentrate Mobile Home and RV Parks where the Town Council feels they are best suited to occur. Consideration should be given to available and future infrastructure in the immediate area, adjacent land use, traffic and drainage concerns.

(DC19-06, 9/03/19; DC23-09, 06/13/23)

**17-2030. Overlay Zones**

- A. **Statement of purpose and intent for overlay zones.** Overlay zones handle particular development issues in the Town by imposing a new set of regulations on a special area. These problems are geographically localized and cannot be completely addressed by the underlying district regulations. To provide flexibility and ease of administration to the Development Ordinance, the Town adopts the following overlay zones to address these issues:

1. Flood hazard overlay zone,
  - a. **Commentary.** With the flexibility of overlay zoning, the Town is able to respond to special features of the land.

**B. Establishment of overlay zones.** This Ordinance establishes the following Overlay Zones:

1. Flood hazard overlay zone,
2. The overlay districts shall be superimposed on the other districts established by this Ordinance.
3. The delineation of the overlay zones is set forth on the official zoning map or other officially recognized maps in the Parish of Ascension (i.e. The Parish Flood Map)
  - a. **Commentary.** Overlay zones lie on top of zoning districts. They impose an additional level of land use control to handle specific development issues within the Town.

(DC19-06, 9/03/19)

**17-2031. Flood Hazard Overlay Zone**

**A.** The Flood Hazard Overlay Zone protects public safety and property by restricting residential development within the 100-year flood plain and by keeping flood channels free of encroachment. Development in this zone must also comply with the requirements of **Chapter 9.5 of the Ascension Parish Code of Ordinances**, Flood Damage Prevention and the Town of Sorrento Flood Ordinance.

1. The lands within the Flood Hazard Overlay Zone are subject to periodic inundation. These floods adversely affect the public health, safety and general welfare of the Town. They can result in a loss of life and property, health and safety hazards, disruption of commerce and governmental services. They also lead to extraordinary public expenditures for flood protection and relief.
2. These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities. These losses are also increased by the development of buildings within the Flood Hazard Overlay Zone that are inadequately elevated, flood-proofed or otherwise protected from flood damage.
  - a. **Commentary.** The purpose of flood plain zoning is to regulate land use within the flood plain to minimize or prevent the harm caused by flood. The current development pattern shows that some subdivisions have been developed recently within the 100-year flood plain. This overlay zone is designed to protect the public safety and property rights by restricting intensive residential development in the flood plain (Zones A, A1, A30, AH and AE). Construction within designated floodplain should not be started until the applicant has provided an Elevation Certificate to the Building Official. By accepting an Elevation Certificate and related information, the Town government is not



making any representation that a structure built in a flood plain is safe.

(DC19-06, 9/03/19)

**17-2040. Secondary Family Residences**

- A. Secondary single-family residences may be located on a single lot for immediate family members of the owners. Immediate family members shall include the children, grandchildren, parents, and grandparents of the owner. Such secondary occupancy shall not, however, exceed any density contemplated in a land use district, with the exception of conservation districts where the density requirement shall be one secondary single-family residence per one-half acre. This relaxed density requirement in conservation districts shall only be allowed for secondary single-family residences as authorized by this provision. This provision, however, does not repeal any provision of the Sorrento Town Regulations relating to family partitions.

(DC19-06, 9/03/19)

**17-2041. Bed & Breakfast**

- A. An overnight boarding establishment operated within one structure of no more than ten (10) private bedrooms. Breakfast, including a continental breakfast, shall be served in the morning.

(DC19-06, 9/03/19)

**17-2042. Tall Structures**

- A. **Height restrictions on communication towers, spires, and water tanks.** Communication towers, spires or a water tank may be built and used to a greater height than the limit established in this section up to a limit of 250 feet, provided that no such exceptions shall cover, at any level, more than fifteen percent in area of the lot. No exception may have an area at the base greater than sixteen hundred square feet; No exception that shall be used for residential or commercial activities as defined in **Appendix I, Table A: Site Requirements by District.**
1. With the exception of accessory structures, the Town Council may execute a development agreement with a developer or property owner that increases the height limitations of this section by up to twenty-five percent (25%).
- B. **Telecommunication Tower Standards.** The Planning Commission shall have the authority to regulate the construction and operation of telecommunication towers and antennas for the public safety.
- C. **Location of telecommunications towers.** Telecommunication Towers may be permitted in the following districts, subject to the applicable minimum standards.
1. Heavy, Medium and Light Industrial districts
  2. On property owned by the Town, provided however, the Town shall authorize the publication and use of Town property after the applicant executes a lease agreement acceptable to the Town. The Town shall

have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

3. Telecommunication towers may be permitted as a conditional use in the following zoning districts, subject to the applicable minimum standards: Mixed Use 2 Corridors (MU2); Mixed use corridors (MU); Crossroad commercial (CC); Medium intensity residential (RM); Conservation (C); Rural (R).

**D. Applications for new construction of telecommunication towers.** When seeking a building permit for a new tower location, the applicant must provide the following information to the Town of Sorrento:

1. The location of all towers, buildings, or other structures which could serve as a platform for telecommunication antennas within a two-mile radius of the proposed tower site.
2. A full explanation outlining the reasons that the proposed telecommunications antennas cannot be placed on the towers, buildings, or structures listed. This explanation must be given on each structure individually.
3. If the inability to secure a suitable lease arrangement prevents a telecommunication antenna from being placed upon an otherwise suitable tower, building or structure, the points of disagreement, including but not limited to proposed lease payments, must be provided to the Planning Commission.
4. **Priority Given to Co-location.** Co-location of communications antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single-use telecommunication towers.

**E. Minimum standards.** Every telecommunications tower must meet the following minimum standards:

1. **Site Development Plan.** Prior to the issuance of a building permit, a site development plan including a horizontal and bird's-eye view of proposed construction, which shall depict items a-h shown below, shall be presented for approval to the Planning Commission. Each application for a proposed Telecommunication Tower shall include all requirements for site development plan approval pursuant to the Sorrento Town Development Code. The Planning Commission may waive all or some of these provisions for stealth towers which are designed to emulate existing structures already on the site, including but not limited to light standards or power poles; or for co-location sites with two or more carriers at the time of application. The site development plan shall include:
  - a. Type of structure (guyed tower, self-support, or monopole)
  - b. Height of the structure

- c. Setbacks from the perimeter of the tower or monopole to any residence or structure within a distance equal to 100% the height of the tower plus thirty (30) feet.
  - d. Setbacks of the perimeter of tower from adjacent property lines
  - e. Vicinity map showing 500 ft. radius
  - f. Location and configuration of all accessory buildings and/or external equipment cabinets
  - g. Paving and curb cuts
  - h. Fencing and proposed landscaping
  - i. Statement of engineer.
2. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Louisiana, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Parish of Ascension Building Code, and any associated regulations; and describes the tower's capacity including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structures can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users.
- a. Said statement shall be presented to the Ascension Parish Permit Department before a permanent tower shall be issued. The Engineer who stamps the construction plans shall be an independent registered Civil Engineer, not an employee of the tower or communication company.
  - b. Additionally, upon completion the Engineer for the project shall submit a letter stating that the structure was built according to the plans to the Town of Sorrento.
3. Each application to allow construction of a Telecommunication Tower shall include a statement that the construction and placement of the tower:
- a. Is in compliance with Federal Aviation Administration (FFA) regulations.
  - b. Is in compliance with the rules and regulations of other federal or state agencies that may regulate telecommunication tower sitting, design and construction.
  - c. Is in compliance with current radio frequency emissions standards of the Federal Communication Commission.
  - d. Will not unnecessarily interfere with public safety communications and the usual and customary transmission or

reception of radio and television service enjoyed by adjacent residential and non-residential properties.

**F. Lease and/or title to property.** All sites shall have a lease and/or title with legal description tied by metes and bounds to a government section corner.

**G. Height and setbacks**

1. **Elevations.** All elevations shall be based on the Flood Insurance Rate Maps.

2. **Height and setbacks.** Height and setbacks and related location requirements shall be as follows:

1. The height of a telecommunications tower shall not exceed two hundred and fifty (250) feet. Tower height shall be measured from the ground to the highest point of the tower or any antenna/lighting rod, whichever is higher.

2. Telecommunication Towers shall conform to the setbacks established for the underlying zoning district.

3. Monopole, lattice or guyed Telecommunication Towers shall not be located within seven hundred and fifty (750) feet of any existing monopole, lattice or guyed telecommunication tower.

4. All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established for the underlying zoning district.

**H. Buffering**

1. An eight (8) foot fence or wall as measured from the finished grade of the site, shall be required around the base of any telecommunication tower and around any necessary buildings or structures.

2. Landscaping consistent with the requirements of Section **17-2084: Buffer Yard requirements** of the Sorrento Town Development Code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The Town may require landscaping in excess of the requirements of the Town Code in order to enhance compatibility with adjacent residential and non-residential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.

3. Landscaping consistent with perimeter and on-site requirements shall be installed around any accessory buildings or structures.

4. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.

- I. **Removal of abandoned or unused facilities.** The owner of a telecommunication tower that has been abandoned or is unused shall provide the Town of Sorrento with a copy of the notice to the FCC of intent to cease operations. Within 90 days of the date of ceasing operations, the obsolete tower and accessory structures shall be removed. Telecommunication Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision. The Planning Commission may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.
- J. **Signs and advertising.** The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited, except as required by any federal agency. This does not apply to an installation where an outdoor advertising sign is used as the base foundation for an antenna installation.
- K. **Accessory building or structures.** All accessory buildings or structures shall meet all building design standards as listed in this Code, and in accordance with the provisions of the Southern Building Code and shall conform to FEMA requirement. All accessory buildings or structures shall require a building permit issued by the Parish of Ascension building department.
- L. **Colors.** Except where superseded by the requirements of other Town, state, or federal regulatory agencies possessing jurisdiction over telecommunication towers, telecommunication towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral color, designed to blend into the surrounding environment such as gray.
- M. **Lighting.** When lighting is required and is permitted by the FAA other federal or state authority, it shall be of a dual mode type.
- N. **Antennas on existing towers.** Notwithstanding the above provisions of this ordinance, Antennas shall be permitted to be placed on existing towers or structures with sufficient loading capacity. A permit shall be obtained from the Ascension Parish Permit Office prior to commencing construction. The permit application shall include a site plan that depicts all proposed ancillary building and equipment cabinets. The permit fee for placing antennas on existing towers or other structures shall be five hundred dollars (\$500.00).
- O. **Fees.** Fees for communication tower construction shall be two thousand dollars (\$2,000.00) per tower and shall be collected by the Town of Sorrento. These fees may be changed as deemed necessary.
- P. **Replacement of existing towers.** Towers in existence as of December 1, 2018 may be replaced with a tower of equal or less visual impact after approval by the Planning Commission.
- Q. **Antennas not located on telecommunication towers.** Antennas shall be permitted as follows:
  - 1. Stealth rooftop or building mounted antennas may be permitted as an accessory use in the following zoning districts.
    - a. Mixed use 2 corridors (MU2)

- b. Mixed use corridor district (MU)
- c. Crossroad commercial district (CC)
- d. Medium Industrial district (MI)
- e. Light Industrial district (LI)

2. **Minimum standards.** Building or rooftop antennas shall be subject to the following minimum standards:

- a. No commercial advertising shall be allowed on an antenna, unless such antenna is actually located on an existing, approved sign;
- b. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Aviation Administration;
- c. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than fourteen (14) feet in height; and
- d. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty five percent (25%) of the roof area.
- e. Each application shall contain a drawing and description of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.

**R. Transfer of use.** Approved telecommunications towers or antennas may be transferred to successor and assigns of the approved party, subject to all of the conditions that applied to initial approval of subject tower.

**S. Bond.** Before any communication tower may be erected, the person so desiring is required to post a bond in the amount of thirty thousand dollars (\$30,000.00) to be maintained with the Town, naming the Town as obligee to ensure that all public property will be repaired and/or returned to its pre-construction state. The bond is to be held by the Town until the construction project is completed and the Town of Sorrento certifies that all public property has been repaired and restored to its former condition.

**T. Conditional uses for telecommunication towers and antennas.** The Planning Commission shall have the authority to permit the Conditional Use of land or structures as those uses relate to the location of Telecommunication Towers and Antennas. However, if a formal appeal is lodged with the Town Council, the final decision of any request to such approval or denial made by the Planning Commission shall rest with the Town Council.

**Conditions.** All regulations of the district in which a conditional use is located shall apply to such uses, except where specific differences in requirements of any section of these regulations apply, or where requirements are specifically amended by the conditions under which the conditional use is granted.

1. The Planning Commission may attach such conditions to the conditional use as are necessary to assure continuous conformance of all applicable standards and requirements.
2. Failure to observe the conditions of the Commission, imposed pursuant to the issuance of the conditional use, shall be deemed to be a violation of these regulations and may be grounds for revocation of the conditional use.
3. The Planning Commission may approve uses subject to the regulations and to any additional requirements imposed in the public interest to cover circumstances unique to the selected site, including a drainage analysis of the site by an independent engineering firm.
4. General standards
  - a. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to the streets giving access to the site shall be such that the use will be in harmony with the land uses in the district in which it is located.
  - b. Time limit requirement for length of permit use.
  - c. Hours of operation for use, major buffering and/or landscaping above the minimum Town requirements.
  - d. The location, nature and height of structures, walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land structures.
  - e. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the ingress and egress drives shall be laid out so as to achieve maximum safety.
  - f. Conditional Uses may be approved on lots of less than the minimum lot size in any zoning district, and the Planning Commission may require alternative standards for landscaping and parking.
  - g. Conditional uses are not transferable. Once the use has ceased activity, a new permit must be acquired to occupy the site or reactivate the previous use.

**U. General criteria.** In deliberating on any application for a Conditional Use Permit, the Planning Commission shall not grant approval of any Conditional Use Permit unless it makes findings based upon the evidence presented to it that each case shall indicate the following:

1. The permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.
  2. The permit, if granted, will tend to preserve and advance the property and general welfare of the neighborhood and community.
  3. The granting of the Conditional Use Permit will not be detrimental to the public welfare or seriously affect or be injurious to the other property or improvements in the neighborhood in which the property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or permit inadequate parking, or increase the danger of fire, or substantially affect or overburden existing drainage or sewerage systems or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisance.
- V. **Expiration.** The petitioner shall have one (1) year to obtain the appropriate building permits or occupy the site from the date of approval of the Sorrento Town Planning Commission, unless otherwise stipulated by the Sorrento Town Planning Commission.
- W. Procedures
1. **Application.** Any application verified by the owner of record or authorized agent of said owner of the property involved shall be filed with the Planning Commission upon a form prescribed therefore, which shall contain, or be accompanied by, all required information.
  2. **Public hearings.** Upon receipt of such verified application, the Planning Commission shall issue a notice of Public Hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the intended permit hearing. A record of pertinent information presented at the public hearing shall be made and maintained by the Planning Commission as part of their permanent record relative to the applicant.
  3. **Determination.** The Planning Commission shall then make the findings and the permit decision shall not become effective for ten (10) working days, during which time an appeal can be made in written form to the Town Council. Should the next scheduled Town Council meeting occur prior to the expiration of the appeal period, the appeal must be filed in time for placement on the regularly scheduled agenda. The Town Council may sustain the conditional use by majority vote or may overturn the decision of the Planning Commission by a vote of three-fifths (3/5ths).
- X. Fees
1. A fee of \$100 shall accompany any application submitted for conditional use.



