

# Chapter 8

## ZONING DISTRICTS

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### **Section 8.1                    Districts Are Established**

The City-Parish is divided into the following types of zoning districts:

A	Districts - Residential
H	Districts - Historic
B	Districts - Transition
N	Districts - Neighborhood
GO	Districts - General Office
C	Districts - Commercial
LC	Districts - Light Commercial
HC	Districts - Heavy Commercial
CW	Districts - Commercial Warehousing
M	Districts - Industrial
R	Districts - Rural
RE/A	Districts - Residential Estate/Agriculture
GU	Districts - Government Use
X	Districts - Adult Businesses
PUD	Districts - Planned Unit Development
SPUD	Districts - Small Planned Unit Development
ISPUD	Districts - Infill/Mixed Use Small Planned Unit Development
TND	Districts - Traditional Neighborhood Development
UDD	Districts - Urban Design

### **Section 8.101**

A.        These zoning districts are further divided into the following specific zoning districts:

A1	Single Family Residential	C2	Heavy Commercial
A2	Single Family Residential	HC1	Heavy Commercial
A2.1	Zero Lot Line Residential	HC2	Heavy Commercial
A2.5	Town House	C-AB-2	Commercial Alcoholic Beverage (Bars & lounges)
A2.6	Zero Lot Line Residential	C5	Business
A2.7	Single Family Residential	CG	Commercial Gaming
A3.1	Limited Residential	CW	Commercial Warehousing
A3.2	Limited Residential	CW1	Commercial Warehousing One
A3.3	Limited Residential	CW2	Commercial Warehousing Two
A4	General Residential	CW3	Commercial Warehousing Three
A5	High Rise Apartment	M1	Light Industrial
A2.9	Two Family Residential District	M2	Heavy Industrial
H	Historic	R	Rural
B	Off Street Parking	RE/A	Residential Estate/Agriculture
B1	Transition	RE/A1	Residential Estate/Agriculture One
NO	Neighborhood Office	RE/A2	Residential Estate/Agriculture Two
GOL	General Office Low Rise	RE/A3	Residential Estate/Agriculture Three
GOH	General Office High Rise	GU	Government Use
NC	Neighborhood Commercial	X	Adult Business
NC-AB	Neighborhood Commercial Alcoholic Beverage (Restaurant)	PUD	Planned Unit Development
		SPUD	Small Planned Unit Development
		ISPUD	Infill/Mixed Use Small Planned Unit Development
C1	Light Commercial	TND	Traditional Neighborhood Development
LC1	Light Commercial	UDD1	Urban Design One
LC2	Light Commercial	UDD2	Urban Design Two
LC3	Light Commercial	UDD3	Urban Design Three
C-AB-1	Commercial Alcoholic Beverage (Restaurant)	UDD4	Urban Design Four
		Airport	Airport District

- B. In addition to the specific zoning districts listed above, a Natural Resource Overlay District is hereby established and shall overlay all other zoning districts where they are duly approved and adopted so that any parcel of land lying in a Natural Resource Overlay District shall also lie in one or more of the other zoning districts provided for by Section 8.101. These zoning district boundaries shall be shown on official maps as provided for in Section 8.102.

### **Section 8.102**

The boundaries of the zoning districts are as shown on the Official Zoning District Map, properly certified and attested, attached to, (on file in the Office of the Council Administrator/Treasurer) and made a part of the Unified Development Code, with said boundaries more particularly defined on the Lot and Block maps on file in the Office of the Planning Commission and the Inspection Division of the Department of Public Works.

### **Section 8.103**

Whenever the Metropolitan Council revokes the dedication of a street or alley, adjacent zoning districts shall extend to the centerline of the revocation.

**Section 8.104**

Where Parish property is incorporated into the City, its zoning classification will not be changed by that incorporation.

**Section 8.105**

Every building shall be on a lot. In the Rural, A1, A2, A2.1, A2.5, A2.6 and A2.7 Districts there shall not be more than one main building on one lot.

**Section 8.106 Conditional Uses**

Conditional uses are those uses which are generally compatible with the uses permitted in a zoning district, but require individual review of their location, design, and intensity in order to ensure their appropriateness on any particular parcel of land and the compatibility of the use with adjacent uses. Conditional uses may be granted for those conditional uses enumerated in each of the zoning districts established in this ordinance with the standards and procedures of this section and the standards established for each conditional use in the district regulations.

- A. Standards applicable to all conditional uses. A conditional use permit shall be granted only if the Planning Commission deems the requested use to be in the public interest and that the applicant demonstrates that all specific conditions for each use are met and:
  - 1. The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties;
  - 2. The proposed use will not unduly burden essential public infrastructure and services including roadways, existing parking spaces, police and fire protection facilities, drainage systems, refuse disposal, water and sewers, and schools; and
  - 3. The proposed use will not allow land or building usage that is incompatible with existing character or usage of the neighborhood.
  
- B. Issuance of a Conditional Use Permit
  - 1. Conditional uses shall be reviewed and approved or denied by the Planning Commission in accordance with the provisions of this subsection.
  - 2. A written application for a conditional use permit shall be submitted to the Office of the Planning Commission with the fee established by the Planning Commission.
  - 3. A conditional use permit application shall include a detailed site plan including all items indicated on the site plan checklist and shall follow the public notification procedures for a rezoning application.
  - 4. The Planning Commission shall conduct a public hearing on all conditional use permits.
  - 5. Notwithstanding any other provision of this ordinance, at the Metropolitan Council meeting following the decision of the Planning Commission any member of the Metropolitan Council may introduce an appeal of the decision of the Planning Commission, failure to appeal will make the Planning Commission decision final. If the Metropolitan Council introduces the appeal of the conditional

use, the item shall be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the conditional use will make the Planning Commission decision final.

6. No conditional use permit for construction or license for occupation shall be issued by the City-Parish until all appeals periods have expired.
  7. Filing and distribution of Conditional Use Permit Site Plan. The subdivider shall have the total number of copies of the Conditional Use Permit Site Plan as required by Appendix L to be disbursed as required by the Planning Commission staff within two (2) days of approval.
- C. Adjustments. During the construction of a conditional use, adjustments to the approved use may be allowed as follows:
1. The Office of the Planning Commission may authorize adjustments to an approved conditional use when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual construction. Such adjustments shall be consistent with the intent of this ordinance and the approved conditional use and shall be the minimum necessary to overcome the particular difficulty. Such adjustments shall be limited to the following:
    - a. Altering the location of any structure by not more than ten (10) feet;
    - b. Altering the location of a parking area or road by not more than five (5) feet;
    - c. Altering the final grade by not more than two (2) feet of the originally planned grade;
    - d. Altering the location of required landscaping elements by not more than twenty (20) feet.
  2. Any adjustments to an approved conditional use that are not technical in nature but are considered a substantial change shall be granted only upon application to, and approval of the Planning Commission. The Office of the Planning Commission may approve an adjustment upon finding that the proposed change is in conformity with the original approval. If the Office of the Planning Commission determines that the adjustment is not in conformity with the original approval, then the request shall be considered an amendment to the original application and the applicant shall resubmit the amended application and fees to the same review as the original application.
- D. A conditional use permit may be amended, extended, varied, or altered only pursuant to the standards and procedures for approval in Sections 8.106.B or C.
- E. In addition to any other penalties and remedies for violation of this ordinance, any conditional use approval may be revoked for violation of any condition imposed upon such approval. Upon receipt of a report by the Building Official identifying a violation of a conditional use, the Planning Commission shall hold a public hearing to revoke the conditional use permit. The applicant shall be given a reasonable time limit to eliminate all violations. This time period, of at least twenty-five (25) days, is to be set by the Planning

Commission at the hearing. A report by the Building Official verifying the violation(s) have been remedied shall be submitted to the Office of the Planning Commission at least five (5) days prior to the expiration of the time limit. Failure to remedy the violation within the time limit given will result in the revocation of the conditional use permit. Any party may appeal a decision by the Planning Commission to revoke a conditional use permit to the Metropolitan Council under the procedures in Section 8.106.B.5. Upon exhaustion of all appeals of a conditional use revocation, the Planning Commission shall record the official action of the Planning Commission revoking the conditional use permit, in the public record with the Clerk of Court for East Baton Rouge Parish.

- F. Within one (1) year of conditional use approval, construction shall commence in accordance with the approved conditional use permit. Within eighteen (18) months of conditional use approval, the applicant shall obtain a Certificate of Occupancy. If the applicant incurs delays beyond his control, a six month extension may be granted by the Planning Commission. Failure to commence construction within that period shall automatically render the conditional use permit null and void. Failure to obtain an Occupancy Permit within two (2) years of conditional use approval shall automatically render the conditional use permit null and void. A permit for a conditional use authorizes only the particular use for which it was issued as shown on the approved site plan and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of one (1) year. If a building, the use of which is conditional, is damaged or destroyed to an extent of more than sixty (60) percent of its fair market value, by fire, explosion, act of God, or the public enemy, then any restoration shall follow the time limits for construction of a conditional use.
- G. Any citizen may petition for a Conditional Use Permit, provided that it has been one (1) year or longer since the first denial of a petition to obtain a Conditional use permit on a particular piece of property, and two (2) years or longer since the second and subsequent denials of a petition to obtain a Conditional Use Permit on a particular piece of property, subject to advertising and posting as required herein.

### **Section 8.107 Character Areas**

Character Areas reflect the Vision of the Comprehensive Plan to create distinctive neighborhoods that retain the best and most cherished aspects of communities while allowing them to evolve to meet the challenges of future growth. Within these character areas some regulations may vary to ensure that the Vision can be achieved. These character areas shall be defined on the official zoning atlas of the parish and shall function similar to an overlay district, establishing guidelines within which varying development patterns and intensities may be utilized.

**A. Establishment.** The character areas shall include the following:

- 1. Downtown** – That area includes the Central Business District and the areas immediately adjacent to it within which higher intensities of use are allowed. Regulations governing development in this area shall provide for an integrated mix of high density residential and high intensity commercial uses while encouraging the enhancement of the street-level, pedestrian environment. Auto-oriented and low intensity uses shall be discouraged.
- 2. Urban/Walkable** – This area is comprised of neighborhoods within which development was concentrated prior to the 1960s. It includes some of Baton Rouge’s oldest neighborhoods that are characterized by a network of well-connected streets. In addition, it includes areas with the potential for creation of a walkable network of

small blocks. Lots in these areas are generally small, and different uses can be found in proximity to one another.

- 3. Suburban** - This is the urbanized area of City-Parish that lies outside the Downtown and Urban/Walkable Areas. It is characterized by auto-oriented shopping centers and residential subdivisions with larger lots where the majority of Baton Rouge's population growth has been concentrated since the 1960s. Different land uses typically demonstrate greater separation from one another than is found in the Downtown or Urban/Walkable Character Areas.
- 4. Rural** - These areas lie outside the Suburban Character Area. They feature low population densities and are served by limited infrastructure, including two-lane rural roads and individual sewage treatment systems. Different land uses have the greatest degree of separation and the zoning is predominantly residential, although some commercial uses continue to operate within the area. Larger tracts are generally wooded and undisturbed.

## **Section 8.2 Conditional Uses and special requirements within zoning districts**

### **Section 8.201 A1 Single Family Residential District**

The purpose of A1 is to permit low density residential development with a maximum density of 4.1 units per acre. Accessory uses normally compatible with surrounding low density residential development may be permitted.

#### **Conditional Uses**

**Bed and breakfast home** - Limited to four (4) guestrooms within National Register Historic Districts or Sites or homes listed on the National Register of Historic Places or within homes a minimum of fifty (50) years old. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. No signage is allowed. Must be owner occupied. Shall be located on a lot or tract with a minimum size of one (1) acre. Guests are limited to a maximum stay of seven (7) consecutive days. Homes that qualify based upon the fifty (50) year old requirement shall not be located within a recognized residential subdivision unless the lot has frontage on a designated major street.

**Cemeteries and mausoleums** - Must be located on a major street. All graves and buildings shall be setback at least fifty feet from all property lines. Shall not be located within a recognized residential subdivision.

**Childcare centers** - Enrollment is limited to ten children. Hours of operation are between 6:30 a.m. and 6:30 p.m. A six (6) foot solid wooden fence is required between adjacent residences and outdoor play areas. No signage is allowed. Must be owner occupied. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. Shall not be located within a recognized residential subdivision.

**Educational, religious, and philanthropic institutions** - Plan Review is required for all such uses. Site Plan criteria shall be submitted as required in Section 4.101 Plan Review of the Unified Development Code.

### **Section 8.202 A2 Single Family Residential District**

The purpose of A2 is to permit low density residential development with a maximum density of 5.8 units per acre. Accessory uses normally compatible with surrounding low density residential development may be permitted

### **Conditional Uses**

All conditional uses in the A1 District

**Garage apartments** – Limited to one (1) dwelling unit. The building shall be set back ten (10) feet from all side and rear lot lines. The lot shall contain a minimum of ten thousand (10,000) square feet. Maximum size of the unit is five hundred (500) square feet.

### **Section 8.202.1 A2.1 Zero Lot Line Residential District**

The purpose of A2.1 is to permit only “zero lot line” single family dwellings at a density of 7.9 units per acre.

There shall be a six (6) foot high wall or solid fence along the sides and rear of the A2.1 zoning site wherever it adjoins A1 or A2 Single Family Districts or a recognized Residential Subdivision.

### **Conditional Uses**

None

### **Section 8.202.2 A2.5 Town House District**

The A2.5 Town House District permits the development of attached town homes compatible with the surrounding residential development. The maximum density is 11.5 units per acre. Churches, schools, public buildings, recreational facilities, and other accessory uses normally compatible with surrounding residential development may be permitted.

Location: In A2.5 Districts, Town House projects shall front at least one hundred twenty (120) feet on a public street and be generally compatible with existing development in the neighborhood.

Procedure: Before the Planning Commission considers an application for an A2.5 Town House District, the proponent shall submit a preliminary subdivision layout to the Planning Commission Office as the first step in the procedure required by the Unified Development Code, see Section 5.2.D., and also meeting the following design criteria. If rezoning is granted, the preliminary layout will then be brought before the Planning Commission for public hearing as set forth in the Unified Development Code.

### **Site Plan, Lot Size and Area, Parking and Open Space Provisions:**

- A. Site Plan and Design Criteria, General. It is the intent of this section that town houses in areas where they are or may be permitted:
  - 1. May be appropriately intermingled with other types of housing except that they shall not be located on lots of less than one hundred twenty (120) feet of frontage.
  - 2. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.
  
- B. Site Plan and Design Criteria, Details. In line with the general considerations above:

1. Not more than six contiguous town houses shall be built in a row with the same, or approximately the same, front building line, and not more than twelve (12) town houses shall be contiguous.
  2. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty (20) feet.
  3. Minimum lot area shall be two thousand (2,000) square feet.
- C. Courts, Open Space, and Recreation Areas: There shall be a site area of at least three thousand eight hundred (3,800) square feet per dwelling unit including lots, common open space, yards and buffer area adequately landscaped; walkways, and access drives, and including at least two hundred (200) square feet per dwelling unit of recreation space.
- D. Utilities and Landscaping: As provided by the Unified Development Code, design and construction of drives, drainage, and location of utilities shall be subject to review and approval by the Department of Public Works, after approval of the preliminary plan by the Planning Commission Office.

**Conditional Uses**

None

**Section 8.202.3      A2.6 Zero Lot Line Residential District**

The purpose of the A2.6 District is to allow only “zero lot line” single family dwellings at a maximum density of 11.5 units per acre.

There shall be a six (6) foot high wall or solid fence along the sides and rear of the A2.6 zoning site wherever it adjoins A1 or A2 Single Family Districts or a recognized Residential Subdivision.

**Conditional Uses**

None

**Section 8.202.4      A2.7 Single Family Residential District**

The purpose of A2.7 is to permit single family detached dwellings with a maximum density of 7.3 units per acre. Accessory uses normally compatible with surrounding low density residential development may be permitted.

**Conditional Uses**

All conditional uses in the A1 District

**Sec. 8.202.5                    A2.9 Two Family Residential District**

The purpose of the Two-Family Residential District is to provide for the location and grouping of low density two-family residences.

**Permitted Uses**

All uses permitted in the A1, A2, and A2.7 Zoning Districts

Single family detached dwellings

Two family attached dwellings

Childcare centers

Educational, religious, and philanthropic institutions

Accessory uses normally compatible with surrounding low density residential development

**Conditional Uses**

All conditional uses in the A1 Single Family Residential District

Requirements	Standards: Type of Development: One-Family	Standards: Type of Development: Two-Family	Standards: Type of Development: Nonresidential
Maximum height & stories	35' - 2 ½'	35' - 2 ½'	35' - 2 1/2'
Minimum front yard	15'	20'	20'
Minimum side yard	10% up to 10'	10% up to 10'	10% up to 10'
Minimum rear yard	25'	25'	25'
Minimum lot width	50'	60'	75'
Minimum lot area per dwelling unit or nonresidential site area	6,000 sq. ft.	7,500 sq. ft.	10,500 sq. ft.
Maximum gross units per acre	7.9	N/A	N/A
Maximum gross units per lot	One unit per lot	One duplex unit per lot	N/A

**Section 8.203                    General Guidelines for Multiple-Family Apartments**

**Lots of Record:** Where multi-family dwellings are constructed on a group of contiguous lots, the combined lots shall be considered as one (1) site under one (1) ownership.

**Section 8.203.1      A3.1 Limited Residential District**

The purposes of A3.1 Districts are to permit multi family residential development and institutional uses of a residential character with a maximum density of eleven and five tenths (11.5) units per acre.

**Conditional Uses**

**Country clubs with alcohol** – Must be approved for alcohol license by Alcohol and Beverage Control Board. Structures where alcohol is served must be a minimum of five hundred (500) feet from the property line of any existing single-family residence, school, park, church, or library.

**Cemeteries and mausoleums** – Must be located on a major street. All graves and buildings shall be setback at least fifty (50) feet from all property lines. Shall not be located within a recognized residential subdivision.

**Fraternal lodges with alcohol** – Must be approved for alcohol license by Alcohol and Beverage Control Board. Structures where alcohol is served must be a minimum of five hundred (500) feet from the property line of any existing single family residence, school, park, church, or library. Shall not be located within a recognized residential subdivision.

**Section 8.203.2      A3.2 Limited Residential District**

The purpose of A3.2 Districts are to permit multi family residential development and institutional uses of a residential character with a maximum density of seventeen and four tenths (17.4) units per acre.

**Conditional Uses**

All conditional uses in the A3.1 District

**Section 8.203.3      A3.3 Limited Residential District**

The purpose of A3.3 Districts are to permit multi family residential development with a maximum density of twenty-nine (29) units per acre.

**Conditional Uses**

All conditional uses in the A3.1 District

**Section 8.204      A4 General Residential District**

The purpose of A4 Districts are to permit compact multi family developments with a maximum density of forty-three and six tenths (43.6) units per acre. A4 Districts must be located within an urban setting and on four 4 lane major streets (Rezoning of properties to A4 will not be permitted after July 21, 1999).

**Conditional Uses**

All conditional uses in the A3.1 District

**Section 8.205            A5 Hi-Rise Apartment District**

The purpose of A5 Districts are to permit high-density residential developments with a maximum density of eighty-seven and one tenth (87.1) units per acre. Such developments must be located within designated Regional Growth Centers.

**Conditional Uses**

All conditional uses in the A3.1 District

**Section 8.206            H Historic District**

Any use permitted in the Apartment Districts, plus those related and compatible uses such as art galleries, offices, specialty shops, and the like.

Each such use, and each building permit application for extensive physical change, would be subject to public hearing by the Planning Commission and ratification by the Metropolitan Council.

Historic Districts are exempt from off-street parking requirements.

**Conditional Uses**

None

**Section 8.207            B Off-Street Parking District**

The purpose of the B District is to permit off-street parking. Rezoning of properties to B will not be permitted after July 21, 1999.

Off-Street parking, subject to all of the requirements for parking lots under Section 8.205 and provided further that:

- A.     Where there are adjacent residences or adjacent residential zoning, a five (5) foot side yard shall be provided, with no parking or paving permitted to extend into that side yard.
- B.     This district must adjoin an A3, A4, A5, B, N, GO, C, LC, HC, CW or M District on at least one side and shall have a minimum frontage of fifty (50) feet.

**Conditional Uses**

None

**Section 8.208            B1 Transition District**

The purpose of this district is to permit office uses on parcels that are located between commercial and residential uses. Rezoning of properties to B1 will not be permitted after July 21, 1999. Properties zoned B1 prior to December 14, 1982 and existing structures (built prior to December 14, 1982) on properties zoned B1 after December 14, 1982 may also be used for any of the uses listed in the A1-A5 Districts.

Apartment Hotels under resident supervision and maintaining an inner lobby through which all tenants shall pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barbershop, cosmetologist shop, cigar stand, or news stand; provided that all such uses shall be located entirely within a building with no entrance

from the street or visible from any sidewalk and no sign or display shall be visible from the outside of the building indicating the existence of such use, provided that no business or use shall be allowed which involves the sale or serving of alcoholic beverages for consumption on the premises.

Parking lots, provided that the parking area shall be used for passenger vehicles only and in no case for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials, or supplies; no signs or advertising of any character except traffic directional signs painted on pavement shall be allowed; the parking area and connecting driveways shall be surfaced with concrete, asphaltic concrete asphalt, or any other type of permanent, dust free paving and the parking area and connecting driveways shall be maintained in good condition and free of all weeds, dust, trash, and other debris; if lighting facilities are provided, they shall be so arranged as to reflect or direct light away from the adjacent residential district; required front yards shall be landscaped and maintained in good condition.

**Conditional Uses**

None

**Section 8.208.1 NO Neighborhood Office District**

The purpose of this district is to permit a limited range of office uses designed at a neighborhood scale in close proximity to residential areas to meet the needs of the residents of the surrounding area.

**Conditional Uses**

**Animal hospitals** – All animals must be kept inside a building.

**Branch banks** – No drive through facilities.

**Child care centers**

**Office buildings** – Buildings greater than 2,500 gross square feet and no more than 5,000 gross square feet of floor area

**Section 8.208.2 GOL General Office Low Rise District**

The purpose of this district is to permit a range of office uses, including employment and community service activities, of moderate intensity on sites that offer convenient access to the public from the parish road network. Some residential and/or commercial uses may be permitted, provided that at least 50 percent of the building area is utilized for office purposes.

**Conditional Uses**

**Child care centers**

**Fraternal lodges and clubs with alcohol** – Must be approved for alcohol license by Alcohol and Beverage Control Board. Structures where alcohol is served must be a minimum of five hundred (500) feet from any existing single family residence, school, park, church, or library.

**Health clubs**

**Reception and banquet facilities with alcohol** - Must be approved for alcohol license by Alcohol and Beverage Control Board. Structures where alcohol is served must be a

minimum of five hundred (500) feet from any existing single family residence, school, park, church or library.

**Section 8.208.3 GOH General Office High Rise District**

The purpose of this district is to permit large buildings with convenient access to the arterial road network of the parish that are primarily devoted to offices uses while permitting some residential and/or commercial uses provided that at least 50 percent of the building area is utilized for office purposes.

**Conditional Uses**

**Child care centers**

**Fraternal lodges and clubs with alcohol** – Must be approved for alcohol license by Alcohol and Beverage Control Board. Structures where alcohol is served must be a minimum of five hundred (500) feet from any existing single family residence, school, park, church or library.

**Health clubs**

**Reception and banquet facilities with alcohol** – Must be approved for alcohol license by Alcohol and Beverage Control Board. Structures where alcohol is served must be a minimum of five hundred (500) feet from any existing single family residence, school, park, church or library.

**Restaurants without alcohol**

**Schools**

**Section 8.208.4 NC Neighborhood Commercial District**

The purpose of this district is to permit commercial activity, primarily retail shopping and personal services. Buildings are limited to two thousand five hundred (2,500) gross square feet of floor area per lot. All commercial activities must be contained within the building — no outside work or storage areas permitted. Limit the number of gas pumps to two when provided as an accessory use in retail activity.

**Conditional Uses**

**Animal hospitals** - All animals must be kept inside buildings.

**Buildings** – Limited to a maximum of five thousand (5,000) gross square feet of floor area.

**Garage apartments** – Limited to one family, provided however, that the building be set back ten (10) feet from all side and rear lot lines, and the lot contain at least ten thousand (10,000) square feet.

**Repair and service shops** – Limited to small equipment, household items, clothing and furnishings, but not motor vehicle repair or service. All work must be done inside enclosed buildings and all storage of materials must be inside enclosed buildings.