2. A fee of \$150.00 shall accompany the application submitted by the owner of the property involved and requesting an appeal of the decision of the Sorrento Town Planning Commission.

(DC19-06, 9/03/19)

**17-2043. Commercial and Industrial Storage Standards**

- A. All businesses shall store materials, supplies, merchandise or other similar materials and equipment within a completely enclosed building or behind an adequate opaque fencing and buffer yards. See **Section 17-2084: Buffer yard requirements** for a description of buffer yards. A ten-foot solid fence shall be required around the perimeter of wrecking and salvage yards. In determining appropriate buffer yard requirements for these uses, the Town of Sorrento shall weigh heavily the interests of adjacent property owners.

1. **Commentary.** Commercial and industrial storage yards can have a severe adverse impact on the property values of adjacent property owners. The Council finds that in the case of these businesses, a simple standard may both be adequate to provide this protection in all cases. As a consequence, the Council grants the zoning official with broad discretion in determining the appropriate screening for these storage facilities.

(DC19-06, 9/03/19)

**17-2044. Apartments**

- A. Site Requirements for apartment complexes
  1. The maximum number of dwelling units for an apartment building is 48 units. The maximum number of dwelling units for an apartment complex is 300 units.
  2. Thirty percent of the total site area shall be contiguous green space with the minimum spacing between apartment buildings or an apartment building and accessory buildings being twenty feet.
  3. A six-foot solid fence is required around the sides and rear of an apartment development.
  4. Property that has frontage on a state highway shall have a minimum setback of seventy-five feet, measured from the centerline of the highway.

(DC19-06, 9/03/19)

**17-2045. Manufactured Housing and Mobile Home Standards**

- A. The purpose of this section is to provide minimum standards to safeguard public health, property, and public welfare in the Town of Sorrento by establishing standards for the placement of manufactured housing and mobile homes on individual lots or subdivision development lots in the Town and distinguishing between manufactured and mobile homes.

**B.** Location of manufactured housing

1. Establishment, location and use of manufactured housing as scattered site residences shall be permitted in any district permitting installation of a single-family dwelling unit as set forth in Appendix 1: **Table B: Site Requirements by District**. Manufactured homes with no HUD Code seal are not permitted in any zoning district.

**C. Standards for siting manufactured housing.** To be eligible for sitting in the Town, manufactured housing must meet the following requirements:

1. Permanent foundation systems shall be anchored.
2. Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or press wood siding, vinyl, stucco, brick, or non-reflective aluminum.
3. Roofing material shall be of wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood, which shall be installed on a surface appropriately pitched for the materials used.
4. Exterior covering material extending to the ground or to the top of the foundation shall be used. Skirting materials that harmonize with the architectural style of the home shall be used. Skirting will need to be installed completely around the bottom of the home within 90 days of occupancy.
  - a. Failure to comply will result in a daily fine consistent with Section 17-2090.S until the home is brought into compliance.
5. Structural additions or alterations shall be subject to the same regulations and requirements and procedures including building permit that must be complied with to obtain such a permit for additions or alterations to a conventionally built house.
6. Manufactured homes not conforming to the requirements of this section shall not be permitted.
7. No Mobile Home shall be placed within 400' (four-hundred feet) of the edge of right-of-way of Hwy 22 (John LeBlanc Blvd.) south of Airline Highway or on Airline Highway excluding St. Amant Street & LA Hwy 70. Any mobile home and/or manufactured home to be placed on "side streets" intersecting with Hwy 22 (John Leblanc Blvd), specifically (Kernan, Saint Amant, Main, Lee Brittany, Louis, and Villenurve streets), cannot be placed within 168 feet of Airline Highway or Hwy 22 (John LeBlanc Blvd.), and such mobile home and/or manufactured home must face the aforementioned "side streets" (Kernan, Saint Amant, Main, Lee Brittany, Louis, and Villenurve streets).

(DC19-06, 9/03/19; DC19-10, 2/11/20)

- D.** Permitted placement of mobile homes
1. Mobile homes may be placed in any district permitting installation of a single-family dwelling unit as set forth in Appendix I: **Table B: Site Requirements by District**. Manufactured homes with no HUD Code seal are not permitted in any zoning district.
- E.** Existing units
1. Mobile homes legally located and existing in the Town of Sorrento at the time this ordinance is passed may continue to be occupied. These mobile homes may be upgraded and replaced, regardless of the zoning district they occupy, if the upgrading and replacement meets the requirements of this ordinance.
- F.** Permits
1. **Manufactured housing.** Building permits for manufactured homes shall be issued, providing that the other requirements for the zone are met, upon presentation of certification either by the United States Department of Housing and Urban Development or Office of State Fire Marshal, that the home has been constructed in accordance with the Manufactured Home Construction and Safety Standards Act. The Town of Sorrento or their designee shall inspect the manufactured housing in accordance with applicable building regulations.
  2. **Mobile homes.** Building permits for Mobile homes shall be issued where permitted after compliance with all the other provisions of the zoning ordinance and subdivision regulations. The Town of Sorrento or their designee shall inspect the manufactured housing in accordance with applicable building regulations.

(DC19-06, 9/03/19)

**17-2049. Home Occupation Standards**

- A.** A customary home occupation is a business or profession carried on by an occupant of a dwelling as a secondary use, which is clearly incidental to the main residential use. A home occupation may be operated in any district within the Town. Any construction that occurs in connection with the conduct of a home occupation, such as adding a home office on to a house, does not require a development permit. To take advantage of these exemptions, a home occupation shall comply with the following:
1. Family members residing on the premises and a maximum of two (2) additional employees on the premises at any one time shall conduct it.
  2. It is conducted entirely within the principal building or related structures or accessory buildings and uses on the property out of sight of neighboring properties.
  3. It utilizes not more than (20) percent of the floor area of the principal building not to exceed 750 square feet, except for historic properties and bed and breakfast establishments.

4. It produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling.
  5. It involves no sale or offering for sale any article not produced by members of the family residing on the premises.
  6. It shall contain no outside repair or storage.
  7. It has no distribution center requiring bulk deliveries and local dispensing.
  8. It shall not be used for storage for more than one commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- B.** The following occupations, subject to the requirements of the previous subdivision, are permitted as customary home occupations:
1. Barbershops and beauty shops operated by not more than two members of the residence within no more than two chairs.
  2. Artists, dressmakers, seamstresses, tailors, crafts, and interior decorators.
  3. Professional offices for architects, accountants, counselors, lawyers, engineers, doctors or dentists, and surveyors.
  4. Bed and breakfast use where the facility has a residential appearance and adequate parking for guests is provided.
  5. Teaching, musical instruction and day care limited to six pupils at a given time.
  6. Offices for record maintenance only for businesses, e.g., electricians, plumbers, HVAC, and other contractors that perform their services at other locations.
  7. Agents for manufacturers and sales persons for records and bookkeeping only. Orders may be made by telephone solicitation and certain deliveries may be made at the dwelling.
  8. Any similar use that the Town of Sorrento deems to be a home occupation by reason or acceptance as a home occupation in the community.

(DC19-06, 9/03/19)

**17-2050. Alcohol Beverage Business Standards**

- A. Purpose.** Commercial businesses serving alcohol pose potential public safety problems. In issuing a development permit for these businesses, the Planning Commission may provide such terms and conditions in order to assure that development is compatible with existing or planned development on neighboring property.

**B. Conditions on alcoholic beverage sales.** The terms and conditions may include, but are not limited to, the following:

1. Frequency, duration or hours of operation
2. Additional screening, setbacks, parking, landscaping, or site improvements
3. Method or type of service, such as drive through, with meals only, or package sales only
4. Designated areas within a building or site where alcoholic beverages may be sold

(DC19-06, 9/03/19)

**17-2060. Drainage Studies**

**A. Purpose and Intent.** is to codify the requirements of new development and redevelopment in the Town of Sorrento. The requirements of this Ordinance are directed at reducing the potential for flood related damages caused by new development and redevelopment of property.

**B. Plan Approval.** All applicable development and associated elements thereof, as defined herein, and not specifically exempted by this ordinance, must be approved by the Town of Sorrento, and the East Ascension Drainage District.

**C. Applicability.** This ordinance shall apply to any proposed development within the Town of Sorrento. Development shall be defined as the division of a parcel of land into two or more parcels with associated earthwork, the construction of a new major or minor subdivision, multi-residential or commercial building or structure, the relocation or enlargement of any commercial building or structure, the construction of parking surfaces for commercial developments or the clearing, grading, filling, or movement of land. The following shall be exempt from the requirements of this ordinance as described below:

1. Drainage, soil movement, leveling or cultivation activities performed in conjunction with an agricultural operation. Agricultural operations include land used to produce crops, livestock, forestry, fisheries, horticulture, or any such plant or animal production for sale or resale, or for private use, as long as the soil movement does not significantly alter the existing drainage conditions from or adjacent to the site and does not violate the fill mitigation requirements described in Section 17-2060.G.
2. This ordinance shall not apply to construction or uses of buildings, structures or land in industrial facilities provided the industrial facility is located in Land Use Designation "HI" of the Town of Sorrento Zoning Map. Industrial facilities will be

required to comply with drainage covenants established during the creation of an industrial subdivision as conditioned by the Planning Commission.

3. Soil movement and grading, when confined to post-construction residential application of a single-family dwelling for minor grading of yards, driveways, patios, swimming pools or similar homeowner type site improvements if the soil movement does not significantly alter the existing drainage conditions from or adjacent to the site and does not violate the fill mitigation requirements described in Section 17-2060.G
4. The construction, improvement or relocation of accessory buildings such as carports, sheds, barns, pool houses, recreational vehicle storage sheds, or other outbuildings constructed by a homeowner for his or her personal use, and not for commercial or business purposes, if the activity does not significantly alter the existing drainage conditions from or adjacent to the site and does not violate the fill mitigation requirements described in Section 17-2060.G.
5. The placement of spoil material on public lands when such spoil is excavated for public projects by any Federal, State, or local governmental entity. All State and Parish Erosion and Sedimentation requirements shall still apply.

**D. Compliance with Federal and State Regulations.** In addition to the requirements of this ordinance, the owner/developer of any property in the Town of Sorrento shall be responsible for adhering to all State and Federal laws regulating grading, drainage, and flood control per established policy. Checklists of Federal and State permits required, and the appropriate time required for submittal to the Town are available from the Town of Sorrento.

1. Permits shall be obtained from all appropriate Federal and State agencies having regulations and laws relative to grading, drainage and flood control, including but not limited to the following:
  - a. U.S. Army Corps of Engineers and Coast Guard (USACE)
  - b. Jurisdictional Wetlands
  - c. Navigable Streams
  - d. Federal Emergency Management Agency (FEMA) – Permits obtained from Parish
  - e. Construction of structures within flood zones
  - f. Encroachment on floodways
  - g. Louisiana Department of Environmental Quality (LDEQ)
  - h. Storm water runoff – Louisiana Pollutant Discharge Elimination System (LPDES)
  - i. Louisiana Department of Transportation and Development (LADOTD)
  - j. Project and driveway Permit
  - k. Pontchartrain Levee District

1. Construction on or adjacent to the Mississippi River levees

**E. Grade requirements for Structures and Roadways.** All proposed structures and roadways shall be constructed to the following criteria:

1. All elevation information submitted to the Town shall be referenced to the official list of benchmarks as published by the Ascension Parish Department of Public Works or the East Ascension Gravity Drainage District. This datum must be consistent with the benchmark datum referenced in the Flood Insurance Rate Maps (FIRM).
2. All references to flood zones and elevations shall be as determined by the FEMA Flood Insurance Rate Maps (FIRM) for the Town of Sorrento, latest revision. If the FIRM map does not provide a flood elevation for a particular area, guidance for determining the Base Flood Elevation can be found in the DHS/FEMA publication “Managing Floodplain Development in Approximate Zone A Areas” by an approximate Hydrologic and Hydraulics Base Level engineer study or by consulting with the USACE.
3. Record inundation shall be considered as the highest water surface elevation recorded at or adjacent to the proposed development as defined by the Ascension Parish Department of Public Works or the East Ascension Gravity Drainage District on a project-by-project basis.
4. The lowest gutter elevation of all proposed public and private roadways shall not be lower than any of the following criteria:
  - a. One foot below the FEMA Base Flood Elevation (latest edition)
  - b. Two (2) inches below the design water surface elevation for the interior subsurface storm water conveyance system draining the proposed roadway
  - c. The 25-year design event peak water surface elevation of any storm water detention system receiving runoff from the proposed roadway
  - d. Record inundation
5. All structures including ALL utilities and ductwork shall be constructed a minimum of one foot above the highest of these criteria:
  - a. FEMA Base Flood Elevation, or nearest adjacent FEMA Base Flood Elevation (latest edition);
  - b. Record inundation;
  - c. Top elevation of nearest adjacent sanitary sewer manhole on the sewer collection system servicing the proposed structure.

6. Accessory buildings are not subject to items a-c in Section 17-2060.E.5. However, accessory buildings are subject to FEMA regulations per Section 17-2060.E.7. Deviations to this policy must be based on sound engineering judgment submitted by the applicant and approved in writing by the Town of Sorrento Floodplain Administrator.
  7. All structures proposed within a recognized FEMA flood zone shall be constructed in accordance with Title 44 of the Federal Register, Part 60.
- F. Protection of Existing Watersheds and Conveyance Systems.**
1. Drainage for proposed developments and redevelopments shall be designed to maintain the existing flow patterns established prior to proposed improvements at the site. Impacts to existing water surface profiles shall be mitigated for all new development or redevelopment of existing sites not specifically excluded as follows:
    - a. Redevelopment – Any proposed improvements to a commercial facility that result in a net increase in changed surface of less than 17,500 square feet, or the replacement of less than 35,000 square feet of existing impervious surface area. Any combination of new and replaced surface area totaling more than 35,000 square feet does not qualify for this exemption.
    - b. Residential developments having lot sizes equal to or greater than one (1.0) acre and creating eight (8) lots or less.
  2. Storm water detention systems that limit the post developed peak flow rate to the existing condition peak flow rate shall be required for all residential and commercial developments required to mitigate impacts to existing water surface profiles.
  3. The natural ridgelines and drainage boundaries for a site shall be established prior to any development and the developed condition shall maintain the drainage areas draining to each natural outfall as closely as possible. Exceptions will be considered in instances where modifications are necessary to consolidate engineered storm system elements.
  4. Where an existing storm water conveyance system traverses through a proposed development and accommodates off-site drainage areas, any alterations to the existing system shall be made such that no increase in the existing water surface profile will be caused by the development.
    - a. An existing condition water surface profile shall be modeled based upon the natural channel, culverts, bridges, and other natural features through the property to be developed. Approved methods of analysis and required supporting documentation for existing condition modeling



are outlined in the Ascension Parish Drainage Impact Study Policy document which shall be utilized until such time that the Town of Sorrento creates their own.