**Section 8.208.5 NC-AB Neighborhood Commercial Alcoholic Beverage District**

This district permits businesses involved in the serving of alcoholic beverages for consumption on the premises, where alcohol sales are not the primary source of revenue. Buildings are limited to two thousand five hundred (2,500) gross square feet of floor area per lot.

**Conditional Uses**

**Buildings** – Limited to a maximum of five thousand (5,000) gross square feet of floor area.

**Section 8.209 C1 Light Commercial District**

The purpose of this district is to permit retail commercial uses serving the surrounding community. Rezoning of properties to C1 will not be permitted after July 21, 1999.

Cellular transmitting and receiving facilities as described in Chapter 2 of the Unified Development Code with a maximum height of one hundred and twenty (120) feet.

**Conditional uses**

None

**Section 8.209a. LC1 Light Commercial One District**

The purpose of this district is to permit a variety of commercial activities and multi family (medium density) residential uses that serve surrounding local areas. Buildings within this district are limited to fifteen thousand (15,000) gross square feet of floor area per lot and a height of four stories.

**Conditional Uses**

**Car wash** – The structure must be located a minimum of five hundred (500) feet from the property line of any residential use. All lighting must be directed away from adjacent uses.

**Country clubs with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Dinner theatres with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Fraternal lodges with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Glass installation** – The structure must be located a minimum of three hundred (300) feet from the property line of any residential use.

**Mini storage facilities** – All structures must be located a minimum of three hundred (300) feet from the property line of any residential use.

**Pilot juvenile diagnostic development centers** – All structures must be located a minimum of five hundred (500) feet from the property line of any residential use.

**Reception halls with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Used car sales** – No service or repair of vehicles is allowed. All cars must be located a minimum of three hundred (300) feet from the property line of any residential use.

**Section 8.209b. LC2 Light Commercial Two District**

The purpose of this district is to permit a variety of commercial activities and multi family (medium-high density) residential uses that serve surrounding local areas. Businesses within this district are limited to seventy-five thousand (75,000) gross square feet of floor area per lot and a height of four (4) stories.

**Conditional Uses**

**Building materials sales** – All materials must be located a minimum of three hundred (300) feet from the property line of any existing residential use. All storage of materials must be within a building or opaquely screened from the street and adjacent properties.

**Cabinet shops and millwork shops** – Shops must be located a minimum of five hundred (500) feet from the property line of any existing residential use. All work must be done inside enclosed buildings and all storage of materials must be within a building or opaquely screened from the street and adjacent properties.

**Car wash** – Structure must be located a minimum of five hundred (500) feet from the property line of any existing residential use. All lighting must be directed away from adjacent uses.

**Diner theatres with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Fraternal lodges with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Glass installation** – Structure must be located a minimum of three hundred (300) feet from the property line of any residential use.

**Motor vehicle sales, service, and repair** – All vehicles and structures must be located a minimum of five hundred (500) feet from the property line of any residential use. All work must be done inside enclosed buildings and all storage of materials must be inside enclosed buildings.

**Reception halls with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Trade schools** – All structures must be located a minimum of five hundred (500) feet from the property line of any residential use.

**Section 8.209c. LC3 Light Commercial Three District**

The purpose of this district is to permit a variety of commercial activities and multi family (medium-high density) residential uses that serve surrounding local areas. Businesses within this district are limited to one hundred fifty thousand (150,000) gross square feet of floor area per lot and a height of four (4) stories.

**Conditional Uses**

**Cabinet shops and millwork shops** – Shops must be located a minimum of five hundred (500) feet from the property line of any existing residential use.

**Diner theatres with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Fraternal lodges with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

**Heavy equipment sales and service** – All equipment and structures must be located a minimum of five hundred (500) feet from the property line of any existing residential use. Shall provide a six (6) foot high solid fence around equipment storage areas.

**Reception halls with alcohol** – Must be approved for an alcohol license by the Alcohol and Beverage Control Board.

### **Section 8.209.1 C-AB-1 Commercial Alcoholic Beverage One District**

This district permits businesses involved in the serving of alcoholic beverages for consumption on the premises and whose primary purpose is to prepare meals for on premise consumption for the general public.

#### **Conditional Uses**

None

### **Section 8.210a. C2 Heavy Commercial District**

The purpose of this district is to permit retail commercial uses serving the surrounding region. Rezoning of properties to C2 will not be permitted after July 21, 1999.

Wireless transmitting and receiving facilities as described in Chapter 2 of the Unified Development Code, with a maximum height of two hundred fifty (250) feet are allowed. Any facility, which is required by the Federal Aviation Agency to be lighted, shall use an FAA approved dual lighting system.

Research Park Intent. It is the intent of the use regulations, which follow to limit uses in Research Park Districts to research activities and related operations. It is the further intent of these use regulations to permit production of products, plans or designs when the primary purpose of such production is research development driven.

Permitted uses are as follows:

- A. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any individual, organization, or concern, whether public or private.
- B. Production of prototype products.
- C. Pilot plants in which processes planned for use in production can be tested.
- D. Operations required to maintain or support any use permitted in paragraph a. through c. above, on the same tract as the permitted use, such as maintenance shops, power plants, etc.

Notwithstanding any other provisions of this Chapter to the contrary, any licensed wrecker business and temporary storage of wrecked vehicles in operation in the C2 Heavy Commercial District as of August 27, 1985, may continue to operate as a non-conforming use in said Zoning District in accordance with the further provisions of this Chapter regulating non-conforming uses.

**Conditional Uses**

None

**Section 8.210a.1 HC1 Heavy Commercial One District**

The purpose of this district is to permit a variety of commercial and service activities along with multiple family (high density) residential uses and include indoor firing ranges as a permitted use and firing range structures must be located a minimum of three hundred (300) feet from the property line of any residential use or any residential zoning district. Buildings within this district are limited to two hundred fifty thousand (250,000) gross square feet of floor area per lot. Buildings will be limited to six (6) stories in height except within regional growth centers.

**Conditional Uses**

None

**Section 8.210a.2 HC2 Heavy Commercial Two District**

The purpose of this district is to permit a variety of commercial and service activities along with multiple family (high density) residential uses. Buildings will be limited to six (6) stories in height except within regional growth centers.

**Conditional Uses**

None

**Section 8.210.1 C-AB-2 Commercial Alcoholic Beverage Two District**

This district permits bars and lounges as well as businesses involved in the sale or serving of alcoholic beverages for consumption on the premises.

**Conditional Uses**

None

**Section 8.210b. C5 Business District**

This district allows office and commercial uses within the Downtown Development District without setback and parking requirements. There may be any uses in the preceding sections including restaurants, which involve the sale or serving of alcoholic beverages for consumption on premises.

**Conditional Uses**

Surface Parking

**Section 8.210.2 CG Commercial Gaming, Legalized Gambling, and Games of Chance District**

Any uses listed in the preceding zoning districts, as well as businesses involving gaming or legalized gambling, as from time to time hereafter defined by the State Legislature and/or the Metropolitan Council. No activity shall be conducted on such premises as shall violate state statutes or local ordinances prohibiting illegal gambling. All other provisions the Unified Development Code concerning lot sizes, required yard spaces, and parking shall be as set forth in requirements for C2 zones. This zone shall not be required for charitable gaming establishments licensed and operating pursuant to Chapter 10 of Title 9 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge, or for establishments whose only activity related to gaming is the sale of Louisiana State Lottery tickets.

**Conditional Uses**

None

**Section 8.210c. CW Commercial Warehousing District**

The purpose of this district is to permit businesses that are involved in the distribution and storage of goods. Storage areas are limited to one hundred thousand (100,000) gross square feet of area per lot. Commercial Warehousing districts must be located along four (4) lane major streets or within designated commercial/industrial subdivisions. No residential land uses are permitted in Commercial Warehousing districts. Assembly for the purpose of permissible uses in CW zoning districts means putting together pre-manufactured parts which:

- A. shall be conducted entirely within constructed buildings;
- B. does not use the open area around such buildings for storage of materials or manufactured products, or for any industrial purpose; and
- C. is not noxious or offensive by reason of emission of smoke, dust, gas, fumes, odors, noise, or vibrations beyond the internal confines of the building.

Rezoning of properties to CW will not be permitted after December 11, 2001.

**Conditional Uses**

None

**Section 8.210c.1 CW1 Commercial Warehousing One District**

The purpose of this district is to permit businesses that are involved in the distribution and storage of goods. Storage areas are limited to fifty thousand (50,000) gross square feet of area per lot. Commercial Warehousing districts must be located along four (4) lane major streets or within designated commercial/industrial subdivisions. No residential land uses are permitted in Commercial Warehousing districts. Assembly for the purpose of permissible uses in CW zoning districts means putting together pre-manufactured parts which:

- A. shall be conducted entirely within constructed buildings;
- B. does not use the open area around such buildings for storage of materials or manufactured products, or for any industrial purpose; and
- C. is not noxious or offensive by reason of emission of smoke, dust, gas, fumes, odors, noise, or vibrations beyond the internal confines of the building.

**Conditional Uses**

None

**Section 8.210c.2 CW2 Commercial Warehousing Two District**

The purpose of this district is to permit businesses that are involved in the distribution and storage of goods. Storage areas are limited to between fifty thousand and one (50,001) and one hundred thousand (100,000) gross square feet of area per lot. Commercial Warehousing districts must be located along four (4) lane major streets or within designated commercial/industrial subdivisions. No residential land uses are permitted in Commercial Warehousing districts. Assembly for the purpose of permissible uses in CW zoning districts means putting together pre-manufactured parts which:

- A. shall be conducted entirely within constructed buildings;
- B. does not use the open area around such buildings for storage of materials or manufactured products, or for any industrial purpose; and
- C. is not noxious or offensive by reason of emission of smoke, dust, gas, fumes, odors, noise, or vibrations beyond the internal confines of the building.

**Conditional Uses**

None

**Section 8.210c.3 CW3 Commercial Warehousing Three District**

The purpose of this district is to permit businesses that are involved in the distribution and storage of goods. Storage areas are limited to over one hundred thousand (100,000) gross square feet of area per lot. Commercial Warehousing districts must be located along four (4) lane major streets or within designated commercial/industrial subdivisions. No residential land uses are permitted in Commercial Warehousing districts. Assembly for the purpose of permissible uses in CW zoning districts means putting together pre-manufactured parts which:

- A. shall be conducted entirely within constructed buildings;
- B. does not use the open area around such buildings for storage of materials or manufactured products, or for any industrial purpose; and
- C. is not noxious or offensive by reason of emission of smoke, dust, gas, fumes, odors, noise, or vibrations beyond the internal confines of the building.

**Conditional Uses**

None

**Section 8.211 M1 Light Industrial District**

The purpose of this district is to permit light manufacturing, fabricating, processing, and wholesale distribution activities located near or adjacent to major thoroughfares or railroads.

Permitted uses include indoor firing ranges all uses except residential, adult businesses, commercial gaming, junk and auto salvage yards, and uses which involve the sale or serving of alcoholic beverages for consumption on the premises. All uses shall conform to the following

requirements: uses may not create noise greater than seventy (70) decibels when measured at the property line; uses may not emit smoke at periods of normal operation of a density greater than number one (1) according to Ringlemann's Scale; uses may not emit particles from any flue or smoke stack in excess of two tenths (0.2) grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees F.; uses may not emit odors, gas or flumes beyond the property line; uses may not produce glare that can be seen from a property line; uses shall dust-proof all walks, driveways and parking areas so that no dust from these or any other operations escapes beyond the property line; and all operations must be conducted within a building or within an area enclosed by a solid fence or wall not less than six feet in height, where adjacent to or across the street from residential, office and commercial districts, and all firing range structures must be located a minimum of three hundred (300) feet from the property line of any residential use or any residential zoning district.

Where a lot or tract in an M1 District is next to an A, B, C1 or GU District, a solid fence or solid screen planting at least six (6) feet high shall be provided along all property lines adjoining A, B, C1 or GU Districts.

#### Hi-Tech Manufacturing

Poultry Processing Plants (subject to obtaining a petition of the majority of the property owners within three hundred (300) feet of the proposed site, and one hundred percent (100) on both sides of the street within the block that the proposed site is to be located).

Open storage of building material, lumber, coal, machinery and pipe, provided the material is enclosed within a solid fence at least six (6) feet high within required building lines, when the storage area is adjacent to or across the street from an A, B or C Zoning.

Other industrial uses, provided that such uses: make no greater noise than seventy (70) decibels at the lot line; emit no smoke at periods of normal operation of a density greater than No. one (1) according to Ringlemann's scale; emit no particles from any flue or smokestack in excess of two tenths (0.2) grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees F.; emit no odors, gas, or fumes beyond the lot line; produce no glare that can be seen from a lot line; dust-proof escapes beyond the lot line; and conduct all operations within a building or within an area enclosed by a solid fence or wall not less than six feet in height, where adjacent to or across the street from an A, B, or C Zoning District.

#### **Conditional Uses**

None

#### **Section 8.212 M2 Heavy Industrial District**

The purpose of this district is to permit industrial manufacturing, fabricating, processing and wholesale distribution located near or adjacent to major thoroughfares or railroads. No residential land uses are permitted in Industrial districts. All uses except residential, adult businesses, and commercial gaming are permitted, including indoor firing ranges.

- A. No building or trailer shall be erected for residential use; except that dwelling quarters may be established in connection with any industrial establishment for watchman or caretakers employed upon the premises.
- B. Junk yards, auto salvage or scrap yards, or similar uses shall be surrounded by a solid, painted fence at least six (6) feet high within building lines so that they cannot be seen from the public street.

- C. Trailer Parks or Mobile Home Parks shall be excluded.
- D. All firing ranges structures must be located a minimum of three hundred (300) feet from the property line of any residential use or any residential zoning district.

**Conditional Uses**

None

**Section 8.213 R Rural District**

The purpose of the Rural district is to permit Low-Density Residential development including uses permitted in the A1, A2, and A2.7 Districts. If an area is designated Agriculture/Rural on the Comprehensive Land Use and Development Plan “Comprehensive Land Use Plan” and is zoned Rural, all lots in a development shall be a minimum of one (1) acre or at a maximum density of four and one tenth (4.1) units per acre in an approved cluster development. In addition, churches, schools, public buildings, recreational facilities, and other accessory uses normally compatible with surrounding low-density residential development may be permitted.

- A. Any accessory use for the above as permitted under Section 9.1 of the Unified Development Code;
- B. Commercial or industrial uses as defined in Section 8.209 C1 Light Commercial, 8.210(a) C2 Heavy Commercial, and 8.211 M1 Light Industrial Districts of the Unified Development Code on properties zoned Rural which by February 16, 1994 have been clearly designated by private deed restrictions and approved subdivision plat notations shall also be permitted; and
- C. Existing uses of property as defined in Sections 8.203 – 8.210a, excluding Section 8.209.1 C-AB-1, which have been authorized pursuant to issuance of a current occupational license prior to February 16, 1994 shall also be permitted subject to the following provisions:
  - 1. The following requirements are intended to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impact of noise, odor, or danger from fire or explosion.
    - a. Town house Developments shall provide a twenty-five (25) foot yard and a wall or solid fence at least six (6) feet high along the perimeter of the project wherever it adjoins A1 or A2 Districts or a recognized single family residential subdivision.
    - b. Zero Lot Line Developments shall provide a fifteen (15) foot rear and/or side yard and a wall or solid fence at least six (6) feet high along the sides and/or rear of the project wherever it adjoins A1 or A2 Districts or a recognized single family residential subdivision.
    - c. Multi-Family Developments including duplexes that do not exceed eight units shall provide a fifteen (15) foot side yard, a twenty-five (25) foot rear yard and a wall or solid fence at least six (6) feet high along the sides and/or rear of the project wherever it adjoins A1 or A2 Districts or a recognized single family residential subdivision.

- d. Multi-Family Developments exceeding eight (8) units and uses as defined under B, B1 and C-1 Districts shall provide a twenty-five (25) foot buffer yard, and a wall or solid fence at least six (6) feet high, along the sides and/or rear of the project wherever it adjoins A1 or A2 Districts or a recognized residential subdivision.
- e. Uses as defined under the C2 District shall provide a twenty-five (25) foot buffer yard and a wall or solid fence at least seven (7) feet high wherever it adjoins A1 or A2 Districts or a recognized residential subdivision.

Buffer yards shall be located on the outer perimeter of a lot or parcel extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of a dedicated street right-of-way.

- 2. Regulations for yards where property lines do not adjoin a residential development or A1 or A2 Districts shall be as shown in Part Four: Minimum Yard Regulations.
- 3. Regulations for minimum lot areas and widths shall be as shown in Section 11.6.
- 4. Regulations of Off-Street Parking shall be as shown in Chapter 17.
- 5. Mobile Homes subject to the following conditions:
  - a. Any such mobile home must be located at least one hundred (100) feet from the street and twenty five (25) feet from adjacent property lines unless the owner has the signed notarized consent of the adjacent property owner to place the mobile home closer than twenty five (25) feet, in which case it may be placed a minimum of five (5) feet from the adjacent property line in accordance with the side yard requirement for rural zones set forth in Section 11.3 of this code;
  - b. Any such property must have at least one hundred (100) feet of frontage on a parish maintained road or be located a minimum of two hundred (200) feet from a parish maintained road having a dedicated access thereto by a recorded instrument effective as to the third parties such as a dedicated servitude of passage approved by the Planning Commission or as may be noted on an approved plat, which such methods are considered illustrative and not exclusive; and
  - c. Only one (1) mobile home per lot or tract will be permitted.

**Conditional Uses**

**Above Ground Pipeline facility** – for the transport of product (but not including storage of bulk materials) with land area containing more than one-half acre.

Height of Facility: Six (6) feet or Less

Set Backs: Fifty (50) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Six (6) foot fence adjacent to existing residential use.

Height of Facility: Six (6) to Ten (10) feet

Set Backs: Fifty (50) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence adjacent to existing residential use.

Height of Facility: Over ten (10) feet

Set Backs: Seventy-five (75) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence.

One hundred (100) feet from property line of existing Commercial Use, required Bufferyard A with six (6) foot fence.

Over one hundred (100) feet from property line of existing Commercial Use, required Bufferyard A with no fence.

**Bed and breakfast home** – Limited to four (4) guestrooms within National Register Historic Districts or Sites or homes listed on the National Register of Historic Places or within homes a minimum of fifty (50) years old. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. No signage is allowed. Must be owner occupied unless located on a tract of five (5) acres or more. Shall be located on a lot or tract with a minimum size of one (1) acre. Guests are limited to a maximum stay of seven (7) consecutive days. Homes that qualify based upon the fifty (50) year old requirement shall not be located within a recognized residential subdivision unless the lot has frontage on a designated major street.

**Cemeteries and mausoleums** – Must be located on a major street. All graves and buildings shall be setback at least fifty feet from all property lines. Shall not be located within a recognized residential subdivision.

**Childcare centers** – operation are between 6:30 a.m. and 6:30 p.m. A six (6) foot solid wooden fence is required between adjacent residences and outdoor play areas. No signage is allowed. Must be owner occupied. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. Shall not be located within a recognized residential subdivision.

**Commercial horse stables and equestrian facilities** – Shall not be located within a recognized residential subdivision.

**Educational, religious, and philanthropic institutions** – Plan Review is required for all such uses. Site Plan criteria shall be submitted as required in Section 4.101 Plan Review of the Unified Development Code.

**Respite care center** – Enrollment is limited to eight (8) persons. A six (6) foot solid wooden fence is required between adjacent residences and outdoor play areas. No signage is allowed. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. Shall not be located within a recognized residential subdivision.

**Snowball stands** – Shall be a seasonal business that operates between April 1st and October 31st and is limited exclusively to the sale of snowballs. Shall not be located within a recognized residential subdivision unless located on a designated major street. Limited to a maximum size of two hundred (200) gross square feet. All parking areas

must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. Shall not be located within the required minimum front yard. All signage shall be wall signs with a maximum size of twenty (20) square feet and a maximum of one (1) sign per street frontage.

**Wireless transmitting and receiving facilities** – Shall follow the requirements for Wireless Site Plan approval in Section 14.4.

**Section 8.213(a)(1) RE/A 1 Residential Estate/Agriculture One District**

The purpose of RE/A 1 is to permit low-density residential development, all lots in a development shall be a minimum of one (1) acre with a minimum of one hundred (100) feet of frontage on a public or private roadway.

**Conditional Uses**

**Above Ground Pipeline facility** – for the transport of product (but not including storage of bulk materials) with land area containing more than one-half acre.

Height of Facility: Six (6) feet or Less

Set Backs: Fifty (50) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Six (6) foot fence adjacent to existing residential use.

Height of Facility: Six (6) to Ten (10) feet

Set Backs: Fifty (50) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence adjacent to existing residential use

Height of Facility: Over ten (10) feet

Set Backs: Seventy-five (75) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence.

One hundred (100) feet from property line of existing Commercial Use, required Bufferyard A with six (6) foot fence.

Over one hundred (100) feet from property line of existing Commercial Use, required Bufferyard A with no fence.

**Bed and breakfast home** – Limited to four (4) guestrooms within National Register Historic Districts or Sites or homes listed on the National Register of Historic Places or within homes a minimum of fifty (50) years old. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. No signage is allowed. Must be owner occupied unless located on a tract of five (5) acres or more. Shall be located on a lot or tract with a minimum size of one (1) acre. Guests are limited to a maximum stay of seven (7) consecutive days. Homes that qualify based upon the fifty (50) year old requirement shall not be located within a recognized residential subdivision unless the lot has frontage on a designated major street.

**Cemeteries and mausoleums** – Must be located on a major street. All graves and buildings shall be setback at least fifty (50) feet from all property lines. Shall not be located within a recognized residential subdivision.

**Commercial horse stables and equestrian facilities** – Shall not be located within a recognized residential subdivision.

**Educational, religious, and philanthropic institutions** – Plan Review is required for all such uses. Site Plan criteria shall be submitted as required in Section 4.101 Plan Review of the Unified Development Code.

**Recreational facilities** – Only monument signs allowed. Any facility located adjacent to a recognized residential subdivision must provide a Buffer Yard B as shown on Appendix D-4 of this Code.

**Wireless transmitting and receiving facilities** – Shall follow the requirements for Wireless Site Plan approval in Section 14.4.

### **Section 8.213(a)(2) RE/A 2 Residential Estate/Agriculture Two District**

The purpose of RE/A 2 is to permit low-density residential development, all lots in a development shall be a minimum (2) acres with a minimum of one hundred (100) feet of frontage on a public or private roadway.

#### **Conditional Uses**

**Above Ground Pipeline facility** – for the transport of product (but not including storage of bulk materials) with land area containing more than one-half acre.

Height of Facility: Six (6) feet or Less

Set Backs: Fifty (50) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Six (6) foot fence adjacent to existing residential use

Height of Facility: Six (6) to Ten (10) feet

Set Backs: Fifty (50) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence adjacent to existing residential use

Height of Facility: Over ten (10) feet

Set Backs: Seventy-five (75) feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence.

One hundred (100) feet from property line of exiting Commercial Use, required Bufferyard A with six foot fence.

Over 100 feet from property line of existing Commercial Use, required Bufferyard A with no fence.

**Bed and breakfast home** – Limited to four (4) guestrooms within National Register Historic Districts or Sites or homes listed on the National Register of Historic Places or within homes a minimum of fifty (50) years old. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. No signage is allowed. Must be owner occupied unless located on a tract of five (5) acres or more. Shall be located on a lot or tract with a minimum size of one (1) acre. Guests are limited to a maximum stay of seven (7) consecutive days. Homes that qualify based upon the fifty (50) year old requirement shall not be located within a recognized residential subdivision unless the lot has frontage on a designated major street.

**Cemeteries and mausoleums** – Must be located on a major street. All graves and buildings shall be setback at least fifty (50) feet from all property lines. Shall not be located within a recognized residential subdivision.

**Commercial horse stables and equestrian facilities** – Shall not be located within a recognized residential subdivision.

**Educational, religious, and philanthropic, institutions** – Plan Review is required for all such uses. Site Plan criteria shall be submitted as required in Section 4.101 Plan Review of the Unified Development Code.

**Recreational facilities** – Only monument signs allowed. Any facility located adjacent to a recognized residential subdivision must provide a Buffer Yard B as shown on Appendix D-4 of this Code.

**Wireless transmitting and receiving facilities** – Shall follow the requirements for Wireless Site Plan approval in Section 14.4.

### **Section 8.213(a)(3) RE/A 3 Residential Estate/Agriculture Three District**

The purpose of RE/A 3 is to permit low-density residential development, all lots in a development shall be a minimum of three (3) acres with a minimum of one hundred (100) feet of frontage on a public or private roadway.

#### **Conditional Uses**

**Above Ground Pipeline facility** – for the transport of product (but not including storage of bulk materials) with land area containing more than one-half acre.

Height of Facility: Six (6) feet or Less

Set Backs: 50 feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Six (6) foot fence adjacent to existing residential use

Height of Facility: Six (6) to Ten (10) feet

Set Backs: 50 feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence adjacent to existing residential use

Height of Facility: Over ten (10) feet

Set Backs: 75 feet from property line of existing residential use

Landscape Requirement: Required Bufferyard A and Eight (8) foot fence.

100 feet from property line of exiting Commercial Use, required Bufferyard A with six foot fence.

Over 100 feet from property line of existing Commercial Use, required Bufferyard A with no fence.

**Bed and breakfast home** – Limited to four (4) guestrooms within National Register Historic Districts or Sites or homes listed on the National Register of Historic Places or within homes a minimum of fifty (50) years old. All parking areas must be completely screened (see parking screening in Appendix D) from the street and adjacent residences. No signage is allowed. Must be owner occupied unless located on a tract of five (5) acres or more. Shall be located on a lot or tract with a minimum size of one (1) acre. Guests are limited to a maximum stay of seven (7) consecutive days. Homes that qualify based upon the fifty (50) year old requirement shall not be located within a recognized residential subdivision unless the lot has frontage on a designated major street.

**Cemeteries and mausoleums** – Must be located on a major street. All graves and buildings shall be setback at least fifty (50) feet from all property lines. Shall not be located within a recognized residential subdivision.

**Commercial horse stables and equestrian facilities** – Shall not be located within a recognized residential subdivision.

**Educational, religious, and philanthropic institutions** – Plan Review is required for all such uses. Site Plan criteria shall be submitted as required in Section 4.101 Plan Review of the Unified Development Code.

**Recreational facilities** – Only monument signs allowed. Any facility located adjacent to a recognized residential subdivision must provide a Buffer Yard B as shown on Appendix D-4 of this Code.

**Wireless transmitting and receiving facilities** – Shall follow the requirements for Wireless Site Plan approval in Section 14.4.

#### **Section 8.214            GU Governmental Use District**

Governmental buildings and facilities including judicial offices and courts.

Civic Center Buildings and facilities including auditorium(s), coliseum(s), and exhibition and convention center(s).

Cultural buildings and facilities including museums, art centers, libraries, music centers, and similar cultural facilities and exhibition uses.

Multi-level parking facilities owned and operated by a public agency only to adequately accommodate the vehicle storage requirements expected to be generated by new development within the District.

Public open spaces including parks and recreation facilities and plazas.

Private and commercial uses as approved by the Planning Commission and Metropolitan Council.

Other accessory uses and activities customary and incidental to the principal permitted uses including but not limited to central utility buildings, utility distribution systems, transmission lines, communication distribution systems, streets, parking areas and lots, storage garages, boat docks and tie-up facilities, flood control structures, drainage structures, railroad rights-of-way, trackage, appurtenances, and other uses of a similar character, function, or activity which are supportive to the principal uses.

No temporary facilities such as mobile homes, trailers, shacks, tents, stables, or barns shall be placed or allowed to remain on any property within the District, except for temporary mobile units or construction sheds and offices used during the course of construction, reconstruction, alteration, or remodeling of any building for site and utility work. Other temporary mobile units and similar facilities may be allowed for periods not exceeding forty-eight (48) hours in duration where their presence is to provide some form of public service to and for the public and only where approved by the Police Department.

No animals, livestock, or poultry of any kind shall be raised or bred on any property within the District.

No property shall be used or maintained in any manner as a trash or rubbish dumping ground. Trash, garbage, or other solid waste shall be confined to approved sanitary waste containers, and all such containers shall be kept and maintained in a clean and sanitary condition.

No trade, profession, business, or use of any character shall be carried out within any building or property in the Zoning District which may be or become a nuisance or annoyance to other uses in and surrounding the Zoning District, or generate and emit any type of excessive environment pollution including but not limited to smoke, dust, odor, noise, water, or other air pollution in excess of generally recognized local, state, or national standards.

No building shall be erected or placed on any tract, parcel, or lot in the Public Facilities District nor shall any existing structure be altered until the building plans, specifications, and plot (site) plan have been submitted and approved in writing by the Planning Commission and the Metropolitan Council.

### **Conditional Uses**

None

### **Section 8.215 X Adult Businesses District**

This district allows adult businesses that are distinguished or characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities'. This district may not be located within one thousand (1,000) feet of a. another adult business; b. any restaurant, bar or lounge, or package liquor stores; or c. a school, playground, church, or area zoned for residential purposes including rural zones.

Adult businesses are defined for purposes of this chapter to include exotic dancers, adult motion picture theaters, theaters showing X rated movies, adult mini motion picture theaters, adult bookstores (all as elsewhere defined in this chapter), or other businesses which are distinguished or characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' of 'specified anatomical area' provided that no such adult businesses be located nearer

than one thousand (1,000) feet from a. another adult business (as defined herein); b. any restaurant, bar or lounge, or package liquor stores; or c. a school, playground, church, or area zoned for residential purposes including rural zones.

### **Conditional Uses**

None

### **Section 8.216 Planned Unit Developments (PUD, SPUD, and ISPUD)**

#### **A. General Character:**

1. Purpose. The intent of this section is for the following objectives to be achieved, where applicable, through the use of the Planned Unit Development process:
  - a. Encourage a mix of land uses for the development of large tracts of land as planned neighborhoods, communities, and/or development.
  - b. Encourage flexible and creative concepts in site planning.
  - c. Preserve the natural amenities of the land by encouraging scenic and open areas; create a method for the permanent preservation of common open space, natural vegetation, topographic and geological features, and environmentally appropriate features for the continued use and enjoyment of the residents of the development (for PUDs and SPUDs only).
  - d. Accomplish a more desirable environment and increase the variety of environments made available to the public by allowing a development that would not be possible under the strict application of the current Unified Development Code.
  - e. Provide an efficient use of land, which could result in smaller networks of utilities and streets, and promote a creative approach to the use of land and related physical facilities that result in better design and development, with the inclusion of aesthetic amenities including an increased amount of landscaping.
  - f. Provide an environment of stable character compatible with surrounding area, and combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different land uses in an innovative design.
  - g. Provide an environment that encourages non-vehicular circulation.
  - h. Provide for the prevention and/or control of soil erosion, surface flooding, and the preservation of subsurface water.
  - i. Provide for more usable and suitably located recreation facilities, schools, and other public and private facilities (for PUDs only).
  - j. Create a method for the permanent preservation of architectural and/or historic landmarks.
  - k. Promote a land use which promotes the public health, safety and welfare. Within the planned area, a variety of land use types should be designed,

in an orderly relation to one another and to existing land uses, and with due regard to comprehensive planning.

Such development may consist of conventionally subdivided lots to be sold, un-subdivided single ownership, separate condominium ownership of structures, or other ownership methods the location and extent of which are established on the Planned Unit Development Plat.

The unique and substantially different character of Planned Unit Developments require their administrative processing as a “special rezoning” in this ordinance. Planned Unit Developments are more complex and of a different character than other zoning classifications, requiring the establishment herein of specific and additional procedures, standards, requirements and exceptions to govern the recommendations of the Planning Commission and the action of the Metropolitan Council.

- 1. Provide for infill development and adaptive reuse of abandoned or blighted properties.
- m. Provide an environment which encourages live/work mixes. This type of development should include a mix of at least two (2) separate uses within the development, however Districts of a single zoning type may be allowed dependent on the development, location and availability of traditional zoning.
- 2. Interpretation.
  - a. The subdivision, development and use of land as an integral unit which provides a mix of land uses, and may include for single-family residential, multiple-family residential, educational, business, commercial, recreational, park and common open areas, is described as a Planned Unit Development.
  - b. In its establishment and authorization as a special zoning classification, the Planned Unit Development may be excepted from the provisions of the subdivision and site plan regulations and of the zoning ordinance of East Baton Rouge Parish to the extent specified in this ordinance and in the final authorization of the Planned Unit Development as specified in an ordinance approved by the Metropolitan Council.

B. Development Standards: The following table of minimum development standards and review criteria shall apply to all Planned Unit Developments and shall constitute minimum Planned Unit Development requirements:

<b>PUD, SPUD, and ISPUD TABLE Minimum Development Standards (for each type)</b>			
	<b>PLANNED UNIT DEVELOPMENT (PUD)</b>	<b>SMALL PLANNED UNIT DEVELOPMENT (SPUD)</b>	<b>INFILL/MIXED USE SMALL PLANNED UNIT DEVELOPMENT (ISPUD)</b>
<b>SIZE</b>	Ten (10) acres or more	Two and One Half (2 <sup>1/2</sup> ) to Ten (10) acres	Zero (0) to Two and One Half (2 <sup>1/2</sup> ) Acres

**PUD, SPUD, and ISPUD TABLE  
Minimum Development Standards  
(for each type)**

	<b>PLANNED UNIT DEVELOPMENT (PUD)</b>	<b>SMALL PLANNED UNIT DEVELOPMENT (SPUD)</b>	<b>INFILL/MIXED USE SMALL PLANNED UNIT DEVELOPMENT (ISPUD)</b>
<b>LANDSCAPING</b>	<p>A perimeter landscaped buffer yard shall also be required to screen off-street parking area and building service areas from streets abutting streets and residential zoning and uses.</p> <p>Requirements are to be determined by each approved Final Development Plan and must be consistent with the approved Concept Plan.</p>	<p>A perimeter landscaped buffer yard shall also be required to screen off-street parking areas and building service areas from abutting streets and residential zoning and uses.</p> <p>Requirements are to be determined by each approved Final Development Plan.</p>	<p>Requirements are to be determined by each approved Final Development Plan.</p>
<b>PERMITTED USES</b>	All zoning districts except adult businesses *	Zoning districts A1 through M1 *	All permitted uses up to C5
<b>COMMON OPEN SPACE REQUIREMENTS</b>	<p>Common Open Space is defined in Section 8.216.C.2. A minimum of fifteen (15) percent of the gross site area contained within a PUD (Planned Unit Development) of between ten (10) and fifty (50) acres, eighteen(18) percent of the gross site area contained within a Planned Unit Development over fifty (50) acres and up to one hundred (100) acres; and twenty (20) percent of the gross site area contained within a Planned Unit Development in excess</p>	<p>Minimum fifteen (15) percent of the gross site areas contained within a SPUD shall be devoted to and maintained as common open space. At least fifty (50) percent of the common open space requirement shall be devoted and maintained as green open space.</p> <p>Land areas proposed for common open space must be throughout the entire development and must be designed and made accessible for common usage of the development by means of pedestrian and/or bicycle connectivity.</p>	<p>Requirements are to be determined by each approved Final Development Plan.</p>

\* Industrial Uses are not permitted in developments with Residential Uses.

**PUD, SPUD, and ISPUD TABLE  
Minimum Development Standards  
(for each type)**

	<b>PLANNED UNIT DEVELOPMENT (PUD)</b>	<b>SMALL PLANNED UNIT DEVELOPMENT (SPUD)</b>	<b>INFILL/MIXED USE SMALL PLANNED UNIT DEVELOPMENT (ISPUD)</b>
<b>COMMON OPEN SPACE REQUIREMENTS (continued)</b>	<p>of one hundred (100) acres shall be dedicated to and maintained as land areas proposed for common open space must be integrated within the entire development. Green common open space within vehicle use areas or any noncontiguous green area of less than one thousand (1,000) square feet may not be included common open space.</p> <p>No reduction in minimum common open space requirements shall be permitted.</p>	<p>Lakes or ponds may be included in the common open space calculations provided that they are designed so that a minimum of twenty (20) percent of the abutting shoreline is made accessible for the common usage of the development. Drainage ditches or canals are not considered lakes and ponds and shall not count towards open space. In all projects over one (1) acre, surface drainage, including surface retention and detention, should be natural or man-made features which enhance a particular property and increase its desirability to a community or its marketability to the public.**</p> <p>Common open space within vehicle use areas or any noncontiguous common area of less than one thousand (1000) square feet may not be included in the required area. Hard surface areas such as pedestrian plazas and recreational courts may account for up to twenty-five (25) percent of the green common open space. Common landscape areas located</p>	

\*\* Required on all Projects over one (1) acre unless waived by Planning Director.

**PUD, SPUD, and ISPUD TABLE  
Minimum Development Standards**

	<b>PLANNED UNIT DEVELOPMENT (PUD)</b>	<b>SMALL PLANNED UNIT DEVELOPMENT (SPUD)</b>	<b>INFILL/MIXED USE SMALL PLANNED UNIT DEVELOPMENT (ISPUD)</b>
<b>COMMON OPEN SPACE REQUIREMENTS (continued)</b>		<p>within rights-of-way or servitudes may account for up to twenty-five (25) percent of the common open space. Dry detention basins and retention areas may account for up to fifty (50) percent of the common open space. The area immediately surrounding existing building(s) and existing building(s) that have historical or cultural significance may be located within the dedicated common open space requirements. These areas must be made accessible for the common usage of the development.</p> <p>Servitudes with existing below ground utilities or facilities may be included in the common open space requirement. Servitudes with existing above ground utilities or facilities may be included for commercial areas only.</p>	

<b>PUD, SPUD, and ISPUD TABLE</b> <b>Minimum Development Standards</b> <b>(common for all types)</b>		
	<b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED FINAL DEVELOPMENT PLAN ***</b>	<b>SPECIAL MINIMUM REQUIREMENTS WHICH MAY NOT BE WAIVED</b>
<b>PARKING</b>		Unified Development Code requirements unless shared parking is approved with the Concept or Final Development Plan.
<b>SIGNS</b>	X	
<b>SETBACK REQUIREMENTS</b>	X	
<b>MINIMUM LOT SIZE</b>	X	
<b>MINIMUM LOT</b>	X	
<b>HEIGHT OF BUILDINGS</b>		Not more than one hundred fifty (150)percent of abutting zoning districts. In addition, buildings may also be increased in height one (1) foot for each ten (10) feet setback from abutting zoning districts.
<b>RESIDENTIAL DENSITY</b>	X	
<b>PROPOSED ADDITIONAL UTILITY DISTRIBUTION LINES</b>		Underground
<b>PUBLIC STREETS</b>		Unified Development Code requirements (Street Cross Sections) unless deviations in street typical sections are granted with Final Development Plan approval.

\*\*\* For Planned Unit Development (PUD), the Final Development Plan must be consistent with the approved Concept Plan .

C. General Review Criteria.

1. General. Approval and recommendation of the Planning Commission shall be accompanied by a written report stating the reasons for approval of the application, and specific evidence and facts showing that the proposed Planned Unit Development will not adversely affect the immediate vicinity. The Planning Commission in its review of proposed Planned Unit Development plans shall consider, where applicable:

- a. The relation between the proposed development and surrounding uses, and the effect of the proposed Planned Unit Development plan upon comprehensive planning;
- b. The adequacy of existing and proposed streets, utilities, and other public services to serve the development; and the location with respect to the interstate, major highways and major arterial streets so as not to create adverse major shifts of traffic generation to intermediate collectors and/or minor streets; and access of every dwelling unit or other uses within the Planned Unit Development to a public and/or private street via pedestrian ways, courts or other access related servitudes or easements.
- c. The character, design, and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable, to preserve the natural amenities of streams, wooded areas, and similar natural features where possible, to provide adequate pedestrian circulation and access to mass transit if available;
- d. The proposed location, arrangement density/intensity, and height of land uses shall be compatible to existing or proposed dwellings within the vicinity of the Planned Unit Development or to the development of the neighborhoods.
- e. The suitability of the site for development in the manner proposed without hazard to persons or property adjacent to the site, the use of flood hazard areas if present for recreational areas, and no contribution to erosion or other soil related damage. Soil conditions, drainage, vegetation cover and topography shall be maximally utilized to fit the intended design of the development.
- f. The requirement of common open spaces within the Planned Unit Development and the devotion of the development to active and passive recreational purposes (only applies to PUD and SPUD).
- g. The protection and preservation of any existing historic and archaeological structures or sites into the design of the Planned Unit Development.
- h. The greater protection and preservation of environmentally sensitive and natural amenities areas within the Planned Unit Development, if any, including, but not limited to, wetlands, problem soils, streams, creeks, old growth wooded areas, and areas containing protected species.
- i. The internal compatibility of the land uses within the plan.
- j. The external compatibility of the arrangement of the land uses within the Planning Unit Developments.
- k. The proposed Planned Unit Development (PUD, SPUD, and ISPUD) is consistent with the spirit and intent of this PUD ordinance and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- l. The promotion of the purposes set forth in Section 8.216.A.1.

2. Additional Common Open Space Requirements (for PUD only).
  - a. Subject to satisfaction of Section 8.216.C.2.c below, the following uses may account for common open space with the stated limitations:
    1. Parks, and other open greenbelt areas, whether publicly or privately owned, which are readily accessible must account for not less than fifty (50) percent of the common open space.
    2. Street trees located within designated landscape common areas or landscape servitude and located within a street right-of-way may not exceed twenty-five (25) percent of the common open space. However, common open space within vehicle use areas or any noncontiguous green area of less than one thousand (1,000) square feet may not be included.
    3. Surface drainage, including surface retention and detention, should be natural or man-made features which enhance a particular property and increase its desirability to a community or its marketability to the public.
      - (a) Lake and ponds, including storm water wet detention basins provided that they are designed so that a minimum of twenty (20) percent of the abutting shoreline is made accessible for the common use of the development.
      - (b) Storm water dry detention basins of not less than one (1) acre; but may not exceed twenty-five (25) percent of the common open space and must be designed to provide for acceptable maintenance and upkeep of the detention basin.
    4. Golf courses may account for up to fifty (50) percent of the common open space.
    5. Natural wetlands should not exceed fifty (50) percent of common open space plus any natural wetlands reasonably visible from interpretive walkways provided in and through the wetlands.
    6. Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to twenty-five (25) of the common open space.
    7. Servitudes with existing below ground utilities and/or facilities with a width of not less than thirty (30) feet.
    8. Electrical transmission line servitudes with a width of not less than one hundred fifty (150) feet in commercial areas only.
    9. Dedicated recreational areas on school sites, excluding the area devoted to buildings.
    10. An existing building or buildings that have historical or cultural significance may be located in a common area space; however, the enclosed building area may not be included in the common open space requirement.

11. Common open space for the use by the general public, if agreed to by the appropriate governmental authority, in each case in an amount to be determined by the Planning Commission.

b. Common open space shall not include:

1. Required

(a) Yards which are not accessible for the common use of the development;

(b) Parking areas;

(c) Drives;

(d) Utility with above ground improvements or road easements/servitudes;

(e) Paved lakes, ponds, bayous, streams, or creeks.

2. Structures (unless a part of the open space such as gazebos);

3. Drainage ditches or canals; and

4. Areas reserved for the exclusive use and benefit of an individual tenant or owner.

c. Common open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the Planned Unit Development through covenant, deed restriction, open space servitude, or similar legal instrument; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

d. In the event land shown on a Final Development Plan as common open space is dedicated to the Parish, the Metropolitan Council may, but shall not be required to, accept the open space provided: (x) such land is accessible to the residents of the Parish; (y) there is no cost of acquisition other than the costs incidental to the transfer of ownership; and (z) the Parish agrees to and has access to maintain such lands.

3. Association.

The common open space and associated facilities may be owned by an association or maintenance association. The association shall be formed and operated under the following provisions:

a. The applicant shall provide the articles and bylaws of the association and the methods for maintaining the common open space.

b. The association shall be organized by the applicant and shall be operated with a financial subsidy from the applicant before the sale of any lots within the Planned Unit Developments.

- c. Membership in the association is mandatory for all purchasers of property therein and their successors in title. The conditions and timing of transferring control of the association from the applicant to the property owners shall be identified.
  - d. The association shall be responsible for maintenance of insurance and taxes on all common open space, enforceable by liens placed on the association by the Parish. The association may place liens on the property of its members who fail to pay their association dues in a timely manner, as provided in the association bylaws. Shares shall be defined in the bylaws.
  - e. The association shall, at all times, cause the property owners to have access to the common open space within the Planned Unit Developments.
  - f. The association shall be able to adjust the assessments to meet changing needs.
4. Landscaping and Screening Standards.
- a. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
  - b. A street yard five hundred (500) square feet or less in size is not required to be landscaped (for PUD only).
5. Environmental Standards. All uses in the Planned Unit Developments shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.
- D. Ownership and Control. All land included for purpose of development within Planned Unit Developments shall be owned by or be under the control of the applicant for such zoning designation (including without limitation a purchase agreement, option agreement, and/or development agreement), whether that applicant be an individual, partnership, corporation (limited liability company, limited liability partnership, trust), or groups of individuals, partnerships, or corporations (limited liability company, limited liability partnerships and/or trusts). The applicant shall present proof of the unified control of the entire area within the Planned Unit Development and shall agree that if applicant proceeds with the Planned Unit Development applicant will:
- 1. Do so in accordance with:
    - a. The Concept Plan of development officially adopted for the Planned Unit Developments;
    - b. Regulations existing when the amendment granting the Planned Unit Development was adopted; and
    - c. Such other conditions or modifications as may be attached to the rezoning of the land to the Planned Unit Developments.

2. Secure written consents and agreements satisfactory to the Planning Commission from all property owners of record within the Planned Unit Development boundaries that have not joined in the Planned Unit Developments application that there is no objection to including their property in the Planned Unit Developments site plan and overall Planned Unit Developments planning process.
- E. Relation to Zoning Districts. An approved Planned Unit Development shall be considered to be a separate zoning district in which the Development plan, as approved, establishes the restrictions and regulations according to which Development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and subdivision regulations to the extent provided herein. Upon approval, the official zoning map will be changed to indicate the area as Planned Unit Development Concept (or "PUD CONCEPT") (for PUD only), or if final approval is granted then as Planned Unit Development (or "PUD"). Every approval of a Planned Unit Development (PUD, SPUD, or ISPUD) shall be considered an amendment to the zoning ordinance.
- F. Definitive covenants, grants, easements, dedications, and restrictions to be imposed on the land, buildings, and structures including proposed easements for public utilities and instruments relating to the use and maintenance of common area and private streets shall give consideration to access requirements of public vehicles for maintenance purposes.
- G. Additional Regulations for Phased Developments. A Planned Unit Development may be developed in phases or stages in accordance with the following requirements (for PUD only).
1. Boundaries. The boundaries of all proposed Planned Unit Development phases shall be shown on the Concept Plan.
  2. Data. All data required for the project, as a whole, shall be given for each phase shown on the Concept Plan.
  3. Improvements. The phasing plan shall be consistent with the traffic circulation, drainage, common open space, and utilities plans for the entire Planned Unit Development. Planned Unit Developments that are to be developed in phases or stages shall be required to provide public improvements, common open space, and other amenities attributed to such phase at the same time as or before the construction of principal buildings and structures associated with individual phases. The nature, type, and amount of public improvements, common open space, and other project amenities provided during an individual phase of the project shall be commensurate with and proportionate to the overall development of the phase.
- H. Planned Unit Development (PUD)
1. Review and Approval Procedures; General. The Planned Unit Development approval process shall consist of the following three (3) components:
    - a. Pre-application conference;
    - b. Approval of Concept Plan by the Planning Commission and Metropolitan Council for the entire Planned Unit Development;

- c. Approval of a Final Development Plan, by the Planning Commission.

If the Planned Unit Development includes the division of property into lots, the Final Development Plan shall be approved concurrently with the preliminary plat.

Subdivisions of property within a Planned Unit Development after Concept Plan approval, but prior to Final Development Plan approval, shall meet the zoning requirements of the most restrictive zoning district allowed for each designated use for that portion of the Concept Plan. These subdivisions shall require Planning Commission approval and will not allow development or building permit approval until a Final Development Plan is approved.

Where the Planned Unit Development is to be developed in phases, the Concept Plan that is presented for review and approval shall be the Concept Plan for the entire Planned Unit Development and shall identify the proposed phasing.