- b. A developed condition water surface profile shall be modeled based upon the proposed condition and shall account for all existing features to remain, the new channel geometry, proposed culverts or storm drain systems, and any fill placed within the over bank flow section in the existing channel sections. Approved methods of analysis and required supporting documentation for proposed condition modeling are outlined in the Ascension Parish Drainage Impact Study Policy document.
  - c. The water surface profile elevation at the upstream and downstream property lines of the development during the peak runoff period for the sub-basin shall not be greater than the existing condition water surface profile elevation at those points. The Town of Sorrento may allow for minimal increases in profile in cases where the development may be restricted from making improvements to lower the water surface profile.
  - d. For major streams as defined by the Ascension Parish Department of Public Works or the East Ascension Gravity Drainage District, the Town of Sorrento may require the analysis to be based upon a higher storm frequency than the 25-year event, particularly when the difference between the 25-year and 100-year design water surface is potentially greater than 18".
5. No individual, partnership, or corporation shall deepen, widen, fill, reroute, or change the location of any existing ditch, stream, drain, or drainage canal used for public drainage of off-site upstream or downstream areas without first obtaining a permit from the Town of Sorrento. The Town of Sorrento will only issue said permit after written authorization from the Ascension Parish Department of Public Works or the East Ascension Gravity Drainage District. This provision does not apply to routine maintenance of existing drainage systems.
- G. Placement of fill:**
- 1. A proposed Certificate of Elevation shall be submitted for any structure to be built or placed on any lot, prior to any permit being issued, which shall include, but not be limited to the following information:
    - a. Address
    - b. Contractor
    - c. Proposed Elevation
    - d. Firm Panel Number

- e. FIRM Zone base flood elevation or adjacent base flood elevation
- f. Elevation of the lowest natural ground for the property
- g. Explanation for how the elevation of the proposed structure is going to be achieved (fill, piers, chain-wall, etc.)
- h. Elevation of the top of the nearest sanitary manhole, if applicable.

(DC19-06, 9/03/19)

2. For Individual residential or commercial Lots

- a. On lots smaller than 2 acres (87,120 square feet)  
(DC19-06, 9/03/19; DC22-08, 9/13/22)

- i. No more than 24” of fill shall be placed in order to elevate any structure.
- ii. Fill shall be limited to the foundation of the structure(s) and shall not extend more than 24” horizontally beyond the limits of the foundation before it begins to slope.
- iii. Side slope of fill under the structure(s) shall not be steeper than a 3’ horizontal to a 1’ vertical slope
- iv. Fill shall not be placed closer than ten (10’) feet to any property line in order to facilitate the collection and transportation of any increased runoff via side-yard or rear-yard swales if necessary
- v. Compaction tests shall be required when the footer of the proposed structure does not extend at least 12” into undisturbed soil.
  - a) Compaction test requirements
    - i. There shall be 1 compaction test per 12” lift per 1,000 square feet of fill
    - ii. The fill shall meet one of the following standards:
      - (1) 90% modified proctor
      - (2) 95% standard proctor
- vi. The property owner may choose to combine fill and piers or a chain-wall to achieve the desired elevation, however, in no instance shall the fill height be greater than 24”

- b. On residential or commercial lots larger than 2 acres (87,120 square feet)

(DC19-06, 9/03/19; DC22-08, 9/13/22)

- i. No more than 24" of fill shall be placed in order to elevate any structure without additional consideration.
- ii. Fill shall be limited to the foundation of the structure(s) and shall not extend more than 24" horizontally beyond the limits of the foundation before it begins to slope.
- iii. If more than 24" around the perimeter is desired, then the applicant shall submit a set of drawings stamped and sealed by a licensed engineer that depicts how the additional fill, greater than 24", around the structure(s) is mitigated by storm water ponds and /or swales.
- iv. Side slope of fill under the structure(s) shall not be steeper than a 3' horizontal to a 1' vertical slope
- v. Any volume of fill placed below the Base Flood Elevation (100 year and 500 year) shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation and above the normal pool water level in accordance with below:
  - a) The determining criteria for land subject to this requirement shall be all land below the Base Flood elevation as determined by actual on-the-ground contours referenced to the official Town of Sorrento benchmark system, regardless of whether the FEMA Flood Insurance Rate Maps (FIRM) depict the property in question to be in a recognized flood zone.
  - b) Where lakes are excavated, the volume of dirt removed below the normal water surface (pool elevation) of the lake cannot be credited as compensating storage.
  - c) Compensating storage excavations must be constructed to drain freely towards the established drainage for the area. Dead storage volume will not be credited towards fill mitigation.

- c. Fill shall not be placed closer than ten (10') feet to any property line in order to facilitate the collection and transportation of any increased runoff via side-yard or rear-yard swales if necessary
  - d. Compaction tests shall be required when the footer of the proposed structure does not extend at least 12" into undisturbed soil.
    - i. Compaction test requirements:
      - a) There shall be 1 compaction test per 12" lift per 1,000 square feet of fill
      - b) The fill shall meet one of the following standards:
        - 1. 90% modified proctor
        - 2. 95% standard proctor
  - e. If after construction, it is determined through an on-site investigation by a Parish Drainage Engineer or the Town of Sorrento ERA that an adjacent property owner is experiencing an increase in off-site runoff due to the construction, then the property owner will be required by the Town of Sorrento to construct a swale sufficient enough in size as stated by the Parish Drainage Engineer or the Town ERA to collect and convey the runoff away from the impacted property.
3. **For a Minor or Major Residential or Commercial Subdivision.** On tracts of land being utilized for a minor or major subdivision, where a master storm water plan is to be designed and constructed, an average of 24" of fill may be placed in the areas where lots are to be placed.
- a. This restriction does not apply to the roadway being built to serve those lots.
  - b. Compaction tests shall be required in the areas where structures are to be placed.
  - c. Compaction test requirements
    - i. There shall be 1 compaction test per 12" lift per 10% of the total number of lots in the proposed subdivision
      - a) Fill shall not be placed closer than 10' to any perimeter property line.
  - d. Any volume of fill placed below the 100-year or 500-year Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation and above the normal pool water level:
    - i. The determining criteria for land subject to this requirement shall be all land below the

Base Flood elevation as determined by actual on-the-ground contours referenced to the official Town (Parish) benchmark system, regardless of whether the FEMA FIRM depict the property in question to be in a recognized flood zone.

- ii. Where lakes are excavated, the volume of dirt removed below the normal pool water level of the lake cannot be credited as compensatory storage
  - iii. Compensatory storage excavations must have an equivalent hydraulic conveyance to the floodplain as the area being filled. Compensatory storage that is hydraulically disconnected will not be credited towards fill mitigation.
  - iv. If the compensating storage is derived from an off-site source that is not part of the proposed development it must be located in the same watershed as the proposed development and the base flood elevation at the off-site source shall not be greater than one foot higher than or one foot lower than the Base Flood elevation of the developed site.
- e. Excess storage credits may be created by a development and utilized by another development if it meets the criteria of Section 17-2060.G.3.d.iv. If excess credits are created by a development, the Town shall issue a credit letter that may be utilized by another project in the same watershed within five (5) years of the issuance of the letter.

4. In no instance, shall fill be placed above the base flood elevation.

**H. Storm Water Detention Design Requirements**

- 1. The engineering design of detention facilities shall properly account for the backwater condition of the receiving stream at the same time increment that the detention system is discharging into the receiving stream. Detailed time of concentration calculations, illustrated flow path, type of flow, and all pertinent parameters (Length, Slope, Manning's n, etc.) as well as hydrographs (graphical and tabular) shall be included in the Drainage Impact Study to demonstrate proper control of the peak discharge from the subject site.

2. The outfall for storm water detention facilities shall be gravity driven. Mechanical systems, such as pumps, shall not be used for discharging flow from detention ponds.
  3. In-Fill Development may request a special dispensation from the requirements of the detention requirements of this ordinance when the following conditions apply:
    - a. The proposed development property encompasses less than 5 acres.
    - b. Drainage from the development does not enter a different zoning classification within ¼ mile of the discharge point from the site.
    - c. 75% of the surrounding land, within a 500-foot offset of all property lines of the subject property, is fully developed (>85% impervious).
- I. Erosion/Sediment Control and Bank Stability:
1. An Erosion/Sedimentation Control (ESC) Plan shall be developed by the Engineer and submitted for approval to address potential sediment migration from the project site during construction activities. It will be the responsibility of the Contractor to maintain drainage ditches and detention ponds and to provide adequate bank stability and erosion protection until the site is fully stabilized.
  2. As per LPDES requirements, a Storm Water Pollution Prevention Plan (SWPPP) shall be developed for all sites that disturb greater than 1 acre. This plan will be submitted to the Engineering Department of Ascension Parish and the Town of Sorrento prior the beginning of construction at the site. All of these sites will be covered under general permit LAR100000 or LAR200000; the applicant shall contact LDEQ for specific requirements for each permit. It will be the responsibility of the Contractor to fulfill and maintain the requirements of the permit.
  3. The LPDES permit for small construction activities (LAR1000000 & LAR200000) requires a Small Construction Activity Completion Report (SCACR) be submitted at the frequency noted in the SWPPP, a copy of this report shall be submitted to the Parish and the Town of Sorrento at the same time. The LPDES permit for construction activities larger than 5 acres (LAR100000) requires a Notice of Termination (NOT) be submitted after the site has been finally stabilized, a copy of this NOT shall be submitted to the Parish and the Town at the same time.
  4. The LPDES permits (LAR 100000 & LAR 200000) require inspection reports be done on all construction projects that disturb greater than 1 acre at a frequency noted in the project SWPPP. These inspection reports shall be submitted to the Ascension Parish Storm Water Department and the Town of Sorrento at the

frequency noted in the project SWPPP from the start of construction activities regulated under the LPDES permits until final stabilization.

5. The following shall be considered as maximum slopes that provide adequate bank stability and erosion protection:
  - a. Major streams: Maximum slope shall be 3:1 (horizontal to vertical). If the slopes are concrete lined, a slope of 1.5:1 may be utilized.
  - b. Storm Water detention ponds: Maximum side slope shall be 3:1 (horizontal to vertical) to a minimum of two feet below the normal pool water level. Sides slopes more than two feet below the normal pool water level may be established at slopes greater than 3:1 (up to a maximum 1.5:1) with written certification by a licensed Geotechnical Engineer stating that the side slopes will be permanently stable at the design slope.
  - c. Open Ditches: Maximum slope shall be 3:1 (horizontal to vertical).
6. Where a ditch discharges into an outfall channel, the proposed ditch shall be enclosed in a properly sized pipe approved by the Ascension Parish Department of Public Works under the maintenance access strip of the outfall channel.

**J. Construction Standards:**

1. All drainage and earthwork construction shall be constructed in accordance with the Town of Sorrento Subdivision Regulations and Ascension Parish Construction Specifications, latest revision until such time that the Town of Sorrento has created their own specifications. All temporary culverts require a permit and written approval by the Ascension Parish Department of Public Works and/or the East Ascension Drainage District.

**K. Storm Water Conveyance Systems**

1. The following criteria and requirements shall apply to all proposed storm water conveyance systems:
  - a. Open ditches: Existing open ditches may be utilized to convey off-site water through a proposed development or to convey water from a sub-surface collection system to its ultimate outfall or detention area. No new open ditches shall be allowed within a proposed development.
  - b. Sub-surface storm water systems shall be utilized to collect runoff from proposed roadways and the front/rear of lots for conveyance to an outfall ditch or detention pond. Swales used to direct storm water to drainage inlets shall have side slopes not exceeding 5:1.
  - c. Sub-surface systems installed to convey off-site water require proper analysis be performed in accordance with

Section 17-506 to ensure that no negative impact is caused to adjoining property owners.

- d. For all new developments effluent from individual sanitary sewer treatment systems must ultimately outfall into an enclosed storm drainage system if such storm drainage system abuts the subject site.

**L. Design Criteria:**

1. Storm drainage design shall utilize 10-, 25- and 100-year rainfalls of 7.8, 9.6 and 12.6 inches of rainfall, respectively, in 24 hours as determined by NOAA Atlas 14, Volume 9, Version 2, by the National Weather Service. The 25-year storm shall be used to design drainage features and storm water detention for proposed developments. The resulting post-development outflow from proposed development sites for the 25-year storm shall be limited to the outflow that would occur for the 10-year 24-hour duration storm and pre-development conditions.
2. Drainage Impact Studies shall be prepared in accordance with the latest revision of the Drainage Impact Study Policy, as established by the Ascension Parish Planning Commission, until such time that the Town of Sorrento has established their own policy. Drainage studies shall expire if no construction permits have been issued within 24 months following the acceptance of the drainage impact study by the Town of Sorrento.
3. All drainage impact studies, construction plans, and final drainage calculations for residential subdivisions and commercial developments submitted to the Town of Sorrento shall be performed under the direction of and sealed by a Professional Engineer licensed to practice Civil Engineering in the State of Louisiana. Exceptions will be considered by the Town of Sorrento for cases showing a clear reduction in total impervious area and no modifications to existing drainage elements.
4. The Town of Sorrento Floodplain Administrator shall require a flood elevation certificate from a Professional Land Surveyor or Professional Engineer for residential and commercial structures at his/her discretion.
5. Interior sub-surface storm water system conveyance may be designed based upon the ten-year storm event.

**M. Drainage Servitudes:**

1. Drainage servitudes are dedicated to the Parish for the exclusive purpose of maintaining adequate storm water drainage. Any encroachment within such servitudes that may inhibit this purpose presently, or in the future, as determined by the Ascension Parish Department of Public Works and/or the East Ascension Drainage District is prohibited.



2. The removal of such encroachments shall be the responsibility of the landowner, and shall be accomplished no later than ten (10) days from the date of notice by the Ascension Parish Department of Public Works and/or the East Ascension Drainage District.
3. The landowner shall be assessed a penalty of \$100.00 per day thereafter until the encroachment is removed and verified by the Ascension Parish Department of Public Works and/or the East Ascension Drainage District.
4. When imminent flooding or damage from storm events are possible, as determined by the Ascension Parish Department of Public Works and/or the East Ascension Drainage District, Parish forces shall have the right to enter the property and remove the encroachment. The property owner shall be assessed all costs incurred in the removal of the encroachment.

**N. Variances:**

1. Any request for deviation from the requirements and policies outlined within this ordinance must be made in writing by the applicant. Written request shall include supporting documentation necessary to prove basis warranting a variance. The request for a variance must be specific, and addressed to the attention of the Town of Sorrento. A variance will be granted only upon the written approval of the East Ascension Drainage District Director and the Town of Sorrento.

**O. Fines and Enforcements**

1. Any person who violates any element of a Town of Sorrento or Parish required permit or Parish regulations, or any supporting part thereof (e.g. Construction Plans, Drainage Impact Study, Erosion/Sedimentation Control Plan) or federal and state regulations (see Section 17-2060.D) including violations to the SWPPP will be issued a written warning. If the violation is not corrected in the time allotted by the written warning the project will be issued a stop work order by the Town of Sorrento, the Town E.R.A. or the Department of Public Works for the Parish of Ascension.
2. If the above violations are not corrected within the time allotted by the stop work order (two working days minimum), all permits shall be rescinded by written notice from the Parish of Ascension and the Town of Sorrento. A stop work order does not alleviate responsibility for any violations and shall not indemnify the permit holder against additional enforcement actions as allowed by local, state and federal laws.
3. If the above violations are not corrected within five working days of the permits being rescinded, the responsible party will be subject to fines, in addition to any fines leveled by Federal and State regulators. The fine shall be \$500.00 for each violation. Each specific infraction shall constitute a separate

violation. Each day the violation continues shall constitute a separate violation. Fines may be enforced from the date of initial warning of violation(s).

4. All fines and penalties shall be paid to the governing body of the Town of Sorrento, Louisiana.

**P. Long-term Accountability of Mitigation Facilities**

1. The owner of the mitigation facility must provide the Town of Sorrento with an annual certification of inspection signed by a registered professional engineer to confirm that the facility is functioning as approved in the development permit. For the purposes of this requirement, a mitigation facility is defined as a depressed area including an outfall drainage structure, similar in nature to a storm water detention facility.
2. The owner of the mitigation facility shall insure the maintenance of the storm water, detention, retention or mitigation structures (ponds) within the development continues to meet the original design criteria.
3. The owner of the off-site mitigation facility shall execute a legal covenant restriction the use of the land occupied by the facility.

(DC19-06, 9/03/19)

**17-2061. Traffic Studies**

**A. Purpose and Intent**

1. This ordinance establishes requirements for studies that provide information on traffic projected to be generated by all proposed developments. The purpose and intent of these requirements is to protect the health, safety, and welfare of the citizens and visitors of the Town of Sorrento "TOWN" by ensuring the provision of safe and adequate transportation facilities. The objective of the ordinance is to establish requirements for the identification of potential traffic impacts, operational and/or safety, of proposed developments and potential mitigation where required.

**B. Applicability**

1. The landowner, developer and/or engineering representative "APPLICANT" must provide an engineering study to document the anticipated impact of the proposed development on the existing transportation network. All information and analysis submitted by the APPLICANT must follow the requirements and methods outlined in this ordinance.
2. Developments seeking access to state roadways where a review of a traffic impact study is performed by Louisiana Department of Transportation and Development "DOTD" are not exempt from the requirements in this policy.

C. Procedures

1. The Town of Sorrento should be contacted prior to all new development applications, Plat Plan and Building Permit Applications, to determine the level of traffic impact analysis required. This policy does not apply to an individual requesting a single-family residential access.
2. The APPLICANT should submit a Traffic Scoping Information Form and the required supporting documentation to request a Traffic Scoping Meeting with the Town of Sorrento.
3. The scope of the traffic impact study, required format, and required supporting documentation will be determined at the Traffic Scoping Meeting.
4. The Town of Sorrento, or ERA, shall review the information provided and schedule a Traffic Scoping Meeting, if needed, for projects requiring a building permit.
5. For projects requiring Planning Commission approval, the Traffic Scoping Meeting will occur simultaneous with the zoning Pre-Application meeting.
6. In instances where the APPLICANT is requesting access to a state roadway and/or where a traffic impact study is required by the DOTD Traffic Impact Policy, the TOWN process should be initiated first. DOTD should not be contacted until after the TOWN Traffic Scoping Meeting unless the TOWN requests DOTD attend. When the DOTD process is initiated separately, the APPLICANT shall inform and invite the designated TOWN representative to DOTD traffic impact meetings and copy him/her on subsequent correspondence. If the designated TOWN representative is not available or elects not to attend any meetings with DOTD regarding traffic impacts/access connections, the APPLICANT shall provide him/her minutes of the meeting(s).
7. The APPLICANT shall be solely responsible for the cost of preparation of any required Traffic Impact Studies. The APPLICANT should provide a required stamped and signed TIA and supporting data to the TOWN, and/or their ERA, for review and approval. Review fees will be assessed in accordance with the Town of Sorrento Fee schedule. The TOWN, or their ERA, shall provide a TIA Approval Letter to the APPLICANT that clearly outlines any required mitigation.
8. The TIA Approval Letter shall be included in the packet provided to the commissioners for projects requiring approval by the Planning Commission. At the commission meeting, the Planning Commission approves, denies, or requests further modifications or analysis based on the recommendations in the TIA Approval Letter.
9. The TIA Approval Letter shall be submitted with the Permit Application for projects requiring a building permit. A building

permit will not be issued unless the APPLICANT receives a TIA Approval Letter.

10. Required mitigation measures, if any, shall be in place prior issuance of an occupancy permit.

**D. Traffic Scoping Meeting**

1. The APPLICANT shall submit a Traffic Scoping Information Form to the TOWN to request a Traffic Scoping Meeting with the TOWN, or their ERA designee, prior to traffic counts or preparation of the TIA. At this meeting, the TOWN, or their ERA designee, shall discuss and develop the following Traffic Impact Analysis requirements based on project specific conditions:

- a. TIA Threshold
- b. Study area
- c. Data Collection Requirements which could include, but not be limited to:
  - i. Field Observations
  - ii. Seven-day, 24-hour volume counts
  - iii. Daily volume counts
  - iv. Turning movement counts
  - v. Classification counts
  - vi. Speed data
  - vii. Travel Times
  - viii. Crash History
  - ix. Traffic Signal Inventory/phasing/timing
  - x. Trip generation and distribution which could include, but not be limited to:
    - a) Land Use Category
    - b) Daily trips
    - c) Peak hour trips
    - d) Internal Capture percentages
    - e) Pass by percentages
    - f) Incorporation of trips for other proposed developments within the study area and/or growth rate usage and methodology
  - xi. Analysis requirements which could include, but not be limited to:
    - a) Capacity Analysis
    - b) Turn Lane Warrant Analysis
    - c) Signal Warrant Analysis
    - d) Safety Analysis
    - e) Roundabout Study
    - f) Auto-Turn Analysis
    - g) Simulation Modeling

**E. Trip Generation Rates**

1. In general, applicants shall use the trip rates (use fitted equation if available) contained in the most recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation manual or count data from an equivalent site.

**F. Traffic Impact Analysis Threshold Levels**

1. A TIA shall be required for all subdivisions and developments requiring a building permit except for an individual single-family residence. Expansion of an existing project under construction may also be subject to a traffic study. Generally, three (3) threshold levels of Traffic Impact Studies (Thresholds 1, 2, and 3) are defined to include, but not be limited to, the following requirements. The exact requirements based on site-specific and project specific elements will be defined at the Traffic Scoping Meeting.

- a. Threshold 1 (Traffic Impact Analysis Statement Required) – If the proposed development results in less than forty (<40) peak hour trips, either AM or PM (whichever is greater) the APPLICANT would submit:

- i. The proposed trip generation and distribution with source of information
- ii. Traffic Scoping Information Form with Required Additional Information (may include revisions per the Traffic Scoping Meeting)
- iii. Sight distance evaluation at proposed driveway locations

- b. Threshold 2 (Traffic Impact Analysis Study Required) – If the proposed development results in greater than forty (>40) and less than four hundred (<400) peak hour trips, either AM or PM (whichever is greater) the APPLICANT would submit:

- i. i through iii above, and;
- ii. Capacity analysis for existing and proposed conditions at intersections within the study area established during the Traffic Scoping Meeting;
- iii. Capacity analysis for proposed conditions at the development driveways;
- iv. Left turn lane, right turn lane and signal warrants at the development driveways;
- v. Recommendations for mitigating improvements to maintain or improve the existing Level-of-Service, as well as recommendations for driveway locations and configurations.

- c. Threshold 3 (Limited Traffic Impact Analysis Study Required) – If the proposed development results in greater than four hundred (>400) peak hour trips, either AM or PM the APPLICANT would submit:

- i. i through v above and;

- ii. Obtain summary of the crash history within the study area;
  - iii. Review crash reports and provide recommendations to improve safety.
- 2. The peak hour trips are not the only threshold factor in deciding the analysis that will be required. At the discretion of the DPD, or their designee, other items which significantly influence the traffic movements or safety may require a higher level of study. These include but are not limited to the following:
  - a. High-accident areas
  - b. Areas currently experiencing excessive traffic congestion
  - c. Areas currently undergoing substantial growth
  - d. High volumes on surrounding roads affecting access to a proposed development
  - e. Lack of existing left turn lanes on adjacent roadways
  - f. Inadequate sight distance at access points
  - g. Proximity of proposed access points to existing drives or intersections
  - h. Developments that include drive-through operations
- 3. The APPLICANT shall meet all applicable requirements found in the Town of Sorrento Unified Land Development Code. The TOWN has the right to require mitigating improvements for which will be the financial responsibility of the APPLICANT.
- 4. Threshold 2 and 3 Traffic Impact Analysis studies shall be stamped and signed by the approved registered PTOE certified Louisiana Professional Engineer.

**G. Contents and Format**

- 1. The contents of a TIA, as well as the TIA study area limits shall vary depending on the site and prevailing conditions.
- 2. Each TIA must consider other proposed developments in the study area for which a TIA has been submitted or approved. This information shall be obtained and provided by the TOWN, or their ERA designee, and/or the DOTD. A growth rate may be applied to existing traffic data in lieu of estimated trips for specific developments if approved by the TOWN in the Traffic Scoping Meeting.
- 3. The TIA study shall be prepared in the following format:
  - a. **Description of study area.** A vicinity map and description of the study area shall be provided. The map shall include roadways that allow access to the site and are included in the study area. Documentation of the study area development established during the Traffic Scoping Meeting shall be included in the appendix.
  - b. **Description of the Project.** This description shall include the size of the parcel, access to the site, onsite circulation, and the

existing and proposed uses of the site. In addition, the square footage of each use or number and size of units proposed shall be specified. A proposed site plan proposed shall be included.

- c. **Existing conditions.** The existing conditions, in the vicinity of the project, shall be described including field observations. Existing traffic controls and geometrics (number of lanes, intersection configurations, etc.) on roadways or at intersections within the study area shall be described in detail.
- d. **Existing Traffic Volumes.** Traffic data shall be collected at study area intersections during peak hours and dates approved by the TOWN, or their ERA designee. The TIA shall include a description of traffic count type, location and date of collection. A figure that presents AM and PM peak hour counts with turning movements and average daily traffic shall be included when applicable. Raw count data shall be included in the appendix. Unless approved by the TOWN, the counts shall be conducted during the school year (September through May) and during weeks that have no major school holidays. (These holidays shall include, but not be exclusive to, Thanksgiving, Christmas Break, Spring Break, Mardi Gras, Labor Day, and Exam weeks.) Counts shall not be conducted during special events in the area unless for a specific purpose.
- e. **Trip generation estimates.** Traffic volumes expected to be generated by the proposed development shall be estimated. Trip generation calculations shall be included in the appendix.
- f. **Trip distribution.** Trips generated by the site must be distributed and assigned to the roadway network to determine the project's impacts. The methodology and assumptions which are used in the determination of trip distribution shall be described. For projects with several phases to be developed over several years, the trip distribution shall be estimated for the completion of each phase of the development. A figure that presents the new trips distributed and assigned to the roadway network shall be included.
- g. **Projected Traffic Volumes within the TIA study area.** Project generated, and distributed trips shall be estimated for intersections in the study area, including proposed driveways. A figure that presents AM and PM peak hour projected volumes with turning movements shall be included. A detailed description of the incorporation of the trips generated from other proposed developments or the use of growth rates as approved by the TOWN, or their ERA designee, in the Traffic Scoping Meeting shall be included.
- h. **Capacity analysis.** Capacity analyses provide an indication of how well the study area intersections serve existing and future

traffic demands. A description of the methodology and Level of Service (LOS) definitions shall be included within the TIA. For existing and future conditions, LOS at all study intersections, inclusive of the site access locations, shall be calculated for signalized and un-signalized intersections using procedures contained in the Highway Capacity Manual. The LOS and delay shall be reported for each turning movement at each approach, each overall approach and the overall intersection as applicable in tabular format. Capacity analysis documentation shall be included in the appendix. The objective of the APPLICANT shall be to maintain or improve the existing LOS. An overall LOS "D" shall be considered acceptable. Where LOS "D" is not existing or the existing LOS cannot be achieved with improvements/mitigation, a description of impacts, constraints, mitigation measures analyzed, and results shall be provided.

- i. **Warrant Analysis.** Traffic signal and or left/right lane turn warrants may be conducted and storage lengths recommended where applicable. Meeting warrants is not the only consideration for signalization and/or turn lanes, engineering judgment must also be applied. Warrant analyses documentation shall be included in the appendix.
- j. **Crash Data.** When required, three years of the most current crash data shall be obtained for intersections within the study area. The details of the safety analysis shall be determined on a project specific basis by the TOWN, or their ERA designee.
- k. **Traffic improvements.** Improvements to the network should be developed to address deficiencies. Improvements shall be analyzed to determine the expected impact.
- l. **Conclusions and Recommendations.** The equivalent of an executive summary should be provided to describe the proposed project, the data collected, the analysis conducted, improvements considered and resulting recommendations.

**H. Actions Based on TIA/ Mitigation**

- 1. A proposed development which is subject to the TIA requirements of this policy may be disapproved when the results of the required TIA demonstrate that the proposed project will overburden the existing roadway system by causing a reduction in service of affected roadways, negatively impacts the safety of the roadway, or is below the adopted Level of Service (LOS) "D". In the case where the existing Level of Service (LOS) is below "D", the required mitigating improvements shall improve the LOS to "D" or better. An APPLICANT, in coordination with the TOWN, or their ERA designee, may modify the development proposal to reduce traffic-related impacts. Modifications to applications for projects may include, but shall not be limited to:
  - a. Dedication of additional right of way



- b. Re-routing of traffic and proposed access points serving the proposed project
  - c. Traffic signal timing and/or phasing adjustments (with coordination and approval from the owner of the signal)
  - d. Restriping or reconfiguration of intersections
  - e. Construction of additional lanes
  - f. Installation of a roundabout
  - g. Installation of a signal
  - h. Providing funding for infrastructure improvements
  - i. Any other recommendations by the TOWN upon review.
2. APPLICANTS will be responsible for the cost and implementation of identified improvement(s) to mitigate the traffic impact of their proposed development unless funding can be provided through a grant mechanism.
  3. If traffic mitigation is part of an approved Traffic Impact Analysis, all approved traffic improvements must be implemented prior to issuance of an occupancy permit, unless otherwise provided for in the TIA Approval Letter and/or DOTD Letter of Compliance that it is to be completed within construction of a subsequent phase.
  4. Mitigation shall comply with the Town of Sorrento Master Plan in place at the time of application, if any. The APPLICANT shall verify with the TOWN whether a Master Plan proposed route or improvement will affect the subject property. If so, access through the property and/or require Right-of-Way, may be required to be dedicated to the Parish as part of the APPLICANTS's mitigation efforts.
  5. The Parish has the right to place moratoriums in areas where reasonable operational conditions, as determined by the TOWN, or their designee, are not able to be achieved with mitigation.

**I. Waiver of/Exemption from TIA Requirements**

1. The Planning Commission may not waive the traffic impact analysis submittal requirements of this policy

(DC19-06, 9/03/19)

**17-2070. Development Standards**

**A. The Sorrento Town development standards fall into four categories:**

1. **Use regulations.** These regulations determine how land in the Town can be used. The intent is to separate incompatible activities in order to protect public health, public safety, and property values. Use regulations are also designed to focus the most intensive activity into areas of the Town that can be supported by existing and planned public infrastructure.