2. Pre-Application Conference.

- a. The pre-application conference shall be held with the Planning Director for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a Planned Unit Development.
- b. A request for a pre-application conference shall be made to the Planning Director. As part of the pre-application conference, the applicant shall submit the number of copies listed in Appendix L of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, land use(s) for the entire site, and a statement indicating financial responsibility sufficient to complete the public improvements shown on the conceptual plan.
- c. The Planning Director shall advise the applicant of the conformance of the Planned Unit Development concept with the intent and objectives of a Planned Unit Development, whether it appears to qualify under the minimum requirements of Section 8.216.A.1 and Section 8.216.C, and whether the general concept appears to be substantially consistent with the East Baton Rouge Parish Master Plan and the “Comprehensive Land Use Plan”. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

- 3. Concept Plan. Following the pre-application conference, an applicant shall submit a completed application (Concept Plan) to the Planning Director. The applicant shall subsequently be responsible for conducting a public workshop for residents of the area in which the project is proposed to be located. The workshop requirements ensure: the applicant is fully aware of the process, the workshop is conducted at a place and time convenient to the residents and residents are properly notified of its intent. The applicant is required to conduct the workshop and document the results to the Parish before the application is deemed complete.

The Concept Plan shall contain all information required in the Concept Plan Checklist.

a. Procedures for Planned Unit Development Concept Plan approval. All applications for Planned Unit Development shall be processed in the following manner:

1. The Concept Plan shall follow the procedures for approval of planning items before the Planning Commission and zoning cases before the Metropolitan Council.
2. Notice of the time and place of the public hearing shall be mailed by certified mail to the owner/subdivider and all abutting property owners fifteen (15) days prior to the Planning Commission Meeting. The public hearing shall also be advertised in the official journal. All abutting property owners shall be given an opportunity to submit written comments. The legal ad must run three (3) times in the Parish's official journal at least ten (10) days prior to the Planning Commission meeting.
3. Following required public notice, the Planning Commission shall hold a public hearing on the proposed Planned Unit Development Concept Plan. Following the hearing, the Planning Commission shall review the Concept Plan and any comments submitted by any adjoining property owners and shall make a recommendation to the Metropolitan Council to approve, approve with conditions, or deny the Planned Unit Development Concept Plan rezoning request. In their recommendation to the Metropolitan Council, the Planning Commission shall include the reasons for such recommendation.

b. Approval of Planned Unit Development Concept Plan. After receiving the recommendation of the Planning Commission, the Metropolitan Council shall review the application, including the Concept Plan, the record of the Planning Commission proceedings and the recommendation, and shall approve, approve with conditions, or deny the application in accordance with the standards and purposes set forth in Section 8.216.A.1 and Section 8.216.C. An approval with conditions shall not be considered final (and the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the Concept Plan to the Metropolitan Council.

If approved by the Metropolitan Council, the Concept Plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Unified Development Code and shall become the standards of development for the Planned Unit Development. All future development shall conform to the standards adopted for the Planned Unit Development regardless of changes in ownership.

Upon approval of the Concept Plan, the property shall be designated "PUD CONCEPT" on the official zoning map.

#### 4. Final Development Plan

- a. Submittal. Within thirty-six (36) months of the Metropolitan Council's approval of the Concept Plan, and except as permitted under Concept Plan approval, the applicant shall submit a Final Development Plan for all or a portion of the property to the Planning Director or the Planning Director's designee prior to commencing construction on property zoned "PUD CONCEPT". The applicant may request an extension of up to twelve (12) additional months from the Metropolitan Council if the Final Development Plan has not been approved. If the applicant fails to timely submit a Final Development Plan for all or a portion of the property, then the Concept Plan shall be determined to be invalid, but the PUD Zoning District shall remain. If the Planned Unit Development is to be developed in phases, the applicant must submit a Final Development Plan for the first phase within thirty-six (36) months of the Metropolitan Council's approval of the Concept Plan. All subsequent phases must follow the standards of the Concept Plan and should be submitted in a timely manner. However, there is no time limit to submit subsequent phases. If no phasing is shown on the Concept Plan, a Final Development Plan may be submitted for all or for a portion of the property to satisfy the requirement of submitting within thirty-six (36) months of the Metropolitan Council's approval of the Concept Plan. The Final Development Plan shall contain all information required in the Final Development Plan Checklist.
- b. Certification. The following design professionals shall certify direct involvement in the preparation of the Final Development Plan.
  - 1. Licensed Architect or Licensed Civil Engineer; and
  - 2. Licensed Landscape Architect.
- c. Landscape Plan. A suitable landscape plan is required for all Planned Unit Development Final Development Plans.
- d. Substantial Compliance of Final Development Plan. The Final Development Plan shall be in substantial compliance with the Concept Plan. It is not intended that the Planned Unit Development so approved shall be inflexibly applied, but rather, the Planned Unit Development shall be in conformance with the Concept Plan subject to modification due to changed economic, social, market or demographic conditions.
  - 1. The burden shall be upon the applicant to show the Planning Commission good cause for any variation Major Change (as defined below) between the Concept Plan and the Final Development Plan as submitted for final approval. If the Final Development Plan, as submitted, contains substantial variations from the Concept Plan, or Major Changes as defined in Section 8.216.H.5 herein, the Planning Commission may, after a meeting with the applicant, within fourteen (14) days of such action, shall so meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved Planned Unit Development as set forth in Section 8.216.H.5 herein.
- e. Procedure for approval. The Final Development Plan shall follow the procedure for planning items going to the Planning Commission with a

public hearing. Procedure for approval of a Final Development Plan for a Planned Unit Development shall be processed in the following manner:

1. The Department of Public Works shall review and approve the construction plans for any Public Improvements shown on the Final Development Plan prior to any construction. Improvements may be completed or bonded for final approval in the same manner as required under the Unified Development Code.
  2. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the hearing. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
  3. Following required public notice, the Planning Commission shall hold a public hearing on the proposed Final Development Plan. Following the hearing, the Planning Commission shall review the Final Development Plan request and any comments submitted by any adjoining property owners and shall approve, approve with conditions, or deny the request.
  4. Upon such approval and subsequent amendment of the Final Development Plan, construction may proceed for public and/or approved private roads, utility installations, common open space, recreational facilities, governmental structures, and similar uses provided that a preliminary subdivision plat has also been approved for the Development in accordance with the Development Code.
  5. Any other proposed modifications affecting the Planned Unit Development's legal description shall require a review and approval of the Planned Unit Development Final Development Plan by the Planning Commission staff. The burden shall be upon the applicant to demonstrate to the Planning Commission justification for any variation from the approved Final Development Plan.
  6. Upon approval of a Final Development Plan, the property shall be re-designated from "PUD CONCEPT" to "PUD" on the official zoning map.
5. Changes to an Approved Planned Unit Development.
- a. Types of Changes. There are three (3) types of changes; Major Use Change, Major Site Change and Minor Change. A Major Use Change and a Major Site Change are collectively referred to herein as a "Major Change".
  - b. Major Use Change. A major use change ("Major Use Change") is one that will have significant impacts on the approved Uses within the Planned Unit Development, or on the site surrounding the Planned Unit Development. Major Use Changes include, but are not limited to:
    1. An increase in the Development site area of more than ten (10) percent;

2. An increase in Density of any permitted land Use, including the number of housing units, by more than ten (10) percent;
  3. In residential areas, a change in the mix of Single-Dwelling and Multi-Dwelling Structures by more than ten (10) percent;
  4. An increase in the amount of land in nonresidential uses by more than ten (10) percent;
  5. Involve any land Use not specified on the approved Concept Plan or the list of permitted Uses;
  6. Substantial and material reduction in the amenities proffered by the applicant; and/or
  7. Material changes in the permitted land Use authorized in the Planned Unit Development which in the opinion of the Planning Director or Planning Director's designee will have a material adverse change with the Planned Unit Development or on the site surrounding the Planned Unit Development.
- c. Major Site Change. A major site change ("Major Site Change") is a major change (other than a Major Use Change) that will have significant impact on the site and layout of the development in the Planned Unit Development which is not a Major Use Change, or on the site surrounding the Planned Unit Development. Major Site Changes include, but are not limited to:
1. Changes that vary the individual Lot Area requirement as submitted in the Concept Plan by more than ten (10) percent;
  2. Changes in non-residential floor areas by more than ten (10) percent of the total floor area within a component of the Planned Unit Development;
  3. Deleting or changing the purpose of Flood hazard Servitudes or Easements;
  4. Changes to the vehicular systems which result in a significant adverse change in the amount or location of streets and shared Driveways, common parking areas, circulation patterns, and Access to the Planned Unit Development;
  5. Changes in the allocation of prescribed land Uses such that it would result in an increase in the number of vehicle trips generated in excess of ten (10) percent;
  6. Changes which are material in the typical sections of street design;
  7. Changes in the designation of streets between private and public; and/or
  8. Material changes in the approved overall layout of the site plan and/or matters related to onsite and/or offsite infrastructure requirements authorized in the Planned Unit Development which

in the opinion of the Planning Director or the Planning Director's designee will have a material adverse change with the Planned Unit Development or on the site surrounding the Planned Unit Development.

- d. Minor Change. A minor change ("Minor Change") is a change that will not alter the basic design and character of the Planned Unit Development, nor any specified conditions imposed as part of the original approval. Minor Changes include, but are not limited to:
1. Changes in location of a Mixed Residential Area, a civic area, green area, Common Open Space, or other designated areas, if the Planning Director determines that (a) the basic layout of the PUD Development Plan remains the same, and (b) the PUD Development Plan functions as well as before the revision;
  2. Changes in size of a Neighborhood Center Area, a Mixed Residential Area, a Neighborhood Edge Area, a civic area, green area, Common Open Space or other designated areas, if the size is increased or decreased by not more than ten (10%) percent, and the Planning Director determines that (a) the basic layout of the PUD Development Plan remains the same, and (b) the PUD Development Plan functions as well as before the revision;
  3. Changes in the location of a commercial Use in a Mixed Residential Area, if the Planning Director determines that the revised location is appropriate;
  4. Change in the location or size of a Common Open Space, if the overall amount of Common Open Space acreage does not decrease by more than ten (10%) percent, and the Planning Director determines that the quality and functionality of the revised Common Open Space is the same or better. The Planning Director may not approve a revision that includes the deletion of a Common Open Space within 500 feet of an area that is part of a final plat in a Mixed Residential Area;
  5. Change in the location or description of a major private open space improvement, if the Planning Director determines that the revised improvement is as beneficial to the residents as the previous improvement;
  6. Change in the location or type of a Drainage or water quality control, if the Planning Director determines that (a) the basic layout of the PUD Zoning District remains the same, and (b) the revised location or type of control functions as well as the previous location or type of control, provided that there are no objections from the Department of Public Works;
  7. Change in the location of a 100-year floodplain, if the Planning Director determines that revision more accurately describes the location of the floodplain, provided that there are no objections from the Department of Public Works;

8. Change in the locations of major utility facilities and Easements, if the Planning Director determines that the revised locations are more appropriate or functional, provided that there are no objections from the Department of Public Works;
  9. Change in a preliminary architectural standard, if the Planning Director determines that the revised standard is consistent with the architectural character of the PUD Zoning District;
  10. Reduction of the size of any building;
  11. Movement of buildings and/or signs by no more than twenty five (25) feet, but in no event in required buffers and/or setbacks;
  12. Landscaping approved in the Final Development Plan that is replaced by similar landscaping to an equal or greater extent;
  13. Changes in non-residential floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking;
  14. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design;
  15. Changes required or requested by the Parish and other State or Federal authorities in order to conform to other laws or regulations;
  16. On balance, compared to the approved Planned Unit Development, the change will equally or better meet the purposes and approval criteria set forth in Section 8.216.A.1 and Section 8.216.C above in the opinion of the Planning Director or the Planning Director's designee; and/or
  17. Any adverse impacts caused by the change are mitigated to the satisfaction of the Planning Director or the Planning Director's designee.
  18. The addition of phasing to a previously approved Planned Unit Development Concept Plan shall be a staff level revision.
- e. Permitted Uses. Any changes to the types of permitted Uses within the PUD Zoning District must be approved by the Metropolitan Council.
  - f. Review Procedures. Requests for changes to an approved Planned Unit Development are processed as follows:
    1. Major Use Changes.
      - (a) Application for Major Use Changes. The owner(s) of record of the property shall file an application with the Planning Director, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Use Change, as described in Section 8.216.H.5.b, and the resulting impacts from the Major Use Change on the development.

- (b) Public Hearing. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
- (c) Findings and Recommendations. The Planning Commission shall make its findings on the Major Use Change based on the information set forth in the application and the approval criteria set forth in Section 8.216.H.5.b, and submit recommendations to the Metropolitan Council prior to noon on the Wednesday following the hearing date. The Planning Commission shall forward a copy of their findings and recommendations to the applicant.
- (d) Adoption of Major Use Change. The Metropolitan Council shall adopt or reject the proposed Major Use Change at the next scheduled zoning meeting from receipt of the recommendations from the Planning Commission. The Metropolitan Council shall submit reasons for its decision to the applicant.

2. Major Site Changes.

- (a) Application for Major Site Changes. The owner(s) of record of the property shall file an application with the Planning Director, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Site Change, as described in Section 8.216.H.5.c, and the resulting impacts from the Major Site Change on the Development.
- (b) Public Hearing. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
- (c) Findings and Recommendations. The Planning Commission shall make its findings on the Major Site Change based on the information set forth in the application and the approval criteria set forth in Section 8.216.H.5.c. The Planning

Commission shall forward a copy of its findings and recommendations to the applicant.

- (d) Appeal. The applicant may appeal the decision by the Planning Commission pursuant to Section 8.216.Q herein.

3. Minor Changes.

- (a) Application. The owner(s) of record of the property shall file an application with the Planning Director, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Minor Change, as described in Section 8.216.H.5.d, and the resulting immaterial impacts from the change on the development, if any.

- (b) Findings and Recommendations. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall make its findings based on the information set forth in the application and the approval criteria set forth in Section 8.216.H.5.d, and notify the applicant of its decision. If the Planning Director or the Planning Director's designee determines the change to be a Minor Change, and the decision rendered is a denial, the Planning Director's decision may be appealed to the Planning Commission by the applicant.

4. Appeal of Classification as Major Use Change or Major Site Change. If the Planning Director or the Planning Director's designee determines the change to be a Major Use Change or a Major Site Change, the applicant may appeal the decision by the Planning Director to the Planning Commission.

- g. Subdivision of Land. If the PUD Zoning District involves the Subdivision of land as defined in the Unified Development Code, the applicant shall submit all required land division documents in accordance with the requirements of the Unified Development Code. If there is a conflict between the design standards of the Unified Development Code and the design guidelines of this ordinance, the provisions of this ordinance shall apply. It being understood that the size and configuration of Lots within a PUD Zoning District may otherwise be disallowed under the Unified Development Code, but encouraged and permitted within a PUD Zoning District.

6. Maintaining a Final Development Plan.

- a. Construction. Construction may take place only within such portion(s) of a Planned Unit Development for which a current Final Development Plan is in effect.

- b. Development Schedule. The development schedule shall contain the following information:

- 1. The order of construction of the proposed stages delineated in the Final Development Plan.

2. The proposed date for the beginning of construction of each stage.
  3. The proposed date for the completion of construction of each stage.
  4. The proposed schedule for the construction and improvement of common area within each stage including any accessory buildings.
- c. Enforcement of the Development Schedule. The construction and provision of all common open spaces and public facilities and infrastructure which are shown on the Final Development Plan must proceed at no slower a rate than the construction of dwelling units or other structures of a commercial nature. The Planning Commission may, at any time, compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial Structures is substantially greater than the rate at which common open spaces and public facilities and infrastructure have been constructed and provided, then either or both of the following actions may be taken:
1. The Planning Commission shall cease to approve any additional Final Development Plans for subsequent phases; and/or
  2. The Building Official shall discontinue issuance of building permits.

In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial nature and the provision of common open spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.

- d. Permits. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved Planned Unit Development prior to a determination by the Fire Marshal or designee that adequate fire protection and access for construction needs exists. No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved Planned Unit Development prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the Director of the Department of Public Works and the Building Official.
7. Expiration and Lapse of Final Development Plans. Final Development Plan approval shall expire three (3) years from the date of Planning Commission approval of a Final Development Plan. The applicant may request an extension from the Planning Commission for not more than one (1) year if the project is not complete after three (3) years.
  8. The Approved Final Development Plan. Development restrictions and/or conditions, as required by the Planning Commission and/or Metropolitan Council, shall be recorded by the applicant with the Clerk of Court of East Baton Rouge Parish within fifteen (15) days of the date of the final approval of the Concept Plan

and/or the Final Development Plan by the Planning Commission and/or Metropolitan Council, as the case may be. Certified copies of these documents shall also be filed with the Office of the Planning Commission. The applicant shall record development restrictions and other required documents, which pertain to a subdivision within the approved Final Development Plan, with the Clerk of Court of East Baton Rouge Parish within fifteen (15) days of the signing of the final plat, as provided in this Section 8.216.H.8.

9. Filing and Distribution of Final Development Plan Final Plat. The applicant shall have the appropriate number of copies of the approved final plat recorded as listed in Appendix L. The subdivider shall furnish the Director of the Planning Commission with the appropriate number of copies of the final plat to be distributed as listed in Appendix L within fifteen (15) days of approval.
  10. Violations. Any person, firm, or corporation violating any provision of this ordinance, upon conviction, shall be punished for each separate offense committed after the initial thirty (30) day abatement period by a fine not exceeding five hundred (500) dollars. Each day during which the violation is committed, continued, or permitted shall constitute a separate offense. Any continued failure, refusal or neglect to comply with the requirements of this section shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this ordinance.
  11. Appeal. Notwithstanding any other provision of this ordinance at the Metropolitan Council meeting following the decision of the Planning Commission, any member of the Metropolitan Council may introduce an appeal of the decision of the Planning Commission; failure to appeal will make the Planning Commission decision final. If the Metropolitan Council introduces the appeal of the Final Development Plan, the item shall be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the Final Development Plan will make the Planning Commission decision final. The Metropolitan Council shall grant or deny the appeal with a majority vote, and the Metropolitan Council's decision shall be final.
  12. If the applicant fails to timely submit a Final Development Plan for a portion of the property, the PUD Zoning District designation shall remain, but the PUD Concept Plan must be resubmitted, reviewed, and approved by the Planning Commission Staff for a three (3) year extension. If the applicant fails to timely submit a Final Development Plan for a portion of the property three (3) years from the date of the extension approval, the PUD Zoning District designation shall remain, but the applicant must resubmit the PUD Concept Plan for full Planning Commission review and approval. No permits for development shall be issued unless or until a new PUD Concept Plan is reviewed and approved pursuant to Section 8.216.H.3.a.
- I. Small Planned Unit Development (SPUD)
1. Review and Approval Procedures:  
  
SPUD Approval Process. The SPUD approval process shall consist of the following two (2) components:

- a. Approval of the SPUD Development Plan and SPUD Zoning District classification, which may include a Preliminary Plat, by the Planning Commission and Metropolitan Council; and
  - b. Approval of a Final Plat, if land is being subdivided, by the Planning Commission Staff.
2. SPUD Development Plan:  
The SPUD Development Plan shall contain all information required in the Development Plan Checklist.
3. Procedures for SPUD Development Plan approval:  
  
The SPUD Development Plan shall follow the procedures for approval of planning items before the Planning Commission and zoning cases before the Metropolitan Council.
4. Approval of SPUD Development Plan:  
  
If approved by the Metropolitan Council, the SPUD Development Plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Unified Development Code and shall become the standards of development for that SPUD Zoning District. All future development shall conform to the standards adopted for that SPUD Zoning District regardless of changes in ownership.
5. Establishing SPUD Zoning District:  
  
Status of land. Upon approval of the SPUD Development Plan, the property shall be designated as a SPUD Zoning District on the official zoning map.
6. Time Limits/Expiration of the SPUD Development Plan:  
  
SPUD Development Plan approval shall expire three (3) years from the date of the Metropolitan Council SPUD Zoning District approval, unless, during that three (3) year period a construction permit is obtained and construction of infrastructure improvements has commenced. If no infrastructure improvements are permitted and constructed within three (3) years, the SPUD Zoning District designation shall remain, but the SPUD Development Plan must be resubmitted, reviewed, and approved by the Planning Commission Staff for a three (3) year extension. If no permit is obtained and infrastructure improvement construction has not commenced for three (3) years from the date of the extension approval, the SPUD Zoning District designation shall remain, but the applicant must resubmit the SPUD Development Plan for full Planning Commission review and approval.
7. Changes to an Approved SPUD Development Plan.
  - a. Types of Changes. There are three (3) types of changes: Major Use Change, Major Site Change, and Minor Change. A Major Use Change and a Major Site Change are collectively referred to herein as a "Major Change".
  - b. Major Use Change. A major Use change ("Major Use Change") is one that will have significant impacts on the approved Uses within the

SPUD, or on the site surrounding the SPUD. Major Use Changes include, but are not limited to:

1. An increase in the Development site area of more than ten (10%) percent;
2. An increase in Density of any permitted land Use, including the number of housing units, by more than ten (10%) percent;
3. In residential areas, a change in the mix of Single-Dwelling and Multi-Dwelling Structures by more than ten (10%) percent;
4. An increase in the amount of land in nonresidential Uses by more than ten (10%) percent;
5. Involve any land Use not specified on the approved SPUD Development Plan or the list of permitted Uses;
6. Substantial and material reduction in the amenities proffered by the applicant; and/or
7. Material changes in the permitted land Use authorized in the SPUD Development Plan which in the opinion of the Planning Director will have a material adverse change with the SPUD or on the site surrounding the SPUD.

c. Major Site Change. A major site change (“Major Site Change”) is a major change (other than a Major Use Change) that will have significant impact on the site and layout of the Development in the SPUD which is not a Major Use Change, or on the site surrounding. The Major Site Changes include, but are not limited to:

1. Changes that vary the individual Lot Area requirement as submitted in the SPUD Development Plan by more than ten (10) percent;
2. Changes in non-residential Floor Areas by more than ten (10) percent of the total Floor Area within a component of the SPUD;
3. Deleting or changing the purpose of Flood hazard Servitudes or Easements;
4. Changes to Driveways, common parking areas, circulation patterns, and Access to the SPUD;
5. Changes in the allocation of prescribed land Uses such that it would result in an increase in the number of vehicle trips generated in excess of ten (10) percent;
6. Material changes in the approved overall layout of the site plan and/or matters related to onsite and/or offsite infrastructure requirements authorized in the SPUD

Development Plan which in the opinion of the Planning Director will have a material adverse change with the SPUD or on the site surrounding the SPUD.

- d. **Minor Change.** A minor change (“Minor Change”) is a change that will not alter the basic design and character of the SPUD, nor any specified conditions imposed as part of the original approval. Minor changes include, but are not limited to:
1. Changes in location of a Mixed Residential Area, a civic area, green area, Common Open Space, or other designated areas, if the Planning Director determines that (a) the basic layout of the SPUD Development Plan remains the same, and (b) the SPUD Development Plan functions as well as before the revision;
  2. Changes in size of a Neighborhood Center Area, a Mixed Residential Area, a Neighborhood Edge Area, a civic area, green area, Common Open Space or other designated areas, if the size is increased or decreased by not more than ten (10%) percent, and the Planning Director determines that (a) the basic layout of the SPUD Development Plan remains the same, and (b) the SPUD Development Plan functions as well as before the revision;
  3. Changes in the location of a commercial Use in a Mixed Residential Area, if the Planning Director determines that the revised location is appropriate;
  4. Change in the location or size of a Common Open Space, if the overall amount of Common Open Space acreage does not decrease by more than ten (10%) percent, and the Planning Director determines that the quality and functionality of the revised Common Open Space is the same or better. The Planning Director may not approve a revision that includes the deletion of a Common Open Space within 500 feet of an area that is part of a final plat in a Mixed Residential Area;
  5. Change in the location or description of a major private open space improvement, if the Planning Director determines that the revised improvement is as beneficial to the residents as the previous improvement;
  6. Change in the location or type of a Drainage or water quality control, if the Planning Director determines that (a) the basic layout of the SPUD Zoning District remains the same, and (b) the revised location or type of control functions as well as the previous location or type of control, provided that there are no objections from the Department of Public Works;
  7. Change in the location of a 100-year floodplain, if the Planning Director determines that revision more accurately

describes the location of the floodplain, provided that there are no objections from the Department of Public Works;

8. Change in the locations of major utility facilities and Easements, if the Planning Director determines that the revised locations are more appropriate or functional, provided that there are no objections from the Department of Public Works;
  9. Change in a preliminary architectural standard, if the Planning Director determines that the revised standard is consistent with the architectural character of the SPUD Zoning District;
  10. Reduction of the size of any Building;
  11. Movement of Buildings and/or Signs by no more than ten (10') feet, but in no event in required Buffers and/or setbacks;
  12. Landscaping approved in the SPUD Development Plan that is replaced by similar landscaping to an equal or greater extent, provided that there are no objections from the Department of Public Works;
  13. Changes in non-residential floor plans, of up to ten (10%) percent of the total Floor Area, which do not alter the character of the Use or increase the amount of required parking;
  14. Internal rearrangement of a parking Lot that does not affect the number of parking spaces or alter Access locations or design;
  15. Changes required or requested by the Parish and other State or Federal authorities in order to conform to other laws or regulations;
  16. On balance, compared to the approved SPUD Development Plan, the change will equally or better meet the purposes and approval criteria set forth in Sections 8.216.A and 8.216.B above in the opinion of the Planning Director; and/or
  17. Any adverse impacts caused by the change are mitigated to the satisfaction of the Planning Director.
- e. Permitted Uses. Any changes to the permitted Uses within the SPUD Zoning District must be approved by the Council.
  - f. Review Procedures. Requests for changes to an approved SPUD Development Plan are processed as follows:
    1. Major Use Changes.