2. **Structure regulations.** These regulations focus on the intensity of development. Structure regulations are designed to balance the impact of development with the available infrastructure. The intent is to ensure that development projects can be supported by surrounding public infrastructure and do not aggravate traffic and drainage problems in the Town.
  3. **Site regulations.** These regulations determine the character of development on the site and the access of the site to the Town highway system. The intent is to position structures on the site in such a way as to protect public health, public safety and property values. They include regulations for setbacks, minimum lot sizes and height restrictions.
  4. **Other regulations.** These regulations are designed to meet specific policy goals, such as protecting the environment, protecting property values, and promoting public health and safety. They include sign regulations, parking regulations, landscaping regulations, and alcohol-related business regulations.
- B.** This ordinance regulates the intensity of development within each district. To accomplish this goal, the Town focuses on the types and size of structures that can be built within each district. In the case of residential uses, intensity is defined as residential units per acre. In terms of commercial and industrial development, the floor area of the project defines the intensity. These measures are easy to calculate. They are designed to promote high intensity development where it can be supported by existing and planned road, water and sewer investments.
- C.** The following step-by-step guide provides an aid to property owners and prospective developers. It sets forth the summary of a process to determine what may or may not be permitted on a particular site, and, if permitted, the scale of the project that may be allowed.
1. Step 1. Identify the zoning district in which the particular parcel is located. Zoning districts are outlined in **Section 17-2010** of this code and on the Official Zoning Map of the Town of Sorrento.
  2. Step 2. Determine the general use categories for the proposed project by looking at **Appendix I, Table A: Permitted Uses by District**. If the property owner cannot identify the appropriate activity category for the project, contact the Town of Sorrento for assistance.
  3. Step 3. Determine the allowable scale of the project allowed by referring to **Appendix I, Table B: Site Requirements by District**. This table outlines the restrictions on the size of development that is allowable.
  4. Step 4. Determine the site requirements of the project by referring to **Appendix I, Table B: Site Requirements by District**. These restrictions govern the location of structures on the site.

5. Step 5. Determine if any additional regulations apply to your project by reviewing **Section 17-2071**, Specific Use Criteria & **17-2080**, Development Requirements.

(DC19-06, 9/03/19)

## 17-2071. Use Regulations

- A. **Appendix I, Table A: Site Requirements by District**, “Permitted Uses by District” is incorporated by reference as part of this Chapter. For the purpose of this Chapter, the term, “use” represents an observable characteristic of land based on actual use.
  1. **Commentary.** Use regulations refer to the actual use of land based on its observable characteristics. It describes what takes place in physical or observable terms, such as farming, shopping, manufacturing, and vehicular movement. An office activity, for example, refers only to the physical activity on the premises, which could apply equally to a law firm, a nonprofit institution, a courthouse, a corporate office, or any other office use. Similarly, residential uses in single-family dwellings, multifamily structures, manufactured houses, or any other type of building, would all be classified as residential activity.
- B. These “use” regulations must be read by referring to **Appendix I, Table A: Permitted Uses by District** and Section **17-2071: Use Regulations and subsections**.
- C. **Use permitted by right.** A use denoted by the letter “Y” in **Appendix I, Table A: Site Requirements by District** in any district is a use permitted by right, provided that all other requirements of state law and this Chapter have been met and provided that a development permit has been issued in accordance with Section **17-2090, Administration and Enforcement**.
- D. **Prohibited Uses.** If the use has no designation in **Appendix I, Table A: Site Requirements by District**, it is prohibited within the district.
  1. **Commentary.** The only way for a development project to proceed under this circumstance is for the property owner to seek a variance or rezoning. Procedures for a variance are set forth in **Section 17-2090(M)**.
- E. **Non-conforming Uses.** This ordinance does not extend to buildings or land that fail to conform to the uses set forth in this Chapter on the date of enactment of this ordinance. The lawful use of any building or land existing as of the date of enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance, provided that:
  1. No non-conforming use shall be extended to displace a conforming use.
  2. A building that contains a non-conforming use may not be reconstructed or structurally altered in excess of fifty percent (50%) of the assessed value of the building prior to construction, unless the building is changed to a conforming use approved by the Zoning Commission.

3. A non-conforming land use maybe expanded by no more than 50% of the original non-conforming site.
4. Any non-conforming structure declared unsafe by an agent of the Town may be restored to a safe condition.
5. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.
6. Whenever a building or land used in whole or in part for a non-conforming use becomes and remains vacant for a continuous period of 180 days, or whenever the non-conforming commercial operations carried on in such a building or on such land have been discontinued for a period of more than 180 days, subsequent use of the property must conform to the provisions of this ordinance.
7. An abandoned non-conforming use may be re-established within 90 days after the 180th day of the abandonment upon a showing that the continuation of a conditional non-conforming use would not adversely affect the health, safety, or welfare of the public and is in substantial compliance with existing or permitted uses of adjacent properties.
8. This section shall apply to any non-conforming uses that may arise whenever the boundaries of a district are altered.
  - a. **Commentary:** The use regulations established by this ordinance are designed to guide future development in the Town. The ordinance groups compatible and related uses, and, through this approach, promotes and protects the public health, safety and welfare. At the effective date of this ordinance, uses that do not conform to this ordinance inevitably existed. The continuation of these uses frequently undercuts the effectiveness of the ordinance. At the same time it would be unfair to restrict these nonconforming uses heavily. The best course is to bring about the gradual elimination of these nonconforming uses. This ordinance permits nonconforming uses to continue without any specific time limits. However, the ordinance does discourage further investments in these nonconforming uses and uses of a similar nature. Such investments would make these uses more, rather than less, permanent.

(DC19-06, 9/03/19)

**17-2072. Structure and Lot Regulations**

- A. **Appendix I, Table B: Site Requirements by District**, is incorporated as part of this Ordinance. Structure refers to the type of structure or building on the land.
  1. **Commentary:** Land-use terms embody a structural or building characteristic, which indicates the utility of the space (in a building) or land (when there is no building). Land-use terms, such as single-family house, office building, warehouse, hospital building, or highway, also describe structural characteristic. Although many activities and functions

are closely associated with certain structures, it is not always so. Many buildings are often adapted for uses other than its original use. For instance, a single-family residential structure may be used as an office. To sort out this confusion, this ordinance clearly separates use regulation from structure regulation.

- B. Lot requirement.** Every building erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record, and no more than one main building shall be located on one lot, unless otherwise provided for in this ordinance. This restriction does not apply to apartment buildings.
- C. Structure requirement.** No building or land shall be developed, built, used, moved, altered or occupied unless the building or land conforms to the structure requirements specified for the district in which it is located. This restriction shall not apply to property meeting the definition of Non-conforming uses in **Section 17-2071(E)**.
- D. Structures permitted by right.** A structure denoted by the letter “A” in **Appendix I, Table B: Site Requirements by District** in any district is a structure permitted by right, provided that all other requirements of state law and this ordinance have been met and provided that a building permit has been issued in accordance with **Section 17-2090: Administration and Enforcement**. The intent is to allow the construction of structures that promote the development of each district.

(DC19-06, 9/03/19)
- E.** Permitted hours for moving oversized structures such as mobile homes, houses, and portable buildings on the Town of Sorrento’s streets are the following:
  - 1. Permitted Days: Monday – Saturday
  - 2. Permitted Hours: (Daylight Hours); except when school is in session 9:00 am – 2:30pm

(DC19-06, 9/03/19; DC21-01, 8/3/21)

**17-2073. Site Requirements**

- A. Overview of site requirements.** **Appendix I, Table B: Site Requirements by District** is incorporated as part of this Ordinance. Site development requirements govern the overall physical development of lots within each district.
  - 1. **Commentary.** Site requirements describe, “what is on the land” in general physical terms. These requirements incorporate activity and structure requirements to describe the overall site development characteristics of each district.
- B.** Site requirements fall into the following categories:
  - 1. **Height restrictions**
    - a. The purpose of height restrictions is to control the density of development within the Town and to keep buildings within the protective capability of Town fire equipment.

2. **Density restrictions**

- a. The purpose of density restrictions is to supplement height restrictions in controlling the density of development in the Town. Managing development density promotes public health and safety by insuring that adequate infrastructure is in place to support development.
  - i. **Commentary.** Height restrictions are one of the oldest forms of land use control. Unfortunately, height restrictions alone are a limited tool in managing the density of development. Because the Town is growing quickly, additional density controls are needed to balance development with available infrastructure. Rather than use a more complicated measure of density such as floor area ratio, the Town uses a clear measure of density. In the case of residential development, dwellings per acre measure density. In the case of commercial development, density is measured by the gross square footage of the building.
- b. The residential density and base site area are calculated using the following steps.
  - i. **Step 1.** Determine the gross site area by an actual on-site survey. Do not include any land that is not contiguous to the parcel. This includes any property that does not abut, adjoin, or share a common boundary with the rest of the development.
  - ii. **Step 2.** Divide the proposed number of residential units by the gross site area. This equals the proposed residential density of the parcel. The residential density must be lower than the standards set forth in **Appendix I, Table B: Site Requirements by District** Residential development standards.
- c. Managing the size of commercial developments provides the Town with the most direct way to manage the public safety problems created by traffic congestion. To meet this objective, this ordinance relies on commercial density standards, calculated as maximum floor areas. Because the goal is to manage traffic congestion, this standard includes all buildings, existing and proposed, regardless of use, on a parcel.

3. **Minimum lot size & frontage restrictions**

- a. Minimum lot size and lot frontage restrictions are intended to enhance property values by requiring that structures within districts be built on lots of uniform minimum size. Minimum lot size and lot frontage restrictions also serve to promote the public health safety and welfare of the Town by controlling development density.

- i. **Commentary.** Within each district, the Town has established minimum lot sizes after consultation with citizens, property owners and developers. These minimum lot sizes provide for a diversity of residential housing in the Town, while preserving the rural character of the Town.
- 4. **Setback restrictions.** Setback and yard requirements provide another measure of density control and to manage the demand for public services. These restrictions are also intended to provide flexibility in widening Town roads for the installation of water and sewer lines.  
(DC19-06, 9/03/19)

**17-2080. Development Requirements**

- A. The Town has adopted the following other development requirements:
  - 1. Off-street parking requirements
  - 2. Landscaping for off-street parking
  - 3. Commercial property landscaping standards
  - 4. Buffer yard requirements
  - 5. Street access standards
  - 6. Commercial and industrial storage standards
  - 7. On-premises sign standards
  - 8. Off-premises sign standards
  - 9. Lighting standards
  - 10. Waste discharge standards
  - 11. Utility Servitude

(DC19-06, 9/03/19)

**17-2081. Off-Street Parking Requirements**

- A. In all districts, off-street parking standards shall be applied at the time any building is erected, at the time any principal building is increased in floor area, or before a building is converted from one type of use to another. These standards include the minimum number of off-street parking spaces required, the required number and dimensions of handicapped accessible parking spaces, and standards for parking lot construction.
- B. **Minimum off-street Parking Spaces.** The minimum number of off-street parking spaces for each type of structure shall be:

Single family residences	2 spaces
Apartment buildings, hotels, motels and bed and breakfast establishments	One space for each bedroom
Retail and commercial buildings:	1 per 200 sf of GFA
Public assembly buildings, including schools, auditoriums, theaters, churches, funeral homes:	One space for each five seats of seating capacity
Industrial buildings:	One space for each employee on the largest shift

- C. At its discretion, the Commission may reduce these parking standards by twenty-five percent (25%) to achieve the objectives of this ordinance. These standards may also be modified by a development agreement.
- D. **Handicapped Access Parking Regulations.** Regulations and dimensions for handicapped parking spaces have been taken from the **Americans with Disabilities Act (Public Law 101-136)**. This act prohibits discrimination on the basis of disability in places of public accommodations and commercial facilities.
1. Every parking lot serving a retail, commercial or industrial building shall have at least 1 handicapped accessible parking space for every twenty-five spaces. If there is an excess of one hundred spaces, the parking lot shall have an additional handicapped accessible space.
  2. Accessible-parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, or buildings with multiple entrances, accessible parking shall be located on the shortest the shortest practical distance from the entrance to the parking lot.
  3. Accessible-parking spaces shall be at least one hundred forty-four inches wide (12 feet)
  4. Parking access aisles shall be part of an accessible route to the building or parking lot entrance; two accessible spaces may share a common access aisle.
  5. Access aisles adjacent to accessible spaces shall be sixty inches wide minimum. Two in every eight handicapped accessible spaces, but not less than two, shall be served by an access aisle ninety-five inches wide minimum and shall be designated "van accessible."
  6. **Signs.** Handicapped accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so a vehicle parked in that space cannot obscure them.
- E. The following standards shall apply for the design of parking lots:
1. To the extent possible, the required space for any number of separate uses should be combined in one lot. All required parking for all uses shall be either on the same lot or within three hundred feet of the building (or open use area) it serves. No required parking spaces may be located across any major street from the use it is intended to serve.
  2. Except for parcels of land devoted to one- and two- family residential uses, all areas devoted to off street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain access.



3. Each parking space shall be not less than two hundred square feet in area. Except for single-family residences, all parking spaces, aisles and connecting driveways shall be surfaced with permanent dust free paving.
4. Each parking lot shall conform to the commercial sign standards set forth in **Section 17-2086**, landscaping standards set forth in **Section 17-2082**, exterior lighting standards set forth in **Section 17-2088**, and street access standards set forth in **Section 17-2085**.
5. The Commission shall encourage the construction of parking lots in the rear of buildings where possible, in order to conserve the green space within the Town.
6. All commercial projects shall demonstrate their interconnectivity to other commercial properties immediately adjacent. It is the intent to reduce traffic on thoroughfares by providing alternate routes through commercial property.
  - a. **Commentary.** The design of parking lots will have a large impact on traffic congestion in the Town. This problem will be especially acute along Airline Highway. To the extent possible, developers should reduce the number of access points to parking lots and should look for common parking solutions.

(DC19-06, 9/03/19)

**17-2082. Landscaping for Off-Street Parking**

- A. Any property owner or developer who constructs off-street parking for five or more automobiles shall meet the following landscape requirements:
  1. A minimum of twenty-five square feet area of landscaping materials shall be provided for each off-street parking space. These landscape materials shall be located within the paved portion of the parking lot or within ten feet immediately adjacent to the paved portion of the parking lot.
  2. In addition to landscaping materials, non-living durable material, such as brick, stone, or rocks may be added.
  3. Large trees shall be provided in the parking area at a minimum average density of one large tree for every ten parking spaces. A large tree attains a height at maturity of greater than thirty feet. Any existing tree with a twelve-inch or greater caliper that is retained within the parking lot shall be counted as two trees in meeting this requirement. A caliper is a measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above the natural grade.
  4. Landscaped areas shall be evenly distributed to relieve the monotony of large paved areas but shall not interfere with the orderly circulation of vehicular and pedestrian traffic.
  5. All landscaped areas shall be protected from vehicular encroachment by concrete curbs, wheel stops or other permanent barriers.

6. A reduction of two feet, measured from the concrete curb or other permanent barrier, shall be allowed in the computation of the depth of parking spaces contiguous to the perimeter landscaping strips or interior planting areas.

(DC19-06, 9/03/19)

**17-2083. Buffer Yard Requirements**

- A. Commercial and industrial development.** A buffer yard is the outer portion of a lot extending to the boundary line. Buffer yards are designed to use planting or fencing to reduce potential nuisances. These nuisances may include dirt, noise, litter, lighting glare, and unsightly parking lots, signs or buildings.
- B. Requirement.** All property with commercial, recreational, institutional, and industrial uses shall maintain a buffer yard, if their property abuts a residential use or non-commercial vacant land. If a land use is proposed adjacent to vacant land, the buffer yard requirement may be reduced if the owner of the vacant land agrees.
- C. Location.** Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. The buffer yard shall be continuous, except for buffer yard required for another building.
- D. Standards.**
  1. Buffer yard requirements are stated in terms of the width of the buffer yard and the number of plants required per linear feet of buffer yard. The buffer strip shall be a minimum of twenty feet wide.
  2. The minimum landscaping materials shall include at least one large tree for every sixty linear feet of the required buffer strip, or one small tree for every thirty linear feet of the required buffer strip. A large tree attains a height at maturity of greater than thirty feet. A small tree attains a height at maturity of less than thirty feet.
  3. The Town of Sorrento may require higher buffer yard standards under **Section 17-2043**, Commercial and industrial storage standards and **Section 17-2050**, Alcoholic beverage business standards, in order to protect adjacent landowners from adverse impacts. The Town of Sorrento may require an opaque fence in addition to landscaping to reduce impacts.
    - a. **Commentary.** The standards for buffer yards represent minimum requirements. The goal is to eliminate, to the extent possible, the impacts of non-residential uses on residential property owners in the Town. In the case of storage yards and alcoholic beverage sales, these impacts can be severe. Accordingly, the Town provides wide discretion to establish appropriate buffer yard standards for these businesses prior to approving any building permits.

4. The Town of Sorrento may also waive some or all of the requirements for a buffer yard and may permit an owner or developer to landscape an existing right-of-way, if in the judgment of the Town of Sorrento; such landscaping will meet the objectives of this ordinance.
    - a. **Commentary.** The Town of Sorrento is given authority to reduce the buffer yard requirements in appropriate circumstances. In this case, the abutting property owners should be consulted and agree to the reduction in requirements.
- E. Maintenance.** The owner of a buffer yard shall keep the buffer yard in good condition, routinely pick up litter, and replace all dead vegetation.
- (DC19-06, 9/03/19)

**17-2085. Street Access Standards**

- A. Street access standards.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict, the following regulations shall apply:
    1. Vehicle access from properties to streets shall not be more than thirty-six feet wide.
    2. No more than two points of vehicle access from a property to each abutting public street shall be permitted for each four hundred feet of lot frontage. Lots with less than one hundred feet of frontage shall have no more than one point of access to any one public street.
    3. No point of access shall be allowed within thirty-five feet of the right-of-way line of any street intersections.
  - B.** No curbs on Town roads or rights-of-way within the limits of the Town of Sorrento shall be cut or altered for access without approval of the Town of Sorrento.
- (DC19-06, 9/03/19)

**17-2086. Signs: On Premises Sign Standards**

- A. On-site commercial sign standards.** This section is intended to ensure that commercial signs in the Town do not pose hazards to automobile, truck, or pedestrian traffic and do not constitute a visual blight which may reduce property values in the Town. This section applies only to on-site commercial signs. As used in this section, an “on-site sign” is a sign that advertises a business or development located on the lot. This section does not apply to commercial signs that are erected off the site of a business or residential development.
  1. **Commentary:** This section is designed to regulate signs that are erected on the premises of a commercial business or residential development. This ordinance does not impose restrictions on billboards or off-site commercial signs.

- B. This ordinance does not extend to signs, which fail to conform to the provisions of this ordinance on the date of enactment. The lawful use of any sign existing as of the date of enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance.
- C. **General provisions.** No person shall develop, install, locate or construct any on-site sign on the site of a commercial, residential, recreational, institutional, or industrial use except as authorized in this section and **Section 17-2090(D)**: Sign permits required. The requirements of this section shall not be varied or modified by a development permit granted under **Section 17-2090(B)**: Development permits required.
- D. Any owner, authorized agent, or contractor who desires to construct, install, enlarge or erect an on-site sign (other than for home occupations) must receive a sign permit issued under **Section 17-2090(D)**. Site drawings shall be submitted with the application for a sign permit. The drawings shall show the size and location of the proposed sign and the location of all buildings, existing signs and boundary lines. Measurements shall include the distance from property lines to improved streets.
- E. Regulations for on-site signs
  - 1. Location of signs
    - a. No portion of any sign shall be located or installed in such manner as to create a traffic hazard.
    - b. No portion of any sign or sign structure shall be located within five (5) feet from the right-of-way line or within twenty (20) feet of the edge of pavement or roadway surface of any public street or highway and provided further that no portion of any sign shall project or extend into or over any public right-of-way.
  - 2. **Maximum height.** No portion of any sign or structure shall exceed the following maximum heights:
    - a. Free standing signs or sign structures shall not exceed a height of twenty (20) feet, except along Airline Highway (U.S. 61) where they shall not exceed a height of thirty (30) feet, and within five hundred feet of Interstate Highway 10 where the height maximum limit for all signs shall be sixty (60) feet above grade elevation or thirty-five (35) feet above the height of an elevated roadway.
    - b. Signs mounted on or integrated into the facade of a building shall not extend above the top of the building facade. Signs erected on a roof are not permitted.
  - 3. **Permitted freestanding signs.** Not more than one freestanding sign structure shall be located on any parcel of land. However, parcels with more than one frontage on streets shall be permitted one freestanding

sign structure for each frontage. For this paragraph, a “free standing sign” means a sign which is not attached to a building.

**4. Amount of sign face**

- a. Subject to the provisions of paragraphs (B), and (C) below, the total amount of sign face area visible from any single point of view shall not exceed the average of the following two factors or a minimum of fifty (50) square feet of sign, whichever is greater.
  - i. One square foot per fifty (50) square feet of gross floor area;
  - ii. One square foot per two (2) linear feet of street frontage.
- b. Home occupations shall be allowed one freestanding sign structure not to exceed two (2) square feet in area visible from one direction.
- c. Subdivision sign structures shall be allowed one freestanding sign with sign face not to exceed ten (10) feet in height and two hundred (200) square feet.

**5. Portable signs**

- a. Portable signs may not be allowed for more than thirty calendar days in any six-month period.
- b. Upon notification by the Town of Sorrento that a portable sign has been displayed for a period longer than the period allowed by this section, the sign owner or the owner or lessee of the property shall remove the sign within ten days.
- c. If the sign is not taken down, the Town of Sorrento may direct an agent of the Town to remove the sign at cost to the sign owner, the owner of the property, or the lessee of the property. The Town may charge the sign owner, the owner of the property, or the lessee of the property for the removal and storage of the sign. After storing a portable sign for sixty days, the Town may dispose of the sign.
- d. Portable signs shall not be allowed in the conservation district (C).
- e. As used in this section, a “portable sign” means a sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not attached to the ground, a building, a structure or another sign.

- 6. **Obsolete signs.** Any sign, which advertises a business or event no longer in existence, shall be removed within 30 days of the date that the business ceased operation or the event was held. A business, which ceases operations for a period of six months, is no longer in existence.

Upon notification by the Town of Sorrento that a sign is obsolete, the sign owner or the owner or lessee of the property shall remove the sign within thirty days. If the sign is not taken down, the Town may direct an agent of the Town to remove the sign at cost to the sign owner, the owner of the property, or the lessee of the property.

7. **Change in ownership.** Upon change in ownership of a business, within six (6) months all signs shall be brought into compliance with this section.

(DC19-06, 9/03/19)

**17-2087. Signs: Off Premises Sign Standards**

- A. In the limited circumstance where an existing off-site advertising structure is taken by an authorized government authority, whether such taking is accomplished by agreement between the owner of the advertising structure and the authorized government authority or by judicial action, the owner of the taken off-site advertising structure may, subject to the approval of the landowner, locate a replacement off-site advertising structure:
  1. On land that is zoned MI, HI, MU or CC; or
  2. On land that is zoned MU2 if:
    - a. The off-site advertising structure that was taken was located on property that was zoned MU2 prior to the taking; or
    - b. The off-site advertising structure that was taken was located on property immediately adjacent to property that is currently zoned MU2 prior to the taking.
- B. Subject to the exception outlined in section (C) below, in the limited circumstance where a permitted off-site advertising structure is located onto property zoned MU2 as outlined in (A)(2) above, such off-site advertising structure must conform to the following specifications:
  1. Such structures may not exceed 40 feet at their highest point;
  2. Such structures may not have more than two advertising faces. In such instances, no more than one advertising face may project onto traffic in a given direction; and
  3. Each individual advertising face or panel may not exceed 380 square feet in total advertising area.
  4. The owner of an off-site advertising structure located on property zoned MU2 as outlined in (A)(2) above may alter that structure provided that such alteration conforms with the specifications outlined in (B)(1) through (B)(3) above. Such alteration shall not be construed as the placement of a new, previously non-existing off-site advertising structure.
- C. The criteria outlined in section (B) above do not apply when the off-site advertising structure is being relocated on land adjacent to an Interstate Highway structure or right-of-way accommodating an Interstate Highway structure.

\*\* Comment: This provision recognizes an exception to the use of land zoned as MU2 from that permitted and outlined at **Appendix I, Table A: Permitted Uses by District**. This exception should not be construed to recognize that the placement of new, previously non-existing off-site advertising structures is a proper use of MU2 property. Rather, this provision should be narrowly construed to address the permitted location of off-site advertising structures on property zoned MU2 as a result of the taking of an existing off-site advertising structure via expropriation or agreement.

\*\* Comment: Furthermore, this provision should in no way limit the allowed use of MU, CC, MI, or HI zoned property to accommodate new, previously non-existing off-site advertising structures.

(DC19-06, 9/03/19)

## 17-2088. **Lighting Standards**

### A. Exterior lighting standards

1. **Purpose.** The purpose of this section is to regulate the spillover of light and glare on motorists, pedestrians, and adjacent land uses from a commercial use light source. With respect to vehicles, the primary purpose of this section is to protect public safety. In other cases, both the nuisance and hazard of careless lighting require regulation.
2. **Standards.** Any lighting used to illuminate an off-street parking area, sign or other structure, should be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, should not be directed into any adjoining property. The source of lights should be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be in view of adjacent property or an adjacent public right-of-way.
  - a. **Commentary.** This regulation represents the minimal standard for exterior lighting. The developer or property owner should evaluate the following circumstances:
    - i. **No cutoff luminaire.** When the light source has no cutoff, exterior lighting fixtures can produce unsightly glare which may result in a safety hazard. (A cutoff is the point at which all light emitted from a light is completely eliminated -cutoff- at a specific angle to the ground.)
    - ii. **Less than ninety-degree cutoff luminaire.** These lights are preferable because the design of the fixture can ensure that the light source is not visible off site.

(DC19-06, 9/03/19)

**17-2089. Waste Discharge Standards**

- A. Discharge and septic waste disposal standards.** In all zoning districts, no discharge at any point into any private sewage disposal system, into the ground or into any stream, pond, lake, ditch, canal, bayou, creek or river of any materials of such nature or temperature as can contaminate any water supply, or otherwise create a harmful effect on ground or surface waters shall be allowed except in accordance with the most restrictive of Town, state or federal health standards of applicable stream pollution control standards.

(DC19-06, 9/03/19)

**17-2090. Utility Servitudes**

- A.** In all zoning districts, a ten (10') foot unencumbered utility servitude shall be provided across the entire frontage of the property, or where the Commission requires it.
1. A plat shall be recorded to reflect the creation of any new utility servitude.

(DC19-06, 9/03/19)

**17-2091.1 Administration and Enforcement**

- A.** This article sets forth the procedures required for obtaining development permits, certificates of occupancy, and sign permits. This article also specifies the requirements for amendments, variances, administrative appeals, and interpretations of this ordinance. This article does not apply to any property on which an industrial complex is developed and which is zoned Industrial and is located within the Industrial Area designation as set forth in state laws and local ordinances.

(DC19-06, 9/03/19)

- B. Development permits required.** No development permitted by this ordinance, including accessory and temporary uses, may be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, or removed; and no building used, occupied, or altered with respect to its use after the effective date of this ordinance until a development permit has been secured from the Town of Sorrento. Nothing in this ordinance shall relieve any applicant of the additional responsibility of seeking any permit required by any other applicable statute, ordinance, or regulation.

(DC19-06, 9/03/19)

**C. Exemptions**

1. A single-family home used as a principal residence. In the case of the construction of a single-family house that will be used as an applicant's principal residence, a building permit shall constitute a development permit.
2. Small projects. In the case of a development project on a single lot of record with a total construction value of less than \$20,000, a building permit shall constitute a development permit. Under this section, a landowner may receive only one exemption for each lot of record every three years.



**D. Sign permits required**

1. Unless specifically exempted by **Section 17-2086**, On-premises sign standards, no sign shall be erected, altered, or relocated after the effective date of this ordinance until a sign permit has been secured from the Town of Sorrento. Sign permits shall be renewed prior to their expiration dates as specified below.
2. All applications for sign permits shall be made in writing on a form supplied by the Town of Sorrento and shall contain or have attached thereto the following information:
  - a. Name, address, and telephone number of applicant.
  - b. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
  - c. Two blueprints, photocopies or ink drawings of the plans, specifications, and method of construction and attachment (i.e., either to a building or in the ground) of all proposed signs.
3. A certified copy of the development permit issued to the use(s) to which the sign is related together with a complete copy of the application required for that zoning certificate. When a sign permit is sought for a use which was existing at the effective date of this ordinance, the Town of Sorrento shall specify the information required to show full compliance with the sign regulations of this ordinance, but in no event shall information not required by this section or an application for a development permit be required.

(DC19-06, 9/03/19)

**E. Application requirements for development permits**

1. All applications for development permits shall be made in writing by the owner of the property for which it is sought on a form supplied by the Town of Sorrento. The application shall include four copies of the following information.
  - a. The legal descriptions of the parcel(s) for which the permit is sought.
  - b. A map (or maps) of the property showing (A) its boundaries; (B) total acreage; (C) contours at one-foot intervals if more than two dwelling units or more than 5,000 square feet of commercial area are involved; (D) location, width, and name of all existing or previously platted street, railroad, and utility rights-of-way; (E) the location of any existing sewers, water mains, culverts, and other underground facilities within and adjacent to the tract, indicating pipe sizes, grades, manholes, and location.
  - c. A statement of the proposed use of each parcel,

- d. A layout of the proposed development drawn to scale showing the location and exterior dimensions of all existing and proposed buildings and uses in relation to parcel and street lines.
- e. A site plan shall be required, as a pre-condition to the issuance of a development permit, in the following instances:
  - i The establishment of any land uses which will take direct access to a state road.
  - ii The development of any single land use consisting of ten or more acres.
  - iii The development of any commercial, industrial, recreational, or institutional use.
  - iv The development of any residential land use consisting of more than two residential units.
- f. The site plan shall include all information required by the Town of Sorrento. This information shall include:
  - i Provisions planned for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.
  - ii The size and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density for residential or commercial development.
  - iii The location, height, and composition material of all walls, fences, or other structures to be utilized in providing the buffer yards required by this ordinance.
  - iv The location and dimension of all existing and proposed vehicular drives, entrances, exits, traffic circulation patterns, acceleration and deceleration lanes.
  - v The location and dimension of all existing and proposed pedestrian entrances, exits, and walkways.
  - vi The location, size, arrangement and capacity of all areas to be used for off-street parking and off-street loading
  - vii The location, size, height, composition material, illumination, and orientation of all signs.
  - viii Plans and specifications of the proposed lighting.
  - ix Any other data deemed necessary by the Town of Sorrento to determine the compliance of the proposed development with the terms of this ordinance.

- x If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.
2. When a development permit is sought for a development that is a part of a plat of a subdivision that has received final plat approval, the plat, shall be submitted as a part of the application for the development permit.
  3. In the case of any development that is required to develop pursuant to a plat of subdivision, the development shall have received and properly recorded a final approved plat before an application for a development permit will be accepted for processing by the Town of Sorrento.
  4. The Town of Sorrento shall accept no application until it is complete as described above, and until all fees established by the Town of Sorrento for processing an application have been paid in full.