- (a) Application for Major Use Changes. The Owner(s) of record of the property shall file an application with the Planning Director, on a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Use Change, as described in Section 8.216.I.7.b and the resulting impacts from the Major Use Change on the Development.
- (b) Public Hearing. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director will forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the notice of public hearing on the affected site in a conspicuous place at least fifteen (15) days prior to the hearing. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
- (c) Findings and Recommendations. The Planning Commission shall make their findings on the Major Use Change based on the information set forth in the application and the approval criteria set forth in Section 8.216.I.7.b and submit recommendations to the Metropolitan Council prior to Noon on the Wednesday following the hearing date. The Planning Commission shall forward a copy of their findings and recommendations to the applicant.
- (d) Adoption of Major Use Change. The Metropolitan Council shall adopt or reject the proposed Major Use Change at the next scheduled zoning meeting from receipt of the recommendations from the Planning Commission. The Metropolitan Council shall submit reasons for its decision to the applicant.

2. Major Site Changes.

- (a) Application for Major Site Changes. The Owner(s) of record of the property shall file an application for major site change with the Planning Director, on a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Site Change, as described in Section 8.216.I.7.c and the resulting impacts from the Major Site Change on SPUD Development Plan.
- (b) Public Hearing. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public

hearing by posting the notice of the application for a major site change on the affected site in a conspicuous place at least fifteen (15) days prior to the hearing. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.

- (c) Findings and Recommendations. The Planning Commission shall make its findings on the application for Major Site Change based on the information set forth in the application and the approval criteria set forth in Section 8.216.I.7.c. The Planning Commission shall forward a copy of its findings and recommendations to the applicant.

3. Minor Changes.

- (a) Application. The Owner(s) of record of the property shall file an application for a minor site change with the Planning Director, on a form prescribed therefore, which shall contain a statement of the reason for the classification of the change as a Minor Change, as described in Section 8.216.I.7.d, and the immaterial (irrelevant) impacts contemplated or a result of the change on the SPUD Development Plan, if any.

- (b) Findings and Recommendations. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall make finding based on the information set forth in the application and the approval criteria set forth in Section 8.216.I.7.d, and notify the applicant of the decision. If the Planning Director determines the change to be a Minor Change, the Planning Director's decision shall be final and no Appeal shall be available.

4. Appeal of Classification as Major Use Change or Major Site Change. If the Planning Director determines the change to be a Major Use Change or a Major Site Change, the applicant may appeal the decision by the Planning Director to the Planning Commission.

- g. Subdivision of Land. If the SPUD Zoning District involves the Subdivision of land as defined in the Unified Development Code, the applicant shall submit all required land division documents in accordance with the requirements of the Unified Development Code. If there is a conflict between the design standards of the Unified Development Code and the design guidelines of this ordinance, the provisions of this ordinance shall apply. It being understood that the size and configuration of Lots within a SPUD Zoning District may otherwise be disallowed under the Unified

Development Code, but encouraged and permitted within a SPUD Zoning District.

8. Recordation of SPUD Development Plan, development restrictions, and other required documents. The approved Development Plan's development restrictions or conditions required by the Planning Commission and/or Metropolitan Council shall be recorded by the applicant with the Clerk of Court of East Baton Rouge Parish within fifteen (15) days of the date of approval by the Council and shall also file certified copies of these documents with the Office of the Planning Commission.

Filing and distribution of SPUD Development Plan. The subdivider shall provide the total number of prints as required by Appendix L of the approved SPUD Development Plan to be distributed as required by the Planning Commission staff within fifteen (15) day of approval.

9. Violations:

Any violation of the Development Plan or any other phase or plan adopted as part of the amendment to the Unified Development Code shall constitute a violation of the Unified Development Code.

J. Infill Small Planned Unit Development (ISPUD)

1. ISPUD Review and Approval Process. The ISPUD approval process shall consist of the following two (2) components.
  - a. Approval of the Development Plan, which may include a Preliminary Plat, by the Planning Commission and Metropolitan Council for the entire ISPUD; and
  - b. Approval of a Final Plat, if land is being subdivided, by the Planning Commission Staff.
2. Development Plan:

The Development Plan shall contain all information required in the ISPUD Development Plan Checklist.
3. Procedures for ISPUD Development Plan approval:

The Development Plan shall follow the procedures for approval of planning items before the Planning Commission and zoning cases before the Metropolitan Council.
4. Approval of ISPUD Development Plan:

If approved by the Metropolitan Council, the Development Plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Unified Development Code and shall become the standards of development for the ISPUD. All future development shall conform to the standards adopted for the ISPUD regardless of changes in ownership.
5. Establishing ISPUD district:

- a. Status of land. Upon approval of the Development Plan, the property shall be designated ISPUD on the official zoning map.
- b. Changes to an Approved ISPUD Development Plan.
  1. Types of Changes. Changes to approved ISPUD Development Plans shall be classified as administrative, minor or major.
  2. Administrative change. Any change that will not alter the basic design and character of the ISPUD, nor any specified conditions imposed as part of the original approval shall be considered an administrative change and may be approved by the Planning Director. Administrative changes shall be limited to:
    - a. Changes in location of any areas designated on the approved ISPUD Development Plan, if the Planning Director determines that: 1) the basic layout of the plan remains the same, and 2) the ISPUD Development Plan functions as well as before the revision;
    - b. Changes in the locations of major utility facilities and servitudes, provided that: 1) the Planning Director determines that the revised locations are more appropriate or functional, and 2) there are no objections from the Department of Public Works;
    - c. Reduction in the size of any building;
    - d. Movement of buildings and/or signs by no more than ten (10) feet, but in no event into required buffers and/or setbacks;
    - e. Modifications to Landscaping approved in the ISPUD Development Plan provided that: 1) the revised landscape materials are similar to the originally approved materials and will provide a buffering effect equal to or greater than that originally approved, and 2) there are no objections from the Department of Public Works;
    - f. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations by more than fifty (50) feet or their design on ISPUD Development Plans over one (1) acre, or that alter access locations by more than twenty (20) feet or their design on ISPUD Development Plans one (1) acre or less;
    - g. Changes required by the Parish and other State or Federal authorities in order to conform to other laws or regulations;

Prior to approving any administrative change, the Planning Director shall document in writing that, on balance, compared to the approved ISPUD Development Plan, the change will meet or exceed the purposes and approval criteria set forth in Sections 8.216.A and 8.216.B above in the opinion of the Planning Director and that any adverse impacts caused by the change have been mitigated.

3. Minor change. A minor change shall be any change not defined as an administrative change above or as a major change below. All minor changes shall require a public hearing and action by Planning Commission.
4. Major change. A major change shall require approval through the same process as was used in the approval of the original ISPUD, including a public hearing by the Planning Commission and action by the Metropolitan Council. Major Changes shall include the following:
  - a. Any increase in density of proposed uses;
  - b. Any change in location of approved uses which does not meet the criteria listed above for an administrative change.
  - c. Any use not previously shown on an approved ISPUD Development Plan.

6. Time Limits/Expiration of the ISPUD Development Plan:

ISPUD Development Plan approval shall expire three (3) years from the date of the Metropolitan Council approval, unless, during that three (3) year period a construction permit is obtained. If no construction occurs within three (3) years, the property shall remain in the ISPUD district, however, no permits for development will be issued unless or until a new ISPUD Development Plan is reviewed and approved pursuant to Section 8.216.J.3. The Planning Commission will consider extending the approval for an additional six (6) months, not to exceed a maximum period of twelve (12) months, upon receiving a written request from the developer.

If a construction permit is obtained, ISPUD approval shall remain in force for three (3) years following the issuance of such construction permit, provided that construction is not stopped for a period of six (6) months, in which case the ISPUD shall expire at the end of the original expiration period. In the event that an ISPUD Development Plan expires, no additional construction permits shall be issued until a new ISPUD application has been filed and approved in accordance with the requirements for the ordinance.

7. Recordation of ISPUD Development Plan, Development Restrictions, and other required documents. The approved Development Plan's development restrictions or conditions required by the Planning Commission and/or Metropolitan Council shall be recorded by the applicant with the Clerk of Court of East Baton Rouge Parish within fifteen (15) days of the date of approval by the Council and shall also file certified copies of these documents with the Office of the Planning Commission.

Filing and distribution of ISPUD Development Plan: The applicant shall make and distribute copies of the Development Plan within the guidelines stated in Appendix L.

8. Violations:

Any violation of the Development Plan or any other phase or plan adopted as part of the amendment to the Unified Development Code shall constitute a violation of the Unified Development Code.

### **Section 8.217            Traditional Neighborhood Development**

- A.     Purpose. The purpose of a Traditional Neighborhood Development Zoning District (“TND Zoning District”) is to encourage mixed-Use, compact Development and facilitate the efficient use of services. A TND Zoning District diversifies and integrates land Uses within close proximity to each other, and it provides for the daily recreational and commercial needs of the residents. A TND Zoning District is a sustainable, long-term community that provides economic opportunity and environmental and social equity for the residents. This ordinance’s intent is to encourage its use by providing incentives, rather than prohibiting conventional Development. A Traditional Neighborhood Development (TND):
1.     Is designed for the human scale;
  2.     Provides a mix of Uses, including residential, commercial, civic, and open space Uses in close proximity to one another within the neighborhood;
  3.     Provides a variety of housing types, and sizes to accommodate households of all ages, sizes, and incomes;
  4.     Coordinates transportation systems with a hierarchy of appropriately designed improvements for pedestrians, bicycles, and vehicles, which incorporates a system of relatively narrow, interconnected Streets, Roads, Drives, and other Thoroughfare Types, and provides for the connections of those Thoroughfare Types to existing and future Developments;
  5.     Includes compatibility of Buildings and other improvements as determined by their arrangement, massing, form, character and landscaping to establish a livable, harmonious and diverse environment;
  6.     Incorporates environmental features into the design;
  7.     Provides a range of Open Space configured by squares, plazas, greens, landscaped Streets, preserves, greenbelts and parks woven into the pattern of the neighborhood;
  8.     Incorporates architecture, landscape, lighting and signage standards integrated with the zoning provisions that respond to the unique character of the region; and
  9.     Provides an increased range of options than are allowed by conventional zoning.
- B.     Overview
1.     A TND Zoning District consists of an area of not less than 50 contiguous Acres. In this Article, property is considered contiguous even if separated by a public roadway.
  2.     A TND Zoning District is divided into at least two types of areas, and each type of area has different land Use and site Development regulations. A TND Zoning District must have one Neighborhood Center Area (also sometimes referred to as Town Center or Village Center) and at least one Mixed Residential Area. A TND

Zoning District may also have a Neighborhood Edge Area, Civic Spaces and Green Spaces.

3. A “Neighborhood Center Area” serves as the focal point of a TND Zoning District, containing retail, commercial, civic, and/or public services to meet the daily needs of community residents. A “Neighborhood Center” is pedestrian-oriented, and it is designed to encourage pedestrian movement. A square may be located in a Neighborhood Center Area. Retail and commercial Uses should generally be located adjacent to a square. The Neighborhood Center Uses include retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, and attached residential Dwellings.
4. A “Mixed Residential Area” includes a variety of residential land Uses, including single-family residential, duplex, Townhome, and multi-family. Residential scale retail and commercial Uses are permitted within a Mixed Residential Area with strict architectural and land Use controls. Retail and commercial Uses in a Mixed Residential Area are required to blend into the residential character of the neighborhood. A Mixed Residential Area includes open spaces including small squares, pocket parks, community parks, and/or greenbelts. A Mixed Residential Area promotes pedestrian activity through well-designed and varied streetscapes that also provide for the safe and efficient movement of both pedestrian and vehicular traffic. Mixed Residential Area Uses include single-family homes, condominiums, Townhomes, apartments, offices, restaurants, neighborhood scale retail, and civic Uses. Mixed Residential areas often utilize Alleys either public or private. Varying Lot sizes are encouraged within the Mixed Residential Area.
5. “Neighborhood Edge Area” is the least dense portion of a TND Zoning District, with larger Lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular Access to Streets is permitted. Only single-family residential Dwellings are permitted. A Neighborhood Edge Area is appropriate along the perimeter of the neighborhood. A portion of a TND Zoning District that adjoins existing or platted conventional low Density housing must be designated as a Neighborhood Edge Area.
6. Large office, low-impact manufacturing Uses and industrial Uses that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area but which serve the local residents may be located in a specified district.
7. Civic Uses that are oriented to the general public are permitted in a Neighborhood Center Area and a Mixed Residential Area. These Uses are essential components of the social and physical fabric of a TND Zoning District. Civic space shall be integrated in residential and commercial areas in the TND. TND’s shall incorporate civic Common Open Spaces to be maintained by the municipality and/or private open spaces to be maintained by the community or landowners within the TND. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public Buildings to create focal points and landmarks for the community. The locations of these major public civic Uses are designated on the Concept Plan at the time of Planning Commission approval of a particular Development.
8. Open space is a significant part of a TND Zoning District design. Formal and/or informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, and greenbelts.

9. TND Zoning District is designed to be pedestrian oriented. To accomplish this goal, pattern and design of the various Thoroughfare Types are used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected and diverse network of Streets, and other Thoroughfare Types, is required. Streets may be smaller than in conventional Development and more varied in size and form to control traffic and give character to the neighborhood.
10. Thoroughfares and utilities in TND Zoning Districts shall connect to existing Thoroughfares and utilities, or dead-end as stubs intended for connection to future Thoroughfares, unless otherwise prohibited by topography, environmental constraints or other considerations.

C. TND Zoning District Design Requirements

1. Association.
  - a. Conditions, covenants, and restrictions for all the property within a TND Zoning District must be filed in the Parish records by the Owner before a Lot is sold and/or a Building permit is issued.
  - b. In addition to other terms and conditions acceptable to the applicant, the conditions, covenants, and restrictions must create one (1) or more property owners Association with mandatory membership for each property Owner, governed by Articles of Incorporation and Bylaws, which shall:
    1. be organized by the applicant and operated with a financial subsidy from the applicant before the sale of any Lots within the TND Zoning District;
    2. provide for the conditions and timing of transferring control of the Association from the applicant to the property Owners;
    3. be responsible for maintenance of insurance and taxes on all Common Open Space, enforceable by liens placed on the Association by the Parish, as provided in the Association Bylaws;
    4. at all times, cause all Owners to have Access to the Common Open Space within the TND Zoning District;
    5. establish architectural standards that are in conformity with the requirements of this ordinance which shall be subject to review and approval by the Board of Directors of the Association or the Architectural Control Committee, as described below;
    6. create an Architectural Control Committee to review Development for compliance with the design standards, to issue certificates of approval, and to review and approve the Development's architect, designer, and/or other professionals contributing to the Development;
    7. provide for the ownership, Development, management, and maintenance of private open space (except plazas owned by

individual property Owners), community parking facilities, community meeting hall, and other common areas;

8. provide for a maintenance program for all property within the TND, including landscaping and Trees within the streetscape;
  9. require the collection of assessments from members in an amount sufficient to pay for its functions; and
  10. be effective for a term of not less than fifty (50) years.
2. Land Use Allocations. Each Lot within a TND Zoning District must be allocated particular permitted land Use categories. The identification of permitted land Uses within all or a portion of a TND Zoning District may be made by reference to other zoning districts available within the Unified Development Code. Areas which would permit the sale or consumption of alcohol must be approved for an alcohol license by the Alcoholic Beverage Control Board; provided, however, in the event of a conflict between the proximity and/or distance requirements of the Parish's Wine, Beer & Liquor ordinance for establishments licensed or seeking a license to sell or serve alcoholic beverages and the establishments and facilities defined in La. R.S. 26:81(C)(1) and this Ordinance, this Ordinance shall prevail.
3. Neighborhood Uses. In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land Uses throughout the TND Zoning District and not to separate Uses. A TND Zoning District shall consist of a mix of residential Uses, a mixed Use area, and open space as provided below:
- a. A mix of residential Uses For new construction or infill Development, the mix of residential Uses may be satisfied by existing residential Uses adjacent to the TND Zoning District by including some and/or all of the following:
    1. Single-family detached Dwellings;
    2. Single-family attached Dwellings, including duplexes, Townhomes, row houses;
    3. Multi-family Dwellings, including senior housing; (d) Secondary Dwelling Units;
    4. "Special needs" housing, such as community living arrangements and assisted living facilities;
    5. Residential units above commercial Uses, which shall be considered Multi-Family Units.
  - b. Mixed Use area, of commercial, residential, civic or institutional, and open space Uses as identified below. All residents' residences shall be within approximately ¼ mile distance from existing or proposed commercial, civic, and or open space areas.
    1. Commercial Uses may include the following:
      - (a) Food services (including without limitation, neighborhood grocery stores; butcher shops; bakeries; restaurants

(including the sale and consumption of alcohol), not including drive-throughs; cafes; coffee shops; neighborhood taverns, bars or pubs); delis, ice cream parlors, specialty foods, and/or outside dining patios and areas;

- (b) Retail Uses (including without limitation, retail sales, florists or nurseries; gas stations, hardware stores; stationery stores; book stores; galleries, studios and shops of artists and artisans, drug stores, apparel, antiques, furniture, music, pets, farmers market, and toys);
- (c) Services (including without limitation, child care centers; music, dance or exercise studios; offices, including professional and medical offices; financial and banks; medical clinics, barber; laundromats; educational, hair salon; dry cleaning, health or fitness, dry cleaners, tailor shops, repair and service shops, and postal);
- (d) Accommodations (bed and breakfast establishments, small hotels or inns); and
- (e) Clubs and organizations, including fraternal organizations.

2. Residential Uses may include the following, for sale or rent:

- (a) Single-family attached Dwellings, including duplexes, Townhomes, row houses;
- (b) Multi-family Dwellings, including senior housing;
- (c) Residential units located on upper floors above commercial Uses or to the rear of storefronts;
- (d) Live/Work Units that combine a residence and the resident's workplace; and
- (e) "Special needs" housing, such as community living arrangements and assisted living facilities.

3. Civic or institutional Uses may include the following:

- (a) Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
- (b) Places of worship;
- (c) Transit shelters;
- (d) Philanthropic institutions; and
- (e) Educational facilities.

4. Office which may include the following:

- (a) Art galleries and studios;

- (b) Banks;
  - (c) Child care centers;
  - (d) Clubs;
  - (e) Offices; and
  - (f) Medical clinics.
5. Open space Uses may include the following:
- (a) Central square;
  - (b) Neighborhood parks;
  - (c) Recreational facilities; and
  - (d) Playgrounds.
- c. Open space. Uses identified below should be incorporated in the TND Zoning District as appropriate. Large outdoor recreation areas (such as playgrounds and fields, not large neighborhood centers) should be located at the periphery of neighborhoods rather than central locations. Common Open Space is more particularly described in Section 8.217.C.3.c below.
- 1. Environmental corridors dedicated for preservation;
  - 2. Protected natural areas dedicated for preservation;
  - 3. Community parks;
  - 4. Streams, ponds, and other water bodies.
4. Development Units. The number of residential Dwelling units and the amount of nonresidential Development, excluding open spaces, shall be determined as follows, provided that single-family detached Dwellings shall account for at least fifty (50) percent of the total number of residential units in the TND, and two-family units, Townhomes, and Multi-Family Units shall comprise less than fifty (50) percent of the units:
- a. In areas devoted to mixed residential Uses:
    - 1. The number of single-family attached and detached units permitted shall be 5 – 8+ Dwelling units per Net Acre;
    - 2. The number of Multi-Family units shall be 8 - 40 Dwelling units per Net Acre.
    - 3. Secondary Dwelling Units shall be permissible in addition to the number of dwelling units authorized under this Section. However, the total number of Secondary Dwelling Units shall not be more than twenty (20) percent of the total number of Single-Family attached and detached units.

- b. In mixed-Use areas:
  - 1. The number of Single-Family and Multi-Family Dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten (10) percent of the amount permitted above.
  - 2. All Dwelling units constructed above commercial Uses shall be permissible in addition to the number of Dwelling units authorized under this Section. However, the total number of Dwelling units shall not be increased by more than 10 Dwelling units or ten (10) percent, whichever is greater.
  - 3. The total ground Floor Area of nonresidential Development Uses, including off-Street parking areas, shall not exceed twenty-five (25) percent of the TND Zoning District.
- 5. Additional Common Open Space Requirements. At least twenty (20) percent of the gross acreage of the TND Zoning District must be Common Open Space. Ninety (90) percent of the Lots within the areas devoted to mixed residential uses shall be within approximately ¼ mile distance from Common Open Space. At least twenty-five (25) percent of Common Open Space should be dedicated as parkland.
  - a. The following Uses may account for Common Open Space with the stated limitations:
    - 1. Parks, open greenbelt areas, and other recreational space which are readily accessible must account for not less than twenty-five (25) percent of the Common Open Space.
    - 2. Trees along Thoroughfare Types located within designated landscape common areas or landscape Servitude and located within a Street Right-of-Way may only constitute twenty-five (25) percent of the Common Open Space. There shall be a minimum average of one (1) Street Tree on both sides of the Street per forty (40) feet of frontage. However, Common Open Space within vehicle Use areas or any noncontiguous green area of less than five hundred (500) square feet may not be included.
    - 3. Surface drainage, including surface retention and detention, should be natural or man-made features which enhance a particular property and increase its desirability to a community or its marketability to the public.
      - (b) Unpaved lakes, ponds, bayous, streams, or creeks, including storm water wet detention basins provided that they are designed so that a minimum of twenty (20) percent of the Abutting shoreline is made accessible for the common Use of the Development, but in no event less than three hundred (300) feet of frontage.
      - (b) Storm water dry detention basins of not less than one (1) Acre; but may not exceed twenty-five (25) percent of the

Common Open Space and must be designed to provide for acceptable maintenance and upkeep of the detention basin.

4. Golf courses may account for up to fifty (50) percent of the Common Open Space provided that the course is open to the public.
  5. Natural Wetlands shall not exceed fifty (50) percent of Common Open Space plus any Natural Wetlands reasonably visible from interpretive walkways provided in and through the Wetland.
  6. Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to twenty-five (25) of the Common Open Space.
  7. Servitudes with existing below ground utilities and/or facilities with a width of not less than thirty (30) feet.
  8. Electrical transmission line Servitudes with a width not to exceed one-hundred fifty (150) feet in Commercial and Residential areas only, and must be improved, recreational use areas available to the public.
  9. School sites, Library sites, outside hard surface Recreational Area, not to exceed twenty (20) of the Common Open Space, excluding the area devoted to Buildings.
  10. An existing Building or Buildings that have historical or cultural significance may be located in a common area space; however, the enclosed Building area may not be included in the Common Open Space requirement.
- b. Common Open Space shall not include:
1. Required
    - (a) Yards which are not accessible for the common Use of the Development;
    - (b) Parking areas;
    - (c) Drives;
    - (d) Utility with above ground improvements or Road Easements/Servitudes;
    - (e) Paved lakes, ponds, bayous, streams, or creeks
  2. Structures (unless a part of the open space such as gazebos);
  3. Required drainage ditches or canals; and
  4. Areas reserved for the exclusive Use and benefit of an individual tenant or Owner.

- c. No more than twenty (20) percent of the Common Open Space shall be devoted to paved areas and Structures such as courts or recreation Buildings.
  - d. Common Open Space shall be permanently set aside for the sole benefit, Use, and enjoyment of present and future occupants of the Traditional Neighborhood Development through covenant, deed restriction, open space Servitude, or similar legal instrument; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the Use of the general public.
  - e. In the event land shown on a Final Development Plan (as hereinafter defined) as Common Open Space is dedicated to the Parish, the Metropolitan Council may, but shall not be required to, accept the open space provided: (x) such land is accessible to the residents of the Parish; (y) there is no cost of acquisition other than the costs incidental to the transfer of ownership; and (z) the Parish agrees to and has Access to maintain such lands.
  - f. Common Open Space shall be protected against Building Development and environmental damage by conveying to the municipality, parish, association, or land trust an open space Servitude restricting the area in perpetuity against any future Building and against the removal of soil, Trees and other natural features, except as the Planning Commission determines is consistent with conservation or recreational purposes.
6. Stormwater Management. The design and Development of the TND Zoning District should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New Development and redevelopment shall meet the following requirements:
- a. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
  - b. A Drainage analysis shall be submitted in conformance with the Unified Development Code regulations.
  - c. Erosion and sediment controls must be implemented.
  - d. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
  - e. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
7. Lot and Block Standards.
- a. Block and Lot size diversity. Thoroughfare layouts should provide for perimeter Blocks that are generally in the range of two hundred (200) – four hundred (400) feet deep by four hundred (400) – eight hundred (800) feet long. Block length shall not exceed two thousand (2,000) feet in perimeter. The Planning Commission may approve block perimeters of more than two thousand (2,000) feet if required because of existing

topography. The applicant should consider where and when appropriate, a block longer than five hundred (500) feet in length may be traversed near the midpoint by a pedestrian Path. A variety of Lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

- b. Lot Widths. Lot Widths should create a relatively symmetrical Street or Road cross section that reinforces the public space of the Street or Road as a simple, unified public space.
  - c. Building Setback, Front - Mixed Use Area. Structures in the mixed-Use area have no minimum setback. Commercial and civic or institutional Buildings should abut the sidewalks in the mixed-Use area.
  - d. Building Setback, Front - Areas of Mixed Residential Uses. Single-family detached residences shall have a Building Setback in the front between zero (0) and twenty-five (25) feet. Single-family attached residences and multifamily residences shall have a Building Setback in the front between zero (0) and fifteen (15) feet.
  - e. Side Setbacks. Provision for zero (0) Lot-line single-family Dwellings should be made, provided that a reciprocal Access Easement is recorded for both Lots and Townhomes or other attached Dwellings, provided that all Dwellings have pedestrian Access to the rear yard through means other than the principal Structure.
8. Thoroughfare Network.
- a. The circulation system shall allow for different modes of transportation.
  - b. The circulation system shall provide functional and visual links within the residential areas, mixed-Use area, and open space of the TND Zoning District and shall be connected to existing and proposed external Development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes, especially off-Street bicycle or multi-Use Paths or bicycle lanes on the Streets where required and ADA-approved crosswalks and sidewalks, control through traffic, provide adequate Transit Stops, limit Lot Access to Streets of lower traffic volumes, and promote safe and efficient mobility through the TND Zoning District.
  - c. The general requirements of Appendix J of the Unified Development Code attached hereto shall apply, which may be modified by the Planning Commission.
  - d. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All Streets, except for Alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Appendix J of the Unified Development Code. The following provisions also apply:
    - 1. Sidewalks in residential areas. Clear and well-lighted sidewalks shall be a minimum five (5) feet in width. Sidewalks shall be

provided along both sides of each Street in residential areas. For pedestrian safety, sidewalks shall be separated at least six (6) feet from the curb in areas of single-family detached dwelling units. In areas of multifamily and attached single-family dwellings, pavement may extend between the required pedestrian sidewalk and the street curb, provided a five (5) foot unobstructed pedestrian sidewalk is provided, and there be a minimum five (5) foot Street tree buffer between the pedestrian sidewalk and the curb on both sides of the roadway.

2. Sidewalks in mixed-Use areas. Clear and well-lighted walkways shall be a minimum of five (5) feet in width. Sidewalks shall be provided along both sides of each Thoroughfare Type located within a mixed-Use area. Within mixed-Use areas, pavement may extend between the required pedestrian sidewalk and the street curb provided a five (5) foot unobstructed pedestrian sidewalk is provided, and there be a minimum six (6) foot Street tree buffer between the pedestrian sidewalk and the curb on both sides of the roadway.
  3. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
  4. Crosswalks. Intersections of sidewalks with Thoroughfares shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials or texture at the edges.
- e. Bicycle Circulation. Bicycle circulation shall be accommodated on Streets and/or on dedicated bicycle Paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-Street bicycle Paths (generally shared with pedestrians and other non-motorized users) and separate, striped, five (5) foot bicycle lanes on Streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14) feet.
  - f. Public Transit Access. Where public transit service is available or planned, convenient Access to Transit Stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well lighted.
  - g. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “Queuing Streets”, curb extensions, traffic circles, and medians shall be used to encourage slow traffic speeds.
  - h. The Thoroughfare network of the TND shall be connected to existing Thoroughfares. TND Streets should be laid out to allow extensions to future neighborhoods. Dead-end Streets are prohibited.
  - i. Design of Thoroughfares.
    1. General.

- (a) Thoroughfares consist of moving lanes, parking lanes, curbs or swales, planters, Trees, Street lights and sidewalks.
  - (b) Thoroughfare Types shall be designated in the Final Development Plan.
  - (c) Roads, Streets, and Commercial Streets may be modified to become avenues, Boulevards and Drives.
  - (d) Thoroughfares passing from one (1) Use area to another shall change appropriately except those designated as a “connector” in the Final Development Plan.
  - (e) The exact locations of Trees and lights along Thoroughfares may be adjusted for specific conditions, such as Building entrances.
  - (f) Thoroughfares that exist in or near a TND at the time of rezoning and are consistent with the intent of this ordinance may become an approved standard for use in that TND. An example of such a condition is commonly found in a nearby historic neighborhood.
  - (g) If striped, on-street parallel parking spaces shall be striped collectively, not individually.
  - (h) The full width of all Paths, Passages, rural lanes, lanes and Alleys shall be designated a utility Easement. Only in the absence of these Thoroughfare Types are utility Easements permitted elsewhere.
  - (i) All Thoroughfares within a TND shall terminate at other Thoroughfares, forming a network. Cul-de-sacs shall be granted only when justified by site conditions.
2. Design of Thoroughfares in Commercial Areas.
- (a) All Lots shall enfront on a Thoroughfare, except that a maximum of twenty (20) percent of Lots served by a rear Alley may enfront a Path or Passage.
  - (b) Thoroughfares may intersect at non-orthogonal angles as acute as thirty (30) degrees.
3. Design of Thoroughfares in Civic Areas. Thoroughfares enfronting civic Buildings or civic spaces shall follow the standards of the underlying Use area.
9. Parking requirements. The requirements for parking spaces shall be as listed in the Final Development Plan. Parking areas for shared or community Use should be encouraged. On-street parking shall count toward the parking requirements. Side and rear parking shall be allowed. In addition:

- a. In the mixed-Use area, any parking Lot shall be located at the rear or side of a Building. If located at the side, screening shall be provided as specified in Section 8.217.C.14.
- b. A parking Lot or Garage may not be adjacent to or opposite a Street, or other Thoroughfare, intersection.
- c. In the mixed-Use area, a commercial Use must provide one (1) parking space for every one thousand (1,000) feet of gross Building area.
- d. Parking Lots or Garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.
- e. Adjacent on-street parking may apply toward the minimum parking requirements.
- f. In the mixed residential areas, parking may be provided on-site. One (1) off-Street parking space with unrestricted ingress and egress shall be provided for each Secondary Dwelling Unit.
- g. Multi-family Uses must provide one (1) parking space for every first bedroom and [0.5] parking space for each additional bedroom.
- h. In residential areas, Garage doors which face the front of a Lot shall be placed twenty (20) feet beyond the setback of the principal Structure. However, the Planning Commission may modify this requirement for no more than twenty (20) percent of the Dwelling units if warranted by topography or other environmental conditions.
- i. In non-residential areas, parking Lots shall be located to the rear or side of Buildings. Side parking Lots shall account for no more than twenty-five (25) percent of parking per site, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.
- j. In the case of commercial or office Uses which have shop or store fronts adjacent to sidewalks and Thoroughfares, parking along the Thoroughfare directly in front of the Lot shall count toward fulfilling the parking requirements.
- k. The required number of spaces for commercial and office Uses may be further reduced by demonstrating the use of shared parking.
- l. If a Developer desires additional customer parking for nonresidential Uses, it shall be provided on grassy, pervious surfaces (of reinforced/ plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.
- m. Off-street parking shall be located in mid-block parking Lots located behind the Buildings.
- n. Parking shall be accessed by Alley or Rear Lane, when available. However, there shall be no parking in an Alley or lane.
- o. Parking shall be prohibited within thirty (30) feet of intersections to enable public service and emergency vehicles adequate turning radii, and in mid-

block sections such that emergency vehicles can park and operate within one hundred twenty-five (125) feet of all Buildings on the block.

- p. Required parking must be provided within a five (5) minute (one quarter mile) radius of the site which it serves.
  - q. The location of permitted parking along Thoroughfares should be coordinated to allow access to mail boxes.
  - r. Parking Lots greater than two (2) double loaded parking rows shall be carefully arranged to minimize breaks between pedestrian destinations.
  - s. Shared Parking.
    - 1. If an office Use and a retail Use share parking, the parking requirement for the retail Use may be reduced by twenty (20) percent, provided that the reduction shall not exceed the minimum parking requirement for the office Use.
    - 2. If a residential Use shares parking with a retail Use other than lodging Uses, eating and drinking establishments or entertainment Uses, the parking requirement for the residential Use may be reduced by thirty (30) percent, provided that the reduction does not exceed the minimum parking requirement for the retail and service Use.
    - 3. If an office and a residential Use share off-Street (or other Thoroughfare) parking, the parking requirement for the residential Use may be reduced by fifty (50) percent, provided that the reduction shall not exceed the minimum parking requirement for the office Use.
    - 4. The required number of spaces for commercial, office, civic, and multi-family Uses may be further reduced by demonstrating the use of shared parking.
10. Architectural Standards. A variety of architectural features and Building materials is encouraged to give each Building or group of Buildings a distinct character. In order to achieve harmonious design throughout the TND Zoning District, architectural design guidelines for the residential, commercial, office, civic and institutional Uses shall be submitted to the Planning Commission and used in creating the Development by the Developer. The architectural features and guidelines are illustrative and conceptual and may be altered by the Developer from time to time, it being understood that market conditions, social changes, building costs, changes in demographics, other building codes and regulation and other reasons may require the alteration of the architectural features and concepts.
- a. Guidelines for Existing Structures
    - 1. Existing Structures or sites, if determined to be historic or architecturally significant by the East Baton Rouge Parish Historic Preservation Commission or the Louisiana State Historic Preservation Office, or listed on the National Register of Historic

Places, shall be protected from demolition or encroachment by incompatible Structures or landscape Development.

2. The U.S. Secretary of the Interior's Standards for alterations to Historic Properties shall be used as the criteria for rehabilitation and treatment of historic or architecturally significant Structures or sites.

b. Guidelines for New Structures

1. Height. New Structures within a TND Zoning District shall be no more than three (3) occupied Stories for single-family residential, or five (5) occupied Stories for commercial, multifamily residential, or mixed-Use.
2. Entries, Facades, Windows, Doors and Roofs.
  - (a) The architectural features, materials, and the articulation of a facade of a Building shall be continued on all sides visible from a public Thoroughfare.
  - (b) The front facade of the Principal Building on any Lot in a TND District shall face onto a public Thoroughfare. Corner lots are required to face onto one public thoroughfare.
  - (c) The front facade shall not be oriented to face directly toward a parking Lot.
  - (d) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
  - (e) For commercial Buildings, a minimum of fifty (50%) percent of the front facade on the ground floor shall be glass (transparent), including window or door openings allowing views into and out of the interior.
  - (f) New Structures on opposite sides of the same Thoroughfare should follow similar design guidelines. This provision shall not apply to Buildings bordering civic Uses.
  - (g) Building and parking placement within the Neighborhood Center, or Town Center, should be arranged to create appropriately scaled continuous Building facades with as few non-pedestrian oriented breaks as possible.
  - (h) Walls along Thoroughfares shall be made of brick, or block and stucco, or other material to match the façade of the Principal Building.
  - (i) Windows shall use clear glass panels.
  - (j) All openings including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.

- (k) Openings above the first Story shall not exceed fifty (50) percent of the total Building wall area, with each façade being calculated independently.
  - (l) The facades on retail frontages shall be detailed as storefronts and glazed no less than fifty (50) percent of the sidewalk-level Story.
  - (m) Doors and windows that operate as sliders are prohibited along frontages.
  - (n) Flat roofs shall be enclosed by parapets a minimum of forty-two (42) inches high, or as required to conceal mechanical equipment to the satisfaction of the Developer, Association Board or Directors and Architectural Control Committee.
    - (1) Dwelling units may be constructed above the ground floor in commercial and office Buildings.
    - (2) Commercial and office Development within the TND shall have an architectural design compatible with the design of residential Buildings. As stated in Section 8.217.C.1.b.5, the Board of Directors of the Association or the Architectural Control Committee establishes architectural standards for the TND.
- c. Utilities. All utilities shall be placed underground.
11. Guidelines for garages and Secondary Dwelling Units. Garages and Secondary Dwelling Units may be placed on a single-family detached residential Lot within the Principal Building or an Accessory Building provided that the Secondary Dwelling Unit shall not exceed eight hundred (800) square feet. Garage doors shall have a minimum setback of twenty (20) feet when accessed from the front property line, and shall have a minimum setback of nine (9) feet from the rear property line when accessed from a Rear Alley.
12. Guidelines for exterior signage. Comprehensive Sign guidelines are required for the entire TND Zoning District which establishes a uniform Sign theme. Such guidelines shall be submitted to the Planning Commission. Signs shall share a common style, as to sizes, shapes, and materials permitted within the TND Zoning District.
13. Guidelines for lighting.
- a. Lighting along Thoroughfares, including pedestrian scale lighting, shall be provided along all Thoroughfares. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Lights shall be installed on both sides of Streets at intervals of no greater than seventy-five (75) feet apart. The lighting design shall meet the minimum standards developed by the Illumination Engineering Society.
  - b. Exterior lighting shall comply with the East Baton Rouge Parish Lighting Ordinance.

14. Landscaping and Screening Standards.

- a. Overall composition and location of landscaping shall complement the scale of the Development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least three (3) feet in height, unless otherwise specified. Required screening shall be at least fifty (50) percent opaque throughout the year. Required screening shall be satisfied by one (1) or some combination of a decorative fence not less than fifty (50%) percent behind a continuous landscaped area, a masonry wall, or a hedge.
- b. Trees Along Thoroughfares.
  1. A minimum of one (1) deciduous canopy Tree per forty (40) feet of frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced, subject to further provisions as set forth herein.
  2. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a Boulevard, or in Tree wells installed in pavement or concrete.
  3. Native shade Trees which grow to a minimum height of forty (40) feet at maturity shall be planted along all Streets at a maximum average spacing of thirty (30) feet on center.
  4. Trees shall have a minimum caliper of two and one-half (2 ½) inches at the time of planting.
- c. Parking area landscaping and screening.
  1. All parking and loading areas fronting public Thoroughfares or sidewalks, and all parking and loading areas abutting residential districts or users, shall provide a landscaped area at least five (5) feet wide along the public Thoroughfare or sidewalk; screening at least three (3) feet in height and not less than fifty (50) percent opaque; and one (1) Tree for each twenty-five (25) linear feet of parking Lot frontage.
  2. The corners of parking Lots, “islands”, and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation may include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
  3. For all parking Lots with more than six (6) spaces, the landscaped area shall be comprised of a minimum of twenty (20) percent of the total parking Lot area.
  4. In large parking Lots containing more than two hundred (200) parking spaces, an additional landscaped area of at least two hundred (200) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, containing one (1) native shade Tree or canopy Tree. The remainder shall be covered with

turf grass, native grasses or other perennial flowering plants, vines or shrubs.

5. A landscaping plan is required for structured parking.
  - d. All Landscaping must adhere to the Landscaping Ordinance within the Unified Development Code.
15. Environmental Standards. All Uses in the Traditional Neighborhood Development shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.
- D. Fees. The Metropolitan Council may, by resolution, establish fees for the administration of this ordinance.
- E. Other Code and Ordinances Applicability.
1. The Unified Development Code and Subdivision Regulations (“Other Codes and Ordinances”) for the Parish applies to a TND Zoning District unless:
    - a. this ordinance expressly provides otherwise; and
    - b. only as long as such Other Codes and Ordinances do not impede the accomplishment of the stated purpose of the TND Zoning District as described in this ordinance.
  2. The requirements of this Article supersede any inconsistent provision of any Other Codes and Ordinances.
  3. A TND Zoning District is a separate and distinct zoning district which shall allow the permitted Uses as provided in the Concept Plan, notwithstanding any other zoning classification provided in Other Codes and Ordinances.
  4. The Final Development Plan, as approved by the Planning Commission, shall supersede any inconsistent provision of any Other Codes and Ordinances, including without limitation any parking, street or landscaping requirements, dimensional regulations, setbacks or proximity requirements between establishments located within the TND licensed or seeking a license to sell, consume or serve alcoholic beverages and the establishments and facilities defined in La. R.S. 26:81(C)(1), which are also located within the TND, it being the intent herein to give the Planning Commission the discretionary authority to deviate from the requirements of Other Codes and Ordinances when deemed appropriate by the Planning Commission in order to promote compact, mixed-use development within the TND Zoning District.
  5. The provisions of this Article shall be retroactive and shall apply to any previously approved Final Development Plan.
- F. Ownership and Control. All land proposed to be included in the TND zoning district shall be owned by or be under the control of the applicant for the purpose of seeking the TND zoning designation (including without limitation a purchase agreement, option agreement, and/or development agreement), whether that applicant be an individual, partnership, corporation (limited liability company, limited liability partnership, trust), or groups of individuals, partnerships, or corporations (limited liability company, limited

liability partnerships and/or trusts). The applicant shall agree that if applicant proceeds with the Traditional Neighborhood Development applicant will do so in accordance with:

1. The Concept Plan of development officially adopted for the Traditional Neighborhood Developments;
2. Regulations existing when the amendment granting the Traditional Neighborhood Development was adopted; and
3. Such other conditions or modifications as may be attached to the rezoning of the land to the Traditional Neighborhood Developments.

G. Application Procedure and Approval Process; General. Prior to the issuance of any permits for Development within a TND Zoning District, the following four (4) shall be completed according to the procedures outlined in this Section:

1. Pre-Application Conference;
2. Approval of a Concept Plan by the Planning Commission and the Metropolitan Council for the entire Traditional Neighborhood Development; and
3. Approval of a Final Development Plan by the Planning Commission.
4. Approval of a Final Plat by the Planning Commission Staff.

If the Development includes the division of property into Lots, the Final Development Plan shall be approved concurrently with a preliminary plat. Subdivisions of property within a TND Zoning District after Concept Plan approval, but prior to Final Development Plan approval, shall meet the zoning requirements of the most Restrictive zoning district allowed for each designated Use for that portion of the Concept Plan. These Subdivisions shall require Planning Commission approval and will not allow Development or Building permit approval until a Final Development Plan is approved. Where the Development is to be developed in phases, the Concept Plan that is presented for review and approval shall be the Concept Plan for the entire Development and shall identify the proposed phasing. Each phase of a Development shall have an individual Final Development Plan.

H. Pre-Application Conference.

1. The pre-application conference shall be held with the Planning Director for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a Traditional Neighborhood Development.
2. A request for a pre-application conference shall be made to the Planning Director. As part of the pre-application conference, the applicant shall submit the number of copies listed in Appendix L of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, Thoroughfare network (vehicular and pedestrian circulation), land Use(s) for the entire site, and a statement indicating financial responsibility sufficient to complete the Public Improvements shown on the conceptual plan.

3. The Planning Director shall advise the applicant of the conformance of the Traditional Neighborhood Development concept with the intent and objectives of a Traditional Neighborhood Development, whether it appears to qualify under the minimum requirements of Sections 8.217.A, 8.217.B, and 8.217.C, and whether the general concept appears to be substantially consistent with the Unified Development Code and the Comprehensive Land Use Plan. No formal action will be taken at a pre-Application conference, nor will statements made at the pre-application conference be considered legally binding commitments.
- I. Concept Plan. Following the pre-application conference, the applicant shall submit a completed application (Concept Plan) to the Planning Director. The Concept Plan shall contain all information required in the Concept Plan Checklist, including architectural design guidelines as described in Section 8.217.C.10 herein. The applicant shall subsequently be responsible for conducting a public workshop for residents of the area in which the project is proposed to be located. The workshop requirements ensure: the applicant is fully aware of the process, the workshop is conducted at a place and time convenient to the residents, and residents are properly notified of its intent. The applicant is required to conduct the workshop and document the results to the Planning Director before the application is deemed complete.
    1. Procedures for TND Concept Plan approval. All Applications for Traditional Neighborhood Developments shall be processed in the following manner:
      - a. The Concept Plan shall follow the procedures for approval of planning and zoning items before the Planning Commission and the Metropolitan Council which are not in conflict with this Section 8.217.I.
      - b. Notice of the time and place of the public hearing shall be mailed by certified mail to the owner/subdivider and all abutting property owners fifteen (15) days prior to the Planning Commission Meeting. For the purpose of the notice requirement to adjoining property owners, the names and addresses of such owners shall be deemed to be those on the current tax records in the office of the East Baton Rouge Parish Assessor. The public hearing shall also be advertised in the official journal. All abutting property Owners shall be given an opportunity to submit written comments. The legal ad must run three (3) times in the Parish's official journal at least ten (10) days prior to the Planning Commission Meeting.
      - c. Following required public notice, the Planning Commission shall hold a public hearing on the proposed Traditional Neighborhood Development. Following the hearing, the Planning Commission shall review Traditional Neighborhood Development request and Concept Plan and any comments submitted by any adjoining property Owners and shall make a recommendation to the Metropolitan Council to approve, approve with conditions, or deny the Traditional Neighborhood Development rezoning request. In its recommendation to the Metropolitan Council, the Planning Commission shall include the reasons for such recommendation.
    2. Approval of a Traditional Neighborhood Development Concept Plan. After receiving the recommendation of the Planning Commission, the Metropolitan Council shall review the Application, including the Concept Plan, the record of the Planning Commission proceedings and the recommendation, and shall approve, approve with conditions, or deny the Application in accordance with the standards and purposes set forth in Sections 8.217.A, 8.217.B, and 8.217.C. An approval with conditions shall not be considered final (and the rezoning is not final until such

time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the Concept Plan to the Council.

If approved by the Metropolitan Council, the Concept Plan and all other information and material formally submitted with the Application shall be adopted as an amendment to this Development Code and shall become the standards of Development for the Traditional Neighborhood Development. All future Development shall conform to the standards adopted for the Traditional Neighborhood Development regardless of changes in ownership.

Upon approval of the Concept Plan, the property shall be designated "TND CONCEPT" on the official zoning map.

- J. If the applicant fails to timely submit a Final Development Plan for a portion of the property, the TND Zoning District designation shall remain, but the TND Concept Plan must be resubmitted, reviewed, and approved by the Planning Commission Staff for a three (3) year extension. If the applicant fails to timely submit a Final Development Plan for a portion of the property three (3) years from the date of the extension approval, the TND Zoning District designation shall remain, but the applicant must resubmit the TND Concept Plan for full Planning Commission review and approval. No permits for development shall be issued unless or until a new TND Concept Plan is reviewed and approved pursuant to Section 8.217.I.1.
- K. Final Development Plan and Final Plat.
1. Submittal. Within thirty-six (36) months of the Metropolitan Council's approval of the Concept Plan, and except as permitted under Concept Plan approval, the applicant shall submit a Final Development Plan for all or for a portion of the property to the Planning Director prior to commencing construction on property zoned "TND CONCEPT". The applicant may request an extension of up to twelve (12) additional months from the Metropolitan Council if the Final Development Plan has not been approved. If the applicant fails to submit a Final Development Plan for all or for a portion of the property, then the Concept Plan shall be determined to be invalid, but the TND Zoning District shall remain. If the Traditional Neighborhood Development is to be developed in phases, the applicant must submit a Final Development Plan for the first phase within thirty-six (36) months of the Council's approval of the Concept Plan. All subsequent phases must follow the standards of the Concept Plan and should be submitted in a timely manner. However, there is no time limit to submit subsequent phases. If no phasing is shown on the Concept Plan, a Final Development Plan may be submitted for all or for a portion of the property to satisfy the requirement of submitting within thirty-six (36) months of the Metropolitan Council's approval of the Concept Plan. The Final Development Plan shall contain all information required in the Final Development Plan Checklist.
  2. Certification. The following design professionals shall certify direct involvement in the preparation of the Final Development Plan. A Final Plat shall be certified by a:
    - a. Licensed Architect or Licensed Civil Engineer; and
    - b. Licensed Landscape Architect.
  3. Final Plat. A Final Plat shall be submitted in one (1) or more sheets and contain the information listed in the application checklist.