(DC19-06, 9/03/19)

**F. Procedures**

1. Developments consisting of a single dwelling unit shall be reviewed for compliance with this ordinance, the Ascension Parish Building Official shall inform the applicant whether the application has been granted.
  - a. In any case where the application is granted, the Ascension Parish Building Official shall issue a building permit. Before any structure to which this certificate is applicable may be occupied or used for any purpose a certificate of occupancy must be obtained.
  - b. In any case where an application is denied, the Ascension Parish Building Official shall state the specific reasons and shall cite the specific chapters, articles, and sections of applicable ordinances upon which denial is based.
2. Development consisting of lots, uses, or structures other than described in paragraph (a) shall be reviewed for compliance with this ordinance by the Town of Sorrento in as timely a manner as possible. The Town of Sorrento shall inform the applicant whether the application has been granted within 60 days after the application for a development permit has been accepted by the Town of Sorrento and such permit has been issued.
3. If an application is denied, the Town of Sorrento shall state the specific reasons and shall cite the specific chapters, articles, and sections of this ordinance upon which denial is based.
4. Applications for sign permits shall be reviewed for compliance with this ordinance, and within 10 working days after acceptance of the application the Town of Sorrento shall inform the applicant whether the permit has been granted.

(DC19-06, 9/03/19)

**G.** Site Plan review

1. The Town of Sorrento shall review all site plans subject to the procedures, standards, and limitations set forth in this section, and approve or disapprove the proposed plan. No developer required to submit a site plan for review shall be entitled to a development permit until the Town of Sorrento has approved the site plan.
  - a. **Commentary.** The site plan review process is designed to ensure that all elements are reviewed for compatibility with the regulations and intent of this ordinance. A preliminary site plan, much like a concept plan of subdivision, is intended to serve as a working document for the developer and the Town of Sorrento in the initial phases of the site plan review. It shall contain as much of the information required of an application for a development permit as possible and, in any event, shall provide sufficiently detailed information to allow an informed decision concerning the overall accept ability of the proposed development.
2. Following review of the preliminary site plan, the Town of Sorrento shall consult with the developer and detail unacceptable or required, but absent, elements. These comments shall be provided to the developer in writing within twenty days of the site plan having been submitted to the Town of Sorrento.
3. A final site plan shall be submitted to the Town of Sorrento following the procedure specified in this section. The site plan shall contain all of the information required by **Section 17-2090(E)** Application requirements for development permits. The Town of Sorrento shall review the plan for compliance with the provisions of this ordinance.
4. In the event that the Town of Sorrento determines the final site plan is unacceptable, written notice of this decision, including all reasons for it and instructions for making the items acceptable, shall be provided to the developer within 30 days of the final site plan having been accepted by the Town of Sorrento. While this ordinance specifies no precise time limits within which the Town of Sorrento shall review and report on the elements of a final site plan, the Town shall conduct such a review and report as expeditiously as possible on it. In no event shall the review of any item of a plan exceed the time period imposed by this section for review of the entire plan.

(DC19-06, 9/03/19)

**H.** Certificate of Occupancy

1. No structure shall be erected, constructed, reconstructed, extended, or moved, and no land or building shall be occupied or used in whole or in part for any use whatsoever after the effective date of this ordinance until the owner, tenants, contract purchaser, or authorized agent has been issued a certificate of occupancy by the building official, indicating that the building or use complies with all zoning requirements of this ordinance.

2. No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Parish of Ascension building official or their designee to comply with the requirements of this ordinance. No fee shall be charged for a certificate of occupancy.
3. The issuance of a certificate of occupancy in no way relieves the developer from compliance with all of the terms of this ordinance and all other applicable regulations.

(DC19-06, 9/03/19)

**I.** Change of use

1. Change or alteration of the use of any building, structure, or land shall not be permitted until a development permit and a certificate of occupancy are obtained pursuant to this article.

(DC19-06, 9/03/19)

**J.** Planning and Zoning Commission: Duties and powers

1. The Planning and Zoning Commission shall have the following duties and powers:
  - a. Review and conduct oversight hearings on the performance of this ordinance and recommend any amendments to the Town Council;
  - b. Review the administrative duties and performance of the individuals responsible for administering this ordinance, and advise the Town Council on steps to improve the administration of this ordinance; and
  - c. Review the Land Use Plan of Sorrento Town at least every three years and recommend revisions of the Land Use Plan to the Town Council.

(DC19-06, 9/03/19)

**K.** Zoning Board of Adjustment: Duties and Powers

1. The Zoning Board of Adjustment of the Town of Sorrento, Louisiana, is hereby established, and the following rules are set forth to govern its composition and operation:
2. **Membership.** The Zoning Board of Adjustment (“the Board”) shall consist of three members appointed by the Sorrento Town Council; A Planning Commission member, a Town Council member and a citizen-at-large. A chairman shall be elected by the members.
3. **Board powers and duties.** The Board shall have the following powers and duties:
  - a. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the Town of Sorrento in the enforcement of this ordinance.
  - b. To authorize variances as set forth in **Section 17-2090(M)**

4. **Review of administrative orders.** The Board may reverse, affirm, or modify the decisions made by the Town of Sorrento in the enforcement of this ordinance. The Board shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the Board shall be necessary to act under this section.
5. **Appeals to the Board.** Any officer, board, or agency of the Town affected by any action of the Town of Sorrento under this ordinance may take by any person aggrieved or appeals to the Board. An appeal shall be made within 30 days of the action taken by the Town. An appeal starts by filing a notice with the Town of Sorrento and with the Board. This notice shall specify clearly the grounds of the appeal. The Town of Sorrento shall transmit to the Board all the documents, plans, papers, or other materials relating to the appeal.
6. **Stay of work and proceedings on appeal.** An appeal to the Board stays all work on the premises unless the Town of Sorrento certifies to the Board that a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the Board.
7. **Board; Hearing of appeals.** The Board shall fix a reasonable time for the hearing of the appeal. Prior to the hearing, the Board shall give public notice as specified in **Section 17-2090(P)** Public notice requirements, and notify the parties in interest. At the hearing, any party may appear in person, by agent, or by attorney. Appellants will be required to submit such fees as required in **Section 17-2090(Q)**.
8. **Judicial review of decisions of the Board.** Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any officer, department, board, commission, the governing body, may apply to the circuit court in the judicial circuit where the Board is located for judicial relief within 30 days after rendition of the decision by the Board. Review in the circuit court shall be either by a trial de novo, which shall be governed by the Louisiana Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Louisiana Appellate Rules. The election of remedies shall lie with the appellant.

(DC19-06, 9/03/19)

**L. Interpretations**

1. **Purpose.** The provisions of this section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this ordinance, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple, yet circumscribed, procedure for overcoming the inadvertent rigidities and limitations inherent in the promulgation of finite use lists in a world characterized by infinite permutations of essential similar uses.
2. **Authority.** The Town of Sorrento may, subject to the procedures, standards, and limitations set forth in this section, render interpretations

of any provision of this ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this ordinance.

**3. Procedure**

- a. **Written request for interpretation.** Except as provided below, a request for interpretation of any provision of this ordinance, the zoning map, or any rule or regulation adopted pursuant to this ordinance shall be submitted in writing to the Town of Sorrento. No fee shall be required in connection with a request. Each request shall set forth the specific provisions to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Town of Sorrento shall review any additional facts and information which may be necessary to a meaningful interpretation of the provision in question.
  
- b. **Application for use interpretation.** Applications for a use interpretation shall be submitted to the Town of Sorrento on a form supplied by the Town of Sorrento. The application shall contain at least the following information and documentation:
  - i The applicant's name, address, and interest in the subject property.
  
  - ii The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
  
  - iii The names and addresses of all professional consultants advising the applicant with respect to the interpretation.
  
  - iv The street address and legal description of the subject property.
  
  - v The zoning classification and present use of the subject property.
  
  - vi A complete description of the proposed use.
  
  - vii The uses permitted by the present zoning classification that are most similar to the proposed use.
  
  - viii Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
  
  - ix Such other and further information or documentation as the Zoning Official may deem necessary or appropriate

to a full and proper consideration and disposition of the particular application.

- c. **Action by the Town of Sorrento.** Within 30 days following the receipt by the Town of Sorrento of a completed request or application for interpretation, the Town of Sorrento shall mail a written copy of interpretation to the applicant. The Town of Sorrento shall state the specific precedent, reasons, and analysis on which such interpretation is based. The failure of the Town of Sorrento to render an interpretation within such time, or such longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Town of Sorrento shall keep a copy of each such interpretation on file and shall make a copy of each such filed interpretation available for public inspection during reasonable hours.
  - d. **Appeal.** Appeals on interpretations rendered by the Town of Sorrento pursuant to this section may be taken to the Board as provided in **Section 17-2090(K.5)**.
4. **Criteria.** The following conditions shall govern the Town of Sorrento, and the Board on appeals from the Town of Sorrento, in issuing use interpretations:
- a. No use interpretation shall allow the establishment of any use that was previously considered and rejected by the Board on an application for amendment.
  - b. No use interpretation shall permit a use listed as a permitted or conditional use in any district in which such use is not so listed.
  - c. No use interpretation shall permit any use in any district unless evidence shall be presented which demonstrates that it will comply with each use limitation established for the particular district.
  - d. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a less restrictive district.
5. Any use permitted pursuant to this section shall fully comply with all requirements and standards imposed by this ordinance.
6. **Effect of favorable use interpretation.** A favorable use interpretation shall authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Town of Sorrento or other governmental agencies having jurisdiction. These permits include development permits, building permits, and certificates of occupancy. No use interpretation finding a particular use to be permitted in a specific district shall authorize this use



or the development, construction, reconstruction, alteration, or moving of any building or structure.

7. Limitations on favorable use interpretations. No use interpretation finding a particular use to be permitted in a district shall be valid for a period longer than one year from the date of issue.
8. A development permit incorporating a particular use interpretation shall not authorize any similar use for which a separate use interpretation has not been issued.
9. A development permit incorporating a particular use interpretation shall automatically expire if the particular use for which it was issued shall, for any reason, be discontinued for six consecutive months.
10. Annual report. The Town of Sorrento shall keep a record of each use interpretation and shall make an annual report of all interpretations to the Zoning Commission. The report shall include any recommendations that this ordinance be amended to simplify its administration.

(DC19-06, 9/03/19)

**M.** Variances

1. **Purpose.** The purpose of this section is to empower the Zoning Board of Adjustment (“the Board”) to vary or adapt the strict application of any of the requirements of this ordinance. A variance may be appropriate where, by reason of extreme situations or conditions on a piece of property, the strict application of any regulation enacted under this ordinance would result in unique, exceptional, and substantial hardship on the owner of property.
  - a. **Commentary.** In general, the power to authorize a variance from the terms of this ordinance shall be sparingly exercised. The standards imposed by the ordinance have been carefully planned to allow the maximum possible freedom to develop without adverse impacts on nearby land. It is the intent of the Town Council that the variance be used only to overcome some exceptional physical condition of a parcel of land. This condition must create practical difficulty to the development of the parcel and prevents the owner from developing the property as intended by this ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
2. The use of development standards contained in this ordinance has, unlike traditional zoning ordinances, authorized more mixing of land uses and considerably more flexibility in the planning of use location. As a consequence, the variance opportunity supplied in this ordinance should be used in a much more limited manner than the one provided in most other conventional ordinances.
3. Traditionally, variance provisions are contained in a zoning ordinance to allow relief from the “strict” application of a regulation (such as a minimum yard width or building setback) which will result in an

unnecessary hardship. The need for variances under traditional ordinances arises from the existence of some unique circumstances or physical condition of a particular parcel, usually related to its topography or shape. They are not generally applicable to land or buildings in the neighborhood. Under a conventional ordinance an applicant must show that the strict application of the ordinance would deprive the applicant of the reasonable use of the land.

4. **Application.** After denial of a permit by the Town of Sorrento or without denial, a property owner of land located in any district may apply to the Board for a variance using forms to be obtained from the Town of Sorrento.
5. **Standards for variances.** No variance in the strict application of the provisions of this ordinance shall be granted by the Board unless it finds that the following requirements and standards are satisfied:
  - a. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this ordinance for the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - b. The granting of the variance will not permit the establishment of any use that is not permitted in the district.
  - c. There must be a showing of unique circumstances.
    - i **Commentary.** There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and which circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.
  - d. There must be a showing of unnecessary hardship.
    - i **Commentary.** It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this ordinance; it must be suffered directly by the property in question, and evidence of variance granted under similar circumstances shall not be considered.

6. There must be a showing that a variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose.
7. There must be a showing that the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
8. There must be a showing that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.
9. **Public hearing.** Upon application, the Board, after giving notice as required **Section 17-2090(P)**, Public notice requirements, shall hold a public hearing. The Board shall consider and decide all proposed variations considering the standards set forth above.
10. After the close of a public hearing and within 30 days, the Board shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of facts specifying the reasons for the Board's decision. The Board's decisions are final and binding on all parties pending judicial review, if necessary.

(DC19-06, 9/03/19)

**N. Amendments**

1. Regulations, restrictions, boundaries and other provisions of this ordinance may, from time to time, be amended, supplemented, changed or repealed in the manner herein stated.
2. Amendments to the ordinance or to the zoning map may be initiated by:
  - a. The Sorrento Town Council.
  - b. The Sorrento Town Zoning Commission.
  - c. The verified petition of the owner or owners of the property affected by such amendment to the zoning map; provided no petition shall be filed by such owner or owners affecting property which has been involved in a petition before the Zoning Commission within the preceding 12-month period.
3. All proposed amendments to this ordinance or to the zoning map shall be submitted to the Sorrento Town Zoning Commission on forms provided by the Town of Sorrento. The Town of Sorrento shall place the proposed amendment on the agenda of the Sorrento Town Zoning Commission and shall take all steps necessary for the commission to hold a public hearing on the proposed amendment.

4. No recommendation for change or amendment shall be considered by the Zoning Commission until due notice has been given of a public hearing, as set forth in **Section 17-2090(P)**. Public notice requirements.
5. After the public hearing the Zoning Commission shall transmit a written report of its findings and its recommendations to the Sorrento Town Council within 45 days of the public hearing.
6. The Sorrento Town Council shall act upon the recommendation at the first regular meeting following the receipt of the report from the Zoning Commission.
7. Should the Commission fail to make its report and recommendation within the time limits prescribed, the Sorrento Town Council may act upon the proposed change or amendment, based upon the facts available to it.
8. No proposal for zoning change or amendment affecting particular property or properties shall contain conditions, limitations or requirements not applicable to all other property in the district to which the particular property is proposed to be rezoned.

(DC19-06, 9/03/19)

**O.** Form of Application

1. The verified petition of the owner for a change or amendment to the zoning map shall include the legal description of the property involved prepared by a Louisiana registered land surveyor and accompanied by a map of the property at a scale of one-inch equals 200 feet, or such other scale as may be required by the Town of Sorrento.