The title of the Final Plat shall read “Final Plat of [Name of Traditional Neighborhood Development], [Section, Township, and Range”].

Where the Traditional Neighborhood Development is of unusual size or shape, the Planning Commission may permit a variation in the scale or size of the Final Plat.

4. Landscape Plan. A Landscape Plan is required for all Traditional Neighborhood Development Final Development Plans. A Landscape Plan must be stamped and certified by a registered Landscape Architect.
5. Substantial Compliance of Final Development Plan. The Final Development Plan shall be in substantial compliance with the Concept Plan. It is not intended that the Traditional Neighborhood Development so approved shall be inflexibly applied, but rather, the Traditional Neighborhood Development shall be in conformance with the Concept Plan subject to modification due to changed economic, social, market or demographic conditions. The burden shall be upon the applicant to show the Planning Commission good cause for Major Change (as defined below) between the General Implementation Concept Plan and the Final Development Plan as submitted for final approval. If the Final Development Plan, as submitted, contains substantial variations from the Concept Plan, or Major Changes as defined in Section 8.217.M herein, the Planning Commission may, after a meeting with the applicant, within fourteen (14) days of such meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved Traditional Neighborhood Development as set forth in Section 8.217.M herein.
6. Procedure for approval. The Final Development Plan shall follow the procedure for planning items going to the Planning Commission with a public hearing. Procedure for approval of a Final Development Plan for a Traditional Neighborhood Development shall be processed in the following manner:
  - a. The Department of Public Works shall review and approve the construction plans for any Public Improvements shown on the Final Development Plan prior to any construction. Improvements may be completed or bonded for final approval in the same manner as required under the Unified Development Code.
  - b. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the public hearing. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant’s permanent record.
  - c. Following required public notice, the Planning Commission shall hold a public hearing on the proposed Final Development Plan. Following the hearing, the Planning Commission shall review the Final Development Plan request and any comments submitted by any adjoining property Owners and shall approve, approve with conditions, or deny the request.
  - d. Upon such approval and subsequent amendment of the Final Development Plan, construction may proceed for public and/or approved private Thoroughfares, utility installations, Common Open Space, recreational facilities, governmental Structures, and similar Uses provided

that a preliminary Subdivision plat has also been approved for the Development in accordance with the Unified Development Code.

- e. Any other proposed modifications, including yard Variances and/or setback waivers, affecting the Traditional Neighborhood Development's legal description shall require a review and approval of the Traditional Neighborhood Development Final Development Plan by the Planning Commission staff. The burden shall be upon the applicant to demonstrate to the Planning Commission justification for any variation from the approved Final Development Plan.
  - f. Upon approval of a Final Development Plan, the property shall be re-designated from "TND CONCEPT" to "TND" on the official zoning map. Once land is rezoned to "TND", the provisions of this ordinance are mandatory.
- L. Consolidated Concept Plan and Final Development Plan. The Final Development Plan and Concept Plan may not be simultaneously heard by the Planning Commission and the Metropolitan Council.
- M. Additional Regulations for Phased Developments. A Traditional Neighborhood Development may be developed in phases or stages in accordance with the following requirements:
- 1. Boundaries. The boundaries of all proposed Traditional Neighborhood Development phases shall be shown on the Concept Plan.
  - 2. Data. All data required for the project, as a whole, shall be given for each phase shown on the Concept Plan.
  - 3. Improvements. The phasing plan shall be consistent with the traffic circulation, Drainage, Common Open Space, and utilities plans for the entire Traditional Neighborhood Development. Traditional Neighborhood Developments that are to be developed in phases or stages shall be required to provide Public Improvements, Common Open Space, and other amenities attributed to such phase at the same time as or before the construction of Principal Buildings and Structures associated with individual phases. The nature, type, and amount of Public Improvements, Common Open Space, and other project amenities provided during an individual phase of the project shall be commensurate with and proportionate to the overall Development of the phase.
- N. Changes to an Approved Final Development Plan.
- 1. Types of Changes. There are three (3) types of changes: Major Use Change, Major Site Change, and Minor Change. A Major Use Change and a Major Site Change are collectively referred to herein as a "Major Change".
  - 2. Major Use Change. A major Use change ("Major Use Change") is one that will have significant impacts on the approved Uses within the Traditional Neighborhood Development, or on the site surrounding the Traditional Neighborhood Development. Major Use Changes include, but are not limited to:
    - a. An increase in the Development site area of more than ten (10) percent;

- b. An increase in Density of any permitted land Use, including the number of housing units, by more than ten (10) percent;
  - c. In residential areas, a change in the mix of Single-Dwelling and Multi-Dwelling Structures by more than ten (10) percent;
  - d. An increase in the amount of land in nonresidential Uses by more than ten (10) percent;
  - e. Involve any land Use not specified on the approved Concept Plan or the list of permitted Uses;
  - f. Substantial and material reduction in the amenities proffered by the applicant; and/or
  - g. Material changes in the permitted land Use authorized in the Traditional Neighborhood Development which in the opinion of the Planning Director will have a material adverse change with the Traditional Neighborhood Development or on the site surrounding the Traditional Neighborhood Development.
3. Major Site Change. A major site change (“Major Site Change”) is a major change (other than a Major Use Change) that will have significant impact on the site and layout of the Development in the Traditional Neighborhood Development which is not a Major Use Change, or on the site surrounding the Traditional Neighborhood Development. Major Site Changes include, but are not limited to:
- a. Changes that vary the individual Lot Area requirement as submitted in the Concept Plan by more than ten (10) percent;
  - b. Changes in non-residential Floor Areas by more than ten (10) percent of the total Floor Area within a component of the Traditional Neighborhood Development;
  - c. Deleting or changing the purpose of Flood hazard Servitudes or Easements;
  - d. Changes to the Thoroughfare network which result in a significant adverse change in the amount or location of Thoroughfares and shared Driveways, common parking areas, circulation patterns, and Access to the Traditional Neighborhood Development;
  - e. Changes in the allocation of prescribed land Uses such that it would result in an increase in the number of vehicle trips generated in excess of ten (10) percent;
  - f. Changes which are material in the typical sections of Thoroughfare design;
  - g. Changes in the designation of Thoroughfares between private and public; and/or
  - h. Material changes in the approved overall layout of the site plan and/or matters related to onsite and/or offsite infrastructure requirements authorized in the Traditional Neighborhood Development which in the opinion of the Planning Director will have a material adverse change with

the Traditional Neighborhood Development or on the site surrounding the Traditional Neighborhood Development.

4. Minor Change. A minor change (“Minor Change”) is a change that will not alter the basic design and character of the Traditional Neighborhood Development, nor any specified conditions imposed as part of the original approval. Minor changes include, but are not limited to:
  - a. Changes in location of the Neighborhood Center Area, a Mixed Residential Area, a Neighborhood Edge Area, a civic area, green area, Common Open Space or other designated areas, if the Planning Director determines that (a) the basic layout of the TND Zoning District remains the same, and (b) the TND Zoning District functions as well as before the revision;
  - b. Changes in size of a Neighborhood Center Area, a Mixed Residential Area, a Neighborhood Edge Area, a civic area, green area, Common Open Space or other designated areas, if the size is increased or decreased by not more than ten (10) percent, and the Planning Director determines that (a) the basic layout of the TND Zoning District remains the same, and (b) the district functions as well as before the revision;
  - c. Changes in the general location of a major civic Use, if the Planning Director determines that (a) the revised location is appropriate, and (b) the Thoroughfare network, the infrastructure, and the overall land Use mix are not adversely affected. The Planning Commission may not approve a revision that includes the addition of a major civic Use within five hundred (500) feet of an area that is part of a final plat in a Mixed Residential Area or Neighborhood Edge Area;
  - d. Changes in the location of a commercial Use in a Mixed Residential Area, if the Planning Director determines that the revised location is appropriate;
  - e. Change in the layout of a Thoroughfare network, if the Planning Director determines that (a) the basic layout remains the same, and (b) the revised layout functions as well as the previous layout;
  - f. Change in the location or size of a Common Open Space, if the overall amount of Common Open Space acreage does not decrease by more than ten (10) percent, and the Planning Director determines that the quality and functionality of the revised Common Open Space is the same or better. The Planning Director may not approve a revision that includes the deletion of a Common Open Space within five hundred (500) feet of an area that is part of a final plat in a Mixed Residential Area or Neighborhood Edge Area;
  - g. Change in the location or description of a major private open space improvement, if the Planning Director determines that the revised improvement is as beneficial to the residents as the previous improvement;
  - h. Change in the location or type of a Drainage or water quality control, if the Planning Director determines that (a) the basic layout of the TND Zoning District remains the same, and (b) the revised location or type of control functions as well as the previous location or type of control, provided that there are no objections from the Department of Public Works;

- i. Change in a construction phasing plan for major private open space improvements if the change extends a deadline by not more than twenty-four (24) months;
- j. Change in the location of a one hundred (100) year floodplain, if the Planning Director determines that revision more accurately describes the location of the floodplain, provided that there are no objections from the Department of Public Works;
- k. Change in the locations of major utility facilities and Easements, if the Planning Director determines that the revised locations are more appropriate or functional, provided that there are no objections from the Department of Public Works;
- l. Change in a preliminary architectural standard, if the Planning Director determines that the revised standard is consistent with the architectural character of the TND Zoning District;
- m. Reduction of the size of any Building;
- n. Movement of Buildings and/or Signs by no more than ten (10) feet, but in no event in required Buffers and/or setbacks;
- o. Landscaping approved in the Final Development Plan that is replaced by similar landscaping to an equal or greater extent, provided that there are no objections from the Department of Public Works;
- p. Changes in non-residential floor plans, of up to ten (10) percent of the total Floor Area, which do not alter the character of the Use or increase the amount of required parking;
- q. Internal rearrangement of a parking Lot that does not affect the number of parking spaces or alter Access locations or design;
- r. Changes required or requested by the Parish and other State or Federal authorities in order to conform to other laws or regulations;
- s. On balance, compared to the approved Traditional Neighborhood Development, the change will equally or better meet the purposes and approval criteria set forth in Sections 8.217.A, 8.217.B, and 8.217.C~~7~~ above in the opinion of the Planning Director; and/or
- t. Any adverse impacts caused by the change are mitigated to the satisfaction of the Planning Director.
- u. The Developer may implement a material change in a preliminary architectural feature and/or concept unless the Planning Director deems the change in the architectural feature and/or concept to be of a substantial nature and inconsistent with the architectural character of the TND Zoning District.
- v. The addition of phasing to a previously approved Traditional Neighborhood Development Concept Plan shall be a staff level revision.

5. Permitted Uses. Any changes to the permitted Uses within the TND Zoning District must be approved by the Council.
6. Review Procedures. Requests for changes to an approved Traditional Neighborhood Development are processed as follows:
  - a. Major Use Changes.
    1. Application for Major Use Changes. The Owner(s) of record of the property shall file an application with the Planning Director, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Use Change, as described in Section 8.217.M.2, and the resulting impacts from the Major Use Change on the Development.
    2. Public Hearing. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director will forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the hearing. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
    3. Findings and Recommendations. The Planning Commission shall make their findings on the Major Use Change based on the information set forth in the application and the approval criteria set forth in Section 8.217.M.2, and submit recommendations to the Metropolitan Council prior to Noon on the Wednesday following the hearing date. The Planning Commission shall forward a copy of their findings and recommendations to the applicant.
    4. Adoption of Major Use Change. The Metropolitan Council shall adopt or reject the proposed Major Use Change at the next scheduled zoning meeting from receipt of the recommendations from the Planning Commission. The Metropolitan Council shall submit reasons for its decision to the applicant.
  - b. Major Site Changes.
    1. Application for Major Site Changes. The Owner(s) of record of the property shall file an application with the Planning Director, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Site Change, as described in Section 8.217.M.3, and the resulting impacts from the Major Site Change on the Development.
    2. Public Hearing. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least fifteen (15) days prior to the hearing. A record of information and materials presented at the public hearing shall be kept and maintained by

the Planning Commission as part of the applicant's permanent record.

3. Findings and Recommendations. The Planning Commission shall make its findings on the Major Site Change based on the information set forth in the application and the approval criteria set forth in Section 8.217.M.3. The Planning Commission shall forward a copy of its findings and recommendations to the applicant.
4. Appeal. The applicant may appeal the decision by the Planning Commission pursuant to Section 8.217.S herein.

- c. Minor Changes.
    - 1. Application. The Owner(s) of record of the property shall file an application with the Planning Director, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Minor Change, as described in Section 8.217.M.4, and the resulting immaterial impacts from the change on the Development, if any.
    - 2. Findings and Recommendations. Upon receipt and verification of the completion of the application by the Planning Director, the Planning Director shall make finding based on the information set forth in the application and the approval criteria set forth in Section 8.217.M.4, and notify the applicant of the decision. If the Planning Director determines the change to be a Minor Change, the Planning Director's decision shall be final and no Appeal shall be available.
  - d. Appeal of Classification as Major Use Change or Major Site Change. If the Planning Director determines the change to be a Major Use Change or a Major Site Change, the applicant may appeal the decision by the Planning Director to the Planning Commission. The applicant may appeal the decision by the Planning Commission pursuant to Section 8.217.S herein.
  - 7. Subdivision of Land. If the TND Zoning District involves the Subdivision of land as defined in the Unified Development Code, the applicant shall submit all required land division documents in accordance with the requirements of the Unified Development Code. If there is a conflict between the design standards of the Unified Development Code and the design guidelines of this ordinance, the provisions of this ordinance shall apply. It being understood that the size and configuration of Lots within a TND Zoning District may otherwise be disallowed under the Unified Development Code, but encouraged and permitted within a TND Zoning District.
- N. Maintaining a Final Development Plan.
- 1. Ownership and Maintenance of Public Space. Provision shall be made for the ownership and maintenance of public Thoroughfares, squares, parks, open space, and other public spaces in a TND Zoning District by dedication to the Parish and/or Association(s).
  - 2. Construction. Construction may take place only within such portion(s) of a Traditional Neighborhood Development for which a current Final Development Plan is in effect.
  - 3. Development Schedule. The Development schedule shall contain the following information:
    - a. The order of construction of the proposed stages delineated in the Final Development Plan.
    - b. The proposed date for the beginning of construction of each stage.
    - c. The proposed date for the completion of construction of each stage.

- d. The proposed schedule for the construction and improvement of common area within each stage including any Accessory Buildings.
- 4. Enforcement of the Development Schedule. The construction and provision of all Common Open Spaces and public facilities and infrastructure which are shown on the Final Development Plan must proceed at no slower a rate than the construction of Dwelling units or other Structures of a commercial nature. The Planning Commission may, at any time, compare the actual Development accomplished with the approved Development schedule. If the Planning Commission finds that the rate of construction of Dwelling units or other commercial Structures is substantially greater than the rate at which Common Open Spaces and public facilities and infrastructure have been constructed and provided, then either or both of the following actions may be taken:
  - a. The Planning Commission shall cease to approve any additional Final Development Plans for subsequent phases; and/or
  - b. The Building Official shall discontinue issuance of Building permits.

In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between the construction of Dwellings or other Structures of a commercial nature and the provision of Common Open Spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.
- 5. Permits. No Building permit for a Structure other than a temporary contractor's office or temporary storage Building shall be issued for a Lot or Parcel within an approved Traditional Neighborhood Development prior to a determination by the fire marshal or designee that adequate fire protection and Access for construction needs exists. No occupancy permit for a Structure other than a temporary contractor's office or other approved temporary Building shall be issued for a Structure on a Lot or Parcel within an approved Traditional Neighborhood Development prior to final inspection and approval of all required improvements which will serve such Lot or Parcel to the satisfaction of the Building Official.
- O. Expiration and Lapse of Final Development Plans. Final Development Plan approval shall expire if work stops for a period of time beyond twenty-four (24) months. In this event, the applicant will be required to submit an updated Final Development Plan to the Planning Commission for approval.
- P. The Approved Final Development Plan. Development restrictions and/or conditions, as required by the Planning Commission and/or the Metropolitan Council, shall be recorded by the applicant with the Clerk of Court of East Baton Rouge Parish within fifteen (15) days of the date of the final approval of the Concept Plan and/or the Final Development Plan by the Planning Commission or Metropolitan Council, as the case may be. Certified copies of these documents shall also be filed with the Office of the Planning Commissions. The applicant shall record Development restrictions and other required documents, which pertain to a Subdivision within the approved Final Development Plan, with the Clerk of Court of East Baton Rouge Parish within fifteen (15) days of the signing of the Final Plat, as provided in this Section 8.217.P.
- Q. Filing and Distribution of Final Development Plan Final Plat. The applicant shall have a total number of copies as required by Appendix L of the approved Final Plat to be disbursed as required by the Planning Commission staff.

- R. Violations. Any violation of the Concept Plan and/or Final Development Plan or any other phase or plan adopted as part of the amendment to the Development Code shall constitute a violation of the Development Code. Any person, firm, or corporation violating any provision of this Ordinance, upon conviction, shall be punished for each separate offense committed after the initial thirty (30) day abatement period by a fine not exceeding five hundred (500) dollars. Each day during which the violation is committed, continued, or permitted shall constitute a separate offense. Any continued failure, refusal or neglect to comply with the requirements of this section shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this Ordinance.
- S. Appeal. Notwithstanding any other provision of this ordinance, at the Metropolitan Council meeting following the decision of the Planning Commission, any member of the Metropolitan Council may introduce an appeal of the decision of the Planning Commission; failure to appeal will make the Planning Commission decision final. If the Metropolitan Council introduces the appeal of the TND, the item shall be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the TND will make the Planning Commission decision final.
- T. If the applicant fails to timely submit a Final Development Plan for a portion of the property, the TND Zoning District designation shall remain, but the TND Concept Plan must be resubmitted, reviewed, and approved by the Planning Commission Staff for a three (3) year extension. If the applicant fails to timely submit a Final Development Plan for a portion of the property three (3) years from the date of the extension approval, the TND Zoning District designation shall remain, but the applicant must resubmit the TND Concept Plan for full Planning Commission review and approval. No permits for development shall be issued unless or until a new TND Concept Plan is reviewed and approved pursuant to Section 8.217.I.1.
- U. Relation to Zoning Districts. An approved Traditional Neighborhood Development shall be considered to be a separate zoning district in which the Development plan, as approved, establishes the restrictions and regulations according to which Development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and Subdivision regulations to the extent provided herein. Upon approval, the official zoning map will be changed to indicate the area as "TND CONCEPT", or if final approval granted then as "TND". Every approval of a Traditional Neighborhood Development shall be considered an amendment to the zoning ordinance.
- V. TND Street Cross Sections (to be featured in the Unified Development Code, Appendix J). The applicant may propose additional street cross sections differing from those contained within Appendix J shall be required to be reviewed and approved by the Planning Commission and Metropolitan Council.

**Minimum Development Standards**

	<b>Conform to UDC Requirements</b>	<b>Requirements to be Determined by Each Approved Final Development Plan</b>	<b>Special Requirements</b>
<b>PARKING</b>			UDC requirements, unless shared parking or a parking waiver is approved.

**Section 8.218 UDD1 Urban Design District One – Bluebonnet Boulevard**

A. Purpose

To provide guidelines for development activity in the Bluebonnet Urban Design District (District) as shown in Appendix G, which includes lots along Bluebonnet Boulevard from Gail Drive to Claycut Bayou. This District is to strengthen the physical and economic character of the neighborhood by mitigating or avoiding functional and architectural incompatibility of buildings or services.

B. Enforcement and Review

1. Change of Permitted Use

- a. Any property within this overlay district may not be re-zoned to any classification other than UDD1. The Planning Commission staff shall certify compliance prior to issuance of building permits in UDD1.

2. Subareas for the District are as below and shown in Appendix G.

- a. Sub Area A1 are Lots 71-B-1, 71-A-1, 70A, 70B, 70C, 69 North, 69 South, 68.

- (i) In Sub Area A1 the designated line is three hundred (300) feet from the right-of-way line of Bluebonnet Boulevard.

- b. Sub Area A2 are Lots 73-A-1 and 72-A-1.

- (i) In Sub Area A2 the Designated Line is three hundred (300) feet from the right-of-way line of Bluebonnet Boulevard.

- c. Sub Area B1 are Lots D, E.

- d. Sub Area B2 are Lots C, 168 C and CP DPW (N).

- e. Sub Area B3 are Lots 369, 368.

- f. Sub Area C1 are Lots 315, 314, 320, 316.

- (i) In Sub Area C1 the eastern rear Designated Line of Lot 320 and Lot 316 shall have an eight (8) foot fence.

- g. Sub Area C2 are Lots 308, 307A, 168C.
  - (i) In Sub Area C2 (Lots 308, 307A, 168C) - The Designated Line coincides with the eastern property line of Lots 307A and 168C.
  - (ii) In Sub Area C2 the Designated Line coincides with the eastern property line of Lots 307A and 168C.
- h. Sub Area D are Lots A, B.
- i. Sub Area E are Lots 19-B, 61A, 61B, 60A, 60B, 59D, and 59C.
  - (i) In Sub Area E the Designated Line is one hundred eighty-five (185) feet west of the right-of-way line of Inniswold Road.

C. Permitted Uses

- 1. Financial institutions without drive-thru.
- 2. Medical Clinics (no public visitation after 9:00 p.m.).
- 3. Offices.
- 4. Public open spaces.
- 5. Public parks.

D. Dimensional Regulations

- 1. Permitted Height
  - a. One (1) and One and a half (1.5) story buildings are buildings whose roof rises from a single story plate height, uninterrupted by vertical walls to its peak, and has a maximum top plate height of twelve (12) feet above the top edge of the slab. The maximum building height shall not exceed forty-one (41) feet measured from the ground to the highest level of the roof ridge. A building's primary roof area shall have a minimum six (6) on twelve (12) pitch. Gable walls are permitted if the rafter bearing walls comply with the twelve (12) foot plate height.
  - b. Two (2) story buildings are buildings that have two story exterior walls with two (2) floors of space enclosed within as long as each floor does not exceed the twelve (12) foot top plate height. The maximum top plate height is twenty-six (26) feet from the top edge of the slab to the exterior wall's top plate. A building's primary roof area shall have a minimum six (6) on twelve (12) pitch. The maximum building height shall not exceed forty-five (45) feet measured from the ground to the highest level of the roof ridge. Gable walls are permitted if the rafter bearing walls comply with the twelve (12) foot plate height.
  - c. In Sub Area A1, the maximum building height is two (2) stories.
  - d. In Sub Area A2 the maximum building height is thirty (30) feet.

- e. In Sub Area B1 the maximum building height is one and a half (1.5) stories.
  - f. In Sub Area B2 the maximum building height is one and a half (1.5) stories.
  - g. In Sub Area B3 the maximum building height is one and a half (1.5) stories.
  - h. In Sub Area C1 the maximum building height is one and a half (1.5) stories.
  - i. In Sub Area C2 the maximum building height is one and a half (1.5) stories.
  - j. In Sub Area D the maximum building height is one a half (1.5) stories.
  - k. In Sub Area E the maximum building height is thirty (30) feet.
2. Minimum Lot Area and Widths
- a. All lots shall contain a minimum of seven thousand five hundred (7,500) square feet and a minimum of sixty (60) feet of frontage. All buildings included in the District along Bluebonnet Boulevard must be set back a minimum distance of ten (10) feet from the right-of-way line of Bluebonnet Boulevard. No building or parking lot is allowed within the ten (10) foot building line setback.
3. Geometric Standards for Development
- a. In Sub Area A1 the Building Setback is seventy-five (75) feet from the Designated Line for a two (2) story.
  - b. In Sub Area A1 the Building Setback is forty-five (45) feet from the Designated Line for a one (1) story building or a one-half (1.5) story building.
  - c. In Sub Area A2 the Building Setback begins at the Designated Line and extends one hundred (100) feet beyond the Designated Line to a total distance of four hundred (400) feet from the right-of-way of Bluebonnet Boulevard.
  - d. In Sub Area B1 the Building Setback is fifty (50) feet from the Designated Line.
  - e. In Sub Area B1 the Building Setback is thirty (30) feet from the right-of-way line of Oliphant Road.
  - f. In Sub Area B2 the Building Setback is fifty (50) feet from the Designated Line.
  - g. In Sub Area B2 the Building Setback is thirty (30) feet from the right-of-way line of Oliphant Road.