(DC19-06, 9/03/19)

**P.** Public notice requirements

1. In case of a proposed appeal under **Section 17-2090(K.5)** Zoning Board of Adjustment (relating to appeals of decisions of the Town of Sorrento), a proposed variance under **Section 17-2090(M)** (relating to Variances), or a proposed amendment under **Section 17-2090(N)** (relating to Amendments), the public shall be notified of the required hearing as follows:
  - a. **Newspaper publication.** At least ten (10) days in advance of the hearing, the Town of Sorrento shall provide notice of the time and place of the hearing which shall be published at least three (3) times in the official journal of the Town, and at least ten (10) days shall lapse between the first publication and the date of hearing.
  - b. **Posting.** In the case of a public hearing for a variance or a public hearing on an amendment which affects one or more lots, the Town of Sorrento shall post in a conspicuous place a sign. This sign shall notify the public of the time and place of the public hearing. The sign shall be posted at least ten days in advance of the hearing.

c. **Notification of abutting property owners.** In the case of a public hearing for a variance or a public hearing on an amendment which affects one or more lots, the Town of Sorrento shall notify in writing by certified mail the abutting property owners. The notice shall include the date and time for the hearing and a concise summary of the issues which will be explored at the public hearing.

2. If the governing authority thereafter proceeds to have an Ordinance presented to amend the zoning of the property, a public hearing shall be held by said governing authority at which time parties of interest shall have an opportunity to be heard. Notice of the time and place of that hearing shall be published once a week in three different weeks in the official journal of the Town, and at least fifteen days shall elapse between the first publication and the date of the hearing. In addition to notice by publication, at least ten days prior to the hearing, a good faith attempt to notify the owner or owners of record of the properties to be zoned or rezoned shall be made by sending an official notice by certified mail of the time and place of the hearing and subject matter of the regulations and restrictions.
3. Notwithstanding the foregoing, when more than ten parcels are to be zoned or rezoned by enactment of a zoning ordinance, the advertisement in the official journal required herein shall be considered adequate notice to the property owners.

(DC19-06, 9/03/19)

**Q. Fees and Charges.** Fees as specified in the fee schedule as adopted by the Sorrento Town Council shall be paid to the Sorrento Town Governing Authority for the following:

1. Applications for development permits:
2. Application for change or amendment to the zoning map.
3. Application for variance.
4. No permit or certificate shall be issued, and no inspection, public notice or other action relative to zoning, petitions for changes in zoning, or appeals shall be instituted until after such fees, costs and charges have been paid. When in accordance with the provisions of this section a fee is paid and application is filed, there shall be no return of any funds, regardless of the governing body's determination in the matter involved.

(DC19-06, 9/03/19)

**R. Validity.** In the event any court of competent jurisdiction should hold that any article, section, clause or provisions of this ordinance to be invalid, this holding shall not affect the validity of the development code as a whole or any part thereof, other than the part so declared to be invalid.

(DC19-06, 9/03/19)

**S. Violations and penalties.** Any person or persons, firms or corporations, violating the provisions of this ordinance or any part hereof, shall be fined not less than \$50.00 nor more than \$500.00 or incarcerated in jail for a period not to exceed 30 days, or both, and each day that such violation continues shall constitute a separate offense.

(DC19-06, 9/03/19)

**T. Codification.** It is the intention of the Town Council of the Town of Sorrento, Louisiana, that this ordinance amend the Code of Ordinances of the Town of Sorrento, Louisiana, and be codified for inclusion.

(DC19-06, 9/03/19)

**U. Repeal of conflicting ordinances.** All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

(DC19-06, 9/03/19)

**V. Effective Date.** This development code shall take effect on September 3, 2019.

(DC19-06, 9/03/19)

#### **17-20100. Definitions**

Except as otherwise provided, all words used in this ordinance shall have their customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word “shall” is always mandatory.

**Abutting:** Having a common border with, or being separated from such common border by an alley or easement.

**Access:** An entry to or exit from a property for use by a vehicle.

**Accessory use:** A use incidental to, subordinate to, and subservient to the main use of the property.

**Acre:** Forty-three thousand, five hundred sixty square feet.

**Alley:** Thoroughfare which is not more than thirty feet wide and which provides only a secondary access to abutting property.

**Antenna:** Transmitting and/or receiving device for personal wireless service that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas, and satellite earth stations.

**Apartment:** A dwelling unit contained in a building of more than three dwelling units. Each dwelling unit has an entrance to a hallway or balcony in common with at least one other dwelling unit.

**Appeal:** A means for obtaining review of a decision, determination, order, or failure to act under the terms of this ordinance.

**Applicant:** The owner of the subject property, developer or agent subject to a fully executed Agent's Authorization Form submitted in its approved form to Sorrento Town Planning and Development Department.

**Area of Shallow Flooding:** A designated AO, AH, or VO Zone on a community's rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking had been completed in preparation for publication of the (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, VI-30, VE or V.

**BackWater:** Additional surface waters in a flooding condition where increased flooding is induced by downstream flow obstructions such as structures, channel conditions and elevated downstream water.

**Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** The flood elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year

**Base site area:** A calculated area as specified in **Section 17-2073 B.b** Residential density and lot requirements.

**Board of Adjustment:** A board consisting of 3 members appointed by the Town Council and as more fully defined in **Section 17-2090(K)** of the Sorrento Town Development Code.

**Bufferyard:** A unit of land, together with a specified type and amount of planting and any fencing, which may be required between land uses, to minimize conflicts between them.

**Building:** A structure built, maintained, or intended for use as a shelter or enclosure of persons, animals, or property. The term includes any part of the structure. Where independent units with separate entrances are divided by party walls, each unit is a building.

**Building, accessory:** A building which is (1) subordinate to and serves a principal structure or principal use; (2) is subordinate in area, extent and purpose to the principal structure or use; (3) is located on the same lot as the principal structure or use; and (4) is customarily incidental to the principal structure or use. Any portion of a principal building, which is devoted to an accessory use, is not an accessory building.

**Building front:** That exterior wall of a building, which faces the front lot line of the lot.

**Building line:** A line on a lot parallel to lot lines and the adjacent vehicle use corridor(s), located a sufficient distance there from to provide the minimum yards required by this ordinance. The building line delimits the area which buildings are permitted subject to all applicable provisions of this ordinance.

**Building, principal:** A building in which is conducted, or in which is intended to be conducted, the main and principal use of the lot on which it is located.

**Chain-wall:** The exterior foundation wall used to elevate a structure above grade and provide support for the structure's exterior walls and floor system. The chain-wall extends around the periphery of the structure and shall not be construed to include such items as driveways, courtyards, and loading docks.

**Channel:** means any stream, swale, ditch, diversion, or watercourse that conveys stormwater runoff, whether natural or manmade

**Compensatory Storage:** An equivalent volume of storage used to mitigate for the loss of natural flood storage capacity due to the placement of fill within flood prone areas.

**Controlling Interest:** The power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) of more of any class of voting securities of a business. The ownership, control or power to vote twenty percent or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

**Conveyance:** Natural or man-made system accommodating flow of storm water

**Density:** A measure of the intensity of development. In this ordinance, density for residential development is calculated in terms of units per acre. The calculation for residential density is set forth in **Section 17-2073 B.b** Density for commercial development is calculated as the gross floor area for each development project.

**Detention:** The temporary storage of storm water runoff in a storm water facility, such that the release of runoff from the site is at a slower rate than is collected by the storm water system.

**Detention System:** All facilities, channels, basins, and areas, natural or artificial, which serve to store storm water and release it at a controlled rate

**Developed Condition:** Means the fully developed or built out condition with respect to storm water runoff from a proposed development or residential site plan

**Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

**Development:** The Section of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; or any extension of any use of land or any clearing, grading, or other movement of land.

**Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or the prevention or alleviation of flooding.

**Drainage Impact Study:** A report prepared for a designated area supporting the design decisions made to meet all requirements on drainage provisions, flood mitigation measures and performance monitoring tasks which may be placed on, or located throughout such area. The Parish "Drainage Impact Study



Ordinance” establishes the minimum submittal requirements for a Drainage Impact Study to initiate review by the Town of Sorrento as part of the permitting process.

**Dwelling:** Any building or portion of a building, which is designated or used for residential purposes.

**Earthwork:** The excavation and/or embankment of soil

**Easement:** A property owner’s authorization for another person to use the property.

**Equivalent Hydraulic Conveyance:** Flow capacity between two locations that mitigates for the loss of flow capacity at another location.

**Existing Condition:** The pre-developed condition of the site with respect to hydrology and hydraulics. Credit will not be given for impervious surface area constructed in the previous 5-year period for a site being redeveloped.

**Exterior storage:** Outdoor storage of raw materials, equipment, products, or fuel.

**Flood or flooding:** is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood insurance rate map (FIRM):** is an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood insurance study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles and water surface elevation of the base flood, as well as the flood boundary-floodway map.

**Flood proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood protection system:** Those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standard.

**Flood Zone:** A geographical area where flooding reaches a certain height as shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects a severity or type of flooding in an area

**Floodplain:** The area located in the 100-year flood plain as determined by FEMA Floodzone maps as managed by the Planning and Development Department for the Parish of Ascension.

**Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

**Floodplain management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain management regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodway (or protected floodway):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor area:** The sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of the building includes the basement floor area. The floor area includes the attic only if it is habitable floor area.

**Footprint:** The area enclosed within the external walls or periphery of a structure. For elevated structures trailers, and mobile homes the footprint shall mean the vertical projection of the external walls to the ground surface.

**Guyed tower:** A telecommunication tower that is supported, in whole or in part by guy wires and ground.

**Habitable floor:** Any floor usable for the following purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

**Hearing officer:** shall mean the Chairman of the Sorrento Town Council or a designee of the Chairman.

**Heavy Industrial:** Intended to accommodate high-impact manufacturing, compounding, processing, packaging, treatment and other industrial uses, including extractive and waste-related uses, that by their nature create a nuisance, and which are not properly associated with or are compatible with nearby residential or commercial neighborhoods.

**Height:** For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**Height of structure:** The vertical distance measured from the lowest ground elevation to the highest point of the structure.

**Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Site:** A Historic Site is defined as a district, structure, building or site, which is listed on the National Register of Historic Places and not classified as destroyed.

**Home occupation:** A business profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or an accessory building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of the building.

**Hydraulically Connected:**The ability for water to flow between two points

**Impervious Surface:** Any surface where the infiltration of storm water into the earth has been reduced by the works of man.

**Industrial Facility:** Any development within a Heavy Industry zoned (HI) piece of property that is classified as a Heavy Industrial Use.

**Junk yard:** Any land or structure used for a salvaging operation, including but not limited to the storage and sale of wastepaper, rags, scrap metal, and discarded materials and the collection, dismantling, storage, and salvage of two or more unlicensed, inoperative vehicles.

**Levee:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**Levee system:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Light Industrial:** Intended to accommodate light manufacturing, research and development, warehousing, wholesale and processing uses. Light industrial is intended to encourage originality and flexibility in design to ensure that the development is properly related to its site and buffered to surrounding land uses. Development should be operated in a relatively clean and quiet manner in accordance with applicable noise ordinance regulations (Chapter 30, Article VI - Noise of the Town of Sorrento Code of Ordinances) and should not be obnoxious to nearby residential or commercial uses. Uses shall create little or no environmental or safety problems.

**Lot:** A parcel of land undivided by any street of (or) private road and occupied by, or designated to be developed for, one building or principal use and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this ordinance for such building, use, or development.

**Lot area:** The area contained with (within) the boundary lines of a lot.

**Lot frontage:** Lot width measured at the street lot line. When a lot has more than one street of lot line, lot width shall be measured, and the minimum lot width required by this ordinance shall be provided, at each such line.

**Lot line:** A line bounding a lot, which divides one lot from another or from a street or any public or private space.

**Lot line, rear:** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots, which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

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

**Lot line, street:** In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double-frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard.

**Lot of record:** Any validly recorded lot, which at the time of its recordation, complied with all applicable laws, ordinances, and regulations.

**Lot width:** The mean horizontal distance between the side lot lines measured at right angles to those side lot lines at the building line. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

**Lowest floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of **Section 60.3 of the National Flood Insurance Program regulations**.

**Lowest Gutter Elevation:** The lowest elevation of the road at the gutter.

**Manufactured home:** A single-family residential dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. In addition, a manufactured home must meet the Parish of Ascension Building Regulations, **Chapter 6 of the Parish of Ascension Code of Ordinances**. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one-hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

**Manufactured Home Construction and Safety Standards:** The standards for the construction, design, and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development, commonly referred to as the HUD Code.

**Manufactured home subdivision:** A subdivision which is primarily used by manufactured homes or which is designated as such.

**Minimum floor elevation:** The lowest elevation permissible for the construction, erection, or other placement or any floor, including a basement floor.

**Mobile home:** A structure manufactured which was not required to be constructed in accordance with Manufactured Home Construction and Safety Standards, which is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The following shall not be included in this definition:

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

**Monopole tower:** A telecommunication tower consisting of a single pole or spire self supported by a permanent foundation constructed without guy wires and ground anchors.

**Nonconforming Use:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this section or an amendment thereto.

**Normal Pool Water Level:** The average level of water under normal, pre-storm conditions.

**On site:** Located on the lot in question, except in the context of on site detention, when the term means within the boundaries of the development site as a whole.

**Owner:** The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**Parcel:** The area within the boundary lines of a development.

**Peak Flow:** The maximum volumetric rate of flow of water at any given point in a channel or conduit resulting from a predetermined storm.

**Peak Water Surface Elevation:** The highest design water surface elevation for the design storm in a detention pond or storm drainage system.

**Person:** An individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, and assignee, or a similar representative of any of them.

**Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

**Restrictive, more (less):** A regulation imposed by this ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

**Self- support/lattice tower:** A telecommunication tower that is constructed without guy wires and ground anchors.

**Single Family Dwelling:** A residence inhabited by a person or two (2) or more persons who are related by blood, marriage or legal adoption, living together and occupying a single housekeeping unit with culinary facilities; or a residence not more than (4) persons (provided an owner lives on the premises) living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost sharing basis.

**Stealth Building-Mounted Antenna:** Antennas which are mounted on an existing structure with or without a mast and, which are painted to match the color of the exterior material of the structure and placed so as not to obscure any significant architectural feature of the structure.

**Stealth facility:** Any telecommunication facility designed to blend into the surrounding environment.

**Storm Frequency:** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.

**Structure:** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

**Subdivision:** Any subdivision or re-Section of a subdivision, tract, parcel, or lot of land into two or more parts by means of mapping, platting, conveyance, change of rearrangement of boundaries. All subdivisions are also developments.

**Telecommunications towers:** A guyed, monopole or self support/lattice tower, constructed as a free-standing or guyed structure, containing one or more antennas used in the provision of commercial wireless services.

**Tree:** Any object of natural growth.

**Use:** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, accessory:** An accessory use in one which (1) is subordinate to and serves a principal structure or principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principal structure or use.

**Use, principal:** The specific primary purpose for which land is used.

**Use, temporary:** A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

**Variance:** Permission to depart from the literal requirements of this ordinance.

**Vehicle Use Corridor:** An area of land designated for vehicular use not specific to the property on which it is located. A vehicle use corridor may be a public or private servitude or right of way.

**Watershed:** The total land area above a given point on a waterway that contributes runoff water to the flow at that point.

**Yard, front:** A yard extending the full width of the front of a lot between the Vehicle Use Corridor and the front building line.

**Yard, rear:** A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

**Yard, side:** A yard extending the full length of the lot in the area between a side lot line and a side building line.

(DC19-06, 9/03/19)