- h. In Sub Area B3 the Building Setback is fifty (50) feet from the Designated Line along west boundary line.
  - i. In Sub Area B3 the Building Setback is twenty-five (25) feet along the northern Designated Line.
  - j. In Sub Area B3 the Building Setback is thirty (30) feet from the right-of-way line of Gail Drive.
  - k. In Sub Area C1 the Building Setback is fifty (50) feet along the Designated Line of the portions of Lot 320 and 316 extending two hundred (200) feet from Gail Road.
  - l. In Sub Area C1 the Building Setback is one-hundred seventy (170) feet from Cal Road, respectively.
  - m. In Sub Area C1 the Building Setback is thirty (30) feet from the right-of-way line from Gail Drive.
  - n. In Sub Area C1 the Building Setback is fifteen (15) feet off of the right-of-way line of Gail Drive.
  - o. In Sub Area C1 the Building Setback from the right-of-way line of Cal Road is thirty (30) feet.
  - p. In Sub Area C1 the eastern rear Designated Line of Lot 320 and Lot 316 not within the area previously described shall have a twenty (20) foot Building Setback.
  - q. In Sub Area C2 the Building Setback is fifty (50) feet from the Designated Line.
  - r. In Sub Area C2 the Building Setback is thirty (30) feet from the right-of-way line of Cal Road.
  - s. In Sub Area D the Building Setback is fifty (50) feet from the right-of-way line of Oliphant Road.
  - t. In Sub Area D the Building Setback is twenty-five (25) feet from the Designated Line.
  - u. In Sub Area E the Building Setback is seventy-five (75) feet from the Designated Line along the east boundary for a two (2) story building or twenty-five (25) feet for a one (1) or one and one-half (1.5) story building.
  - v. In Sub Area E the Building Setback from the Designated Line along the south boundary is twenty-five (25) feet.
4. Building Siting and Orientation
- a. All buildings are limited to a maximum of six thousand (6,000) square feet of enclosed area.
  - b. All foundations must be built of concrete slab construction on grade.

- c. Storage sheds must be attached to the building and will be constructed of the same materials as the building. No prefab, freestanding structures will be permitted.

#### E. Utilities

##### 1. Lighting

- a. Lighting mounted on buildings or fences shall be no more than seven (7) feet above the ground.
- b. Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and must be located no closer than fifty (50) feet of the Designated Line.
- c. Any external lighting must be oriented inward toward the development or structures to minimize intrusion into surrounding property.

#### F. Signage

##### 1. Calculations

- a. In no event shall the dimensions of the sign exceed the size limitations based on the zoning classification of a lot set forth generally in the Unified Development Code.

##### 2. Prohibited Signs

- a. Only Monument Signs or Wall Signs are allowed. Other signage, including, but not limited to window signs, display windows, wall paintings and graphics are prohibited.

##### 3. Illumination

- a. A Monument Sign or Wall Sign may be illuminated but may not flash, blink or fluctuate and may not be animated. No internal illumination is allowed.

##### 4. Permanent On-Premise Signs By Type

###### a. Wall Signs

- (i) Wall sign or signs shall not exceed a total of eight (8) square feet per primary building entrance. Wall signs are permitted at secondary exits or fire exits but shall not exceed three (3) square feet in size. Wall paintings and graphics, including but not limited to murals and air-brushed or paint sprayed signs, are not permitted. Only one (1) Wall Sign is permitted in each building entrance. A Wall Sign must appear within five (5) feet from the entrance of the building.

- b. Detached Signs
  - (i) Only one (1) Monument Sign is allowed per curb cut or driveway. A Monument Sign must not be taller than eight (8) feet and must not exceed thirty-two (32) square feet of area.

## G. Parking

### 1. Off- Street Parking

- a. All parking lots must have a concrete curb and gutter configuration. “Pin-on” curbs and/or parking blocks are not allowed.
- b. All parking must be placed to the side or rear of buildings.
- c. Shared parking areas and driveways are encouraged.

### 2. Design Standards

- a. In Sub Area B1 access is permitted on Oliphant Road but limited to one driveway.
- b. In Sub Area B2 access is permitted on Oliphant Road but limited to one driveway.
- c. In Sub Area B3 access is permitted only from Gail Drive.
- d. In Sub Area B3 no access is permitted from Bluebonnet Road or Bluebonnet Boulevard.
- e. In Sub Area C1 access is permitted on Gail Drive and Cal Road.
- f. In Sub Area C1 no access is permitted from Bluebonnet Boulevard.
- g. In Sub Area C2 access to the site is permitted from Bluebonnet Boulevard from a right turn only. (No median cut will be permitted).
- h. In Sub Area C2 access is not permitted from Cal Road.
- i. In Sub Area D no access is permitted from Oliphant Road.
- j. No direct access is allowed to Bluebonnet Road or Inniswold Road.

## H. Landscape and Trees

### 1. Landscape Standards

- a. Street Yard Planting Area
  - (i) The minimum requirements for the street planting area include one (1) Class “A” tree or three (3) Class “B” trees for every fifty (50) linear feet of public street frontage, or fraction thereof, measured at the property line. Seventy-five (75) percent of the required trees must

be evergreens and may be located anywhere within the street planting area.

- (ii) The street planting area will also be planted with shrubs and ground cover plantings to the extent that forty (40) percent of the street planting area is planted with vegetation other than turf grass. The street planting area is that area located within the ten (10) foot front yard on Bluebonnet Boulevard. The ten foot street planting must be measured from the street right of way.
- (iii) Corner lots with frontage on more than one street must provide a street planting requirement along the entire street frontage.

b. Buffer Yard Screening

- (i) When an office is constructed on a newly zoned UDD1 lot, a solid eight (8) foot wood or masonry fence must be installed on the designated lot line with a minimum twenty (20) foot landscape buffer, or a six (6) foot fence may be installed with a twenty-five (25) foot landscape buffer except as otherwise provided in this ordinance.
- (ii) In Sub Area A1 a twenty-five (25) foot landscape buffer with a six (6) foot fence or a twenty (20) foot landscape buffer with an eight (8) foot fence for a two (2) story building.
- (iii) In Sub Area A1 a twenty-five (25) foot landscape buffer with a six (6) foot fence or twenty (20) feet with an eight (8) foot fence shall be located along the Designated Line, for a one-half (1.5) story building.
- (iv) In Sub Area A2 the landscape buffer encompasses the same one hundred (100) foot area as the Building Setback.
- (v) In Sub Area B1 a twenty-five (25) foot landscape buffer with six (6) foot fence or twenty (20) feet with an eight (8) foot fence shall be located between the Building Setback and the Designated Line.
- (vi) In Sub Area B1 along Oliphant Road a twenty (20) foot landscape buffer and a three and one-half (3.5) foot masonry wall shall be located along the Designated Line.
- (vii) In Sub Area B2 a twenty-five (25) foot landscape buffer with six (6) foot fence or twenty (20) feet with an eight (8) foot fence shall be located along the Designated Line.
- (viii) In Sub Area B2 a twenty (20) foot landscape buffer and a three and one-half (3.5) foot masonry wall shall be located within the Building Setback along Oliphant Road.
- (ix) In Sub Area B3 including a twenty-five (25) foot landscape buffer with a six (6) foot fence or twenty (20) feet with an eight (8) foot fence shall be located along the Designated Line.

- (x) In Sub Area B3 along the northern Designate Line a twenty (20) foot landscape buffer with an eight (8) foot fence or twenty-five (25) feet with a six (6) foot fence.
- (xi) In Sub Area B3 along a twenty (20) foot landscape buffer along Gail Drive.
- (xii) In Sub Area C1 a twenty-five (25) foot landscape buffer with six (6) foot fence or twenty (20) feet with an eight (8) foot fence shall be located along Cal Road.
- (xiii) In Sub Area C1 a twenty (20) foot landscape buffer, except Lot 315 shall be located along Gail Drive.
- (xiv) In Sub Area C1 the northern boundary of Lot 314 need have only a ten (10) foot landscape buffer.
- (xv) In Sub Area C2 a twenty-five (25) foot landscape buffer with a six (6) foot fence or twenty (20) feet with an eight (8) foot fence shall be located along the Designated Line.
- (xvi) In Sub Area C2 a twenty (20) foot landscape buffer shall be constructed along the Designated Line.
- (xvii) In Sub Area D (Lots A, B) a landscape buffer of twenty-five (25) feet with a six (6) foot fence, or twenty (20) feet with a landscape buffer of twenty (20) feet with an eight (8) foot fence shall be located along the Designated Line.
- (xviii) In Sub Area D a twenty (20) foot landscape buffer with a three and one-half (3.5)-foot masonry wall along Oliphant Road.
- (xix) In Sub Area E a twenty-five (25) foot landscape buffer with a six (6) foot fence or twenty (20) foot landscape buffer with an eight (8) foot fence along the Designated Line.
- (xx) In Sub Area E a twenty-five (25) foot landscape buffer with a six (6) foot fence or a twenty (20) foot landscape buffer with an eight (8) foot fence shall be located along the Designated Line.

c. Vehicular Use Area

- (i) All parking areas must contain a minimum of one (1) Class “A” tree for each ten (10) parking spaces. No parking places are allowed to be further than fifty (50) feet from a tree.
- (ii) Service Areas
  - ! All air-conditioning condensers will be ground mounted and visually screened.
  - ! Refuse collection must be kept in a dumpster enclosed by a six (6) foot opaque, wood, or masonry fence. Dumpsters may not be located in Building Setback areas or Landscape Buffer areas.

2. Tree and Urban Forest Preservation Standards

- a. A Tree Removal Permit is required for trees that measure ten (10) inches diameter at breast height.
- b. In Sub Area B1 a tree preservation plan must be submitted as part of any site plan.
- c. In Sub Area D a tree preservation plan must be submitted as part of any site plan for Lot B.

I. Design Standards

1. Building Materials

a. Exterior Building Materials

(i) Not Permitted

- ! No concrete block or metal wall panels are allowed on the exterior wall.
- ! No vinyl or aluminum siding.
- ! No pre-engineered metal or concrete buildings are allowed.
- ! Skylights will not be located on the front elevations of the office. Bubble skylights and solar collectors are not allowed.
- ! All exposed portions of chimneys must be brick or stucco. Chimney caps are required with no exposed spark arrestors. Chimney materials will be brick, copper, bronze color clad, slate, or flagstone. Stack vents will be painted to match the color of the shingles and must be located at the rear of the Unit.

b. Roof Type

- (i) A building's primary roof area shall have a minimum six (6) on twelve (12) pitch. Smaller secondary roof areas may utilize less than a six (6) on twelve (12) pitch.
- (ii) The main roof type must be of gable or hip design. Dormers or other architectural features may be included in the main roof design.
- (iii) Materials are limited to the following:
  - ! Architectural Asphalt Shingles
  - ! Standard Seam Copper
  - ! Slate (or imitation slate)
  - ! Clay Tile

**Section 8.219 UDD2 Urban Design District Two – Highland Road between Lee Drive and Duplantier Boulevard**

A. Purpose

To provide guidelines for development activity in the designated area as shown in Appendix G along the Southwesterly side of Highland Road between Lee Drive and Duplantier Boulevard to strengthen the physical and economic character of the neighborhood by mitigating or avoiding functional and architectural incompatibility of buildings or services. Any property within this overlay district may not be re-zoned to any classification other than UDD2.

B. Permitted Uses

1. Uses allowed in Neighborhood Office zoning district with buildings up to seven thousand five hundred (7500) square feet, not including the following:
  - a. Animal hospitals
  - b. Child care centers
  - c. Schools or preschools
  - d. Governmental facilities
  - e. Parking lots
  - f. Public open spaces
  - g. Public parks
2. Financial institutions without drive-throughs and without walk-up ATMs that operate beyond normal business hours may be allowed with a Conditional Use Permit only.

C. Definitions

Front Building Setback is the distance between the location of a building and the centerline or the front right-of-way line of Highland Road.

D. Lot size, setbacks, maximum heights and access

All lots shall contain a minimum of 1000 square feet and a minimum of 50 feet of frontage.

Front building line for all building included in the Design District along Highland Road, shall be a minimum distance of fifty (50) feet from the centerline or twenty (20) feet from the right-of-way line of Highland Road, whichever is greater. No building or parking lot shall be allowed within the twenty (20) foot front building line setback.

The maximum building height is 1½ story.

A minimum side yard setback of five (5') feet will be required.

A tree preservation plan must be submitted as part of any site plan.

B. Landscaping and Buffers

When an office is constructed on a lot re-zoned to UDD2 after the effective date of this ordinance, adjacent to an existing residence, a solid eight (8) foot wood or masonry fence must be installed on the common property line to a point then (10) feet past the rear of the proposed improvements. Landscape buffers between interior lot lines within the overlay district will not apply.

A street planting area is required within the twenty (20) foot front yard on Highland Road. The minimum requirements for the street planting area include one (1) Class "A" tree or three (3) Class "B" trees for every fifty (50) linear feet of public street frontage, or fraction thereof, measured at the property line.

Seventy-five percent (75%) of the required trees must be evergreens and may be located anywhere within the street planting area. The street planting area will also be planted with shrubs and ground cover plantings to the extent that 40% of the street planting area is planted with vegetation other than turf grass. All landscaping requirements may be met by existing vegetation with approval by City Landscape Architect.

A Tree Removal Permit is required for trees that measure ten (10) inches dbh or greater.

E. Building Size

All commercial buildings are limited to a maximum of 7,500 square feet of climate controlled space. No more than one primary structure is allowed per lot.

H. Parking Areas

All parking areas must contain a minimum of one Class "A" tree for each ten (10) parking spaces. No parking places are allowed to be further than fifty (50) feet from a tree.

Rear parking areas, where feasible and shared driveways are encouraged.

I. Building Materials

Roofing materials are limited to the following:

Architectural Asphalt Shingles

Standard Seam Copper

Slate (or imitation slate)

Clay Tile

No concrete block or metal wall panels are allowed on the exterior wall.

No pre-engineered metal or concrete buildings are allowed.

All exposed portions of chimneys must be constructed of the same materials as the building. Chimney caps are required, with no exposed spark arrestors. Stack vents will be painted to match the color of the shingles and must be located at the rear of the Unit.

Accessory buildings must be constructed of the same materials as the primary structure.

All air-conditioning compressors will be roof mounted or screened.

Refuse collection for non-residential uses must be kept in a dumpster located at the rear of the building, enclosed by a six (6) foot opaque, wood or masonry fence. Dumpsters may not be located in Building Setback areas.

Any chain link fencing must be coated with black or green vinyl.

J. Lighting

Lighting mounted on buildings or fences shall be no more than seven (7) feet above the ground.

Pole lighting is allowed in parking areas. Pole lighting is limited to eighteen (18) feet in height and a maximum of 250 watts per fixture.

Any external lighting must be oriented inward, toward the development or structures, to minimize intrusion into surrounding property. Lighting levels on the ground within five (5) feet of the property line shall not exceed one (1) foot candle.

K. Signage

Notwithstanding any other provision to the contrary, only Monument Signs or Wall Signs are allowed in the Design District.

Only one Monument Sign is allowed per entrance or driveway.

One Wall Sign is permitted at each building entrance.

A Monument Sign or Wall Sign may be illuminated but may not flash, blink or fluctuate; and may not be animated. No internal illumination is allowed.”

**Section 8.220 UDD 3 Urban Design District Three - Oak Villa Boulevard**

A. Purpose

The provide guidelines for development activity within the Oak Villa Boulevard Urban Design District (District) as shown in Appendix G. This District is to strengthen the physical and economic character of the neighborhood by mitigating or avoiding incompatibility, and to permit commercial and office activity.

B. Enforcement and Review

1. New Construction

- a. For new construction, Planning Commission staff shall certify compliance prior to issuance of building permits.

2. Existing Development
  - a. For existing structures, Planning Commission staff shall certify compliance prior to issuance of Certificates of Occupancy.
3. Change of Permitted Use
  - a. Any property within this design district may not be re-zoned to any classification other than UDD 3.
4. Subareas for this District are as below and shown in Appendix G.
  - a. Subarea A is Lots 3 through 31.
  - b. Subarea B is Lots 32 through 71.

#### C. Permitted Uses

1. Animal hospitals – all animals are kept inside a building.
2. Art Galleries
3. Art studio – No outside production or storage.
4. Bed and breakfast inns – limited to a maximum of ten (10) guestrooms.
5. Child care centers
6. Financial institutions without drive-thrus
7. Medical clinics
8. Nursing homes
9. Offices
10. Personal services and retail shops
11. Restaurant
12. Restaurants serving alcohol
13. Retail sales

#### D. Dimensional Regulations

1. Permitted Height
  - a. Buildings will be limited to a maximum height of one and a half (1.5) stories.
  - b. One and a half (1 ½) story buildings are buildings whose roof rises from a single story plate height, uninterrupted by vertical walls to its peak, and has a maximum top plate height of twelve (12) feet above the top edge of the slab. The maximum building height shall not exceed forty-one (41) feet

measured from the ground to the highest level of the roof ridge. A building's primary roof area shall have a minimum six (6) on twelve (12) pitch. Gable walls are permitted if the rafter bearing walls comply with the twelve (12) foot plate height.

2. Minimum Yard Requirements
  - a. Front Yard is twenty (20) feet.
  - b. Side Yard is five (5) feet.
  - c. Rear Yard is twenty (20) feet.
3. Minimum Lot Area and Widths
  - a. In Subarea A a minimum lot size for new construction is twenty-one thousand (21,000) square feet.
  - b. In Subarea B a minimum lot size for new construction is sixty-three thousand (63,000) square feet.
4. Geometric Standards for Development
  - a. All commercial and office activities must be contained within the building — no outside work or storage areas permitted.
5. Building Siting and Orientation
  - a. Buildings are limited to six thousand (6,000) gross square feet of floor area.

#### E. Utilities

1. Lighting
  - a. Lighting mounted on buildings or fences directed toward residential property shall be no more than seven (7) feet above the ground.
  - b. Pole mounted lighting cannot exceed eighteen (18) feet in height.
  - c. Any external lighting must be oriented inward toward the development to minimize intrusion on abutting residential property.
  - d. Single lamp outdoor lighting installations cannot exceed an output rating of ten-thousand (10,000) lumens. The maximum level of light trespass shall be two (2) foot-candles. All luminaries or light fixtures must be shielded or cut-off.

#### F. Signage

1. Prohibited Signs
  - a. Wall, canopy, awning, projecting, and monument signs are allowed. Pole signs, temporary signs, and changeable letter signs are not allowed.
2. Illumination

- a. A wall, canopy, awning, projecting, or monument sign may be illuminated but may not flash, blink or fluctuate and may not be animated. No internal illumination is allowed.
  - 3. Permanent On-Premise Signs By Type
    - a. Wall Signs
      - (i) Wall signs may not exceed thirty-two (32) square feet in sign area. One wall sign is allowed per primary business entrance.
    - b. Canopy and Awning Signs
      - (i) Canopy and awning are not to exceed twelve (12) feet in length and thirty-two (32) square feet per face.
    - c. Projecting Signs
      - (i) Projecting signs are not to exceed twelve (12) feet in length and thirty-two (32) square feet per face.
    - d. Detached Signs
      - (i) One monument sign is allowed per street frontage. Monument signs may not exceed six (6) feet in height or width. The sign area may not exceed thirty-six (36) square feet per face.
- G. Parking
  - 1. Off- Street Parking
    - a. When additional parking areas/spaces are created, parking areas must have concrete curb and gutter configuration. Parking blocks/logs are not allowed.
    - b. In Subarea A only, stacking shall be allowed.
  - 2. Alternative Porous Pavement Parking
    - a. When additional parking areas/ spaces are created, ten (10) percent of parking lot pavement must utilize alternative porous pavement.
  - 3. Schedule of Off-Street Parking Requirements
    - a. In Sub Area A twenty-five (25) percent of parking requirement may account for on-street parking along Crestaire Drive when structures are rezoned to UDD3 and existing building is converted for office/ commercial use.

4. Design Standards

- a. Properties on the west side of Crestaire Drive may only have access from Oak Villa Boulevard and Syble Drive. No access is permitted from Crestaire Drive.
- b. Cross access servitudes/easements are encouraged in site plan review to minimize curb cuts.

H. Landscaping

1. Landscape Standards

a. Street Yard Planting Area

- (i) A ten (10) foot street planting area is required along Oak Villa Boulevard. The ten-foot street planting must be measured from the street right of way. The minimum requirements for the street planting area include one (1) Class “A” tree or three (3) Class “B” trees for every fifty (50) linear feet of public street frontage, or fraction thereof, measured at the property line. Seventy-five (75) percent of the required trees must be evergreens and may be located anywhere within the street planting area.
- (ii) The street planting area will also be planted with shrubs and ground cover plantings to the extent that fifty (50) percent of the street planting area is planted with vegetation other than turf grass.

b. Buffer Yard Screening

- (i) When a new building is constructed in the design district, a solid eight (8) foot fence with a flat top must be installed between any commercial or office and residential properties, or a landscape/buffer plan must be approved by the Planning Commission staff. The fence shall be maintained in a structurally sound manor, in good appearance, replaced when necessary and kept free of refuse and debris.
- (ii) A solid eight (8) foot fence with a flat top is required on the east property line of Subarea A when the property is rezoned to UDD3.
- (iii) Fencing made of barbed wire, razor wire, plastic or chain-link is prohibited.

c. Vehicular Use Area

- (i) All parking areas must contain a minimum of two (2) Class “A” trees or four (4) Class “B” trees for every fifteen (15) parking spaces, or fraction thereof.
- (ii) All vehicular use areas shall be required to have a minimum of ten (10) percent of the total vehicular use area landscaped with trees, shrubs and ground cover other than turf grass.

- (iii) No parking space is allowed to be further than forty (40) feet from a Class “A” tree.
- (iv) Impervious parking areas must include tree plantings designed to result in forty (40) percent shading of parking lot surface areas within fifteen (15) years.
- (v) Service Areas
  - ! Utility areas, mechanical equipment or designated loading space shall be located at the rear of the building. Service areas should be designed to be part of the primary building for new construction.
  - ! If the service area is separate from the building it serves, it must be enclosed by a six (6) foot opaque, wood, or masonry fence. The fence shall be maintained in a structurally sound manner, in good appearance, replaced when necessary and kept free of refuse and debris.
  - ! All exterior trash, exposed storage areas, machinery, service areas, truck loading areas, utility buildings, air conditioning units and other similar structures must be screened from view from neighboring properties and streets with the same materials, color and/or style as the primary building in order to be architecturally compatible with the primary building.
  - ! All roof equipment must be screened from public view so as not to be visible from the street.

## I. Design Standards

### 1. Building Materials

#### a. Exterior Building Materials

- (i) Permitted
  - ! Unpainted or painted standard grey concrete masonry units.
  - ! Residential type Vinyl or Aluminum siding (i.e. simulated-lapped board types).
  - ! Non-Architectural type pre-engineered metal building wall and roof components (trapezoidal panels with exposed fasteners, etc.).
  - ! Exterior Insulation Finish System (i.e. FIFS one-coat soft systems).
  - ! Non-architectural type asphalt shingles (i.e. three-tab asphalt shingles).

- ! Non-Exposed Low Pitch Roofing Systems (i.e. Built-up roofing, modified bitumen, EPDM, sprayed foam, etc.).
- (ii) Not Permitted
  - ! Ceramic tile.
  - ! Stucco (three-coat hard systems with hard or synthetic finish coat).
  - ! Architectural type metal wall and roof panels (standing-seam panels, flush panels, etc. with concealed fasteners).
  - ! Wood and/or Composite type siding and trim (i.e. beveled lapped siding, Hardiplank siding/trim and wood trim).
  - ! Wood, Vinyl and Metal Soffit Panels (i.e. finished wood trim, perforated Hardiplank panels, vinyl or metal interlocking panels, aluminum vents, etc.).
  - ! Decorative type concrete masonry units (i.e. split-faced, ground face, ribbed, brick, etc.).

b. Roof Type

- (i) The main roof type must be of gable or hip design. Dormers or other architectural features may be included in the main roof design.
- (ii) Exposed High Pitch roofing (architectural-type asphalt shingles, slate shingles, clay tile shingles, wood shingles, composite/cementitious simulated slate shingles, and metal shingles, etc.).

**Section 8.221 Jefferson Highway Urban Design District Four**

A. Purpose

To provide guidelines for development activity within the Jefferson Highway Urban Design District (District) as shown in Appendix G, which include lots fronting the south side of Jefferson Highway from Ward’s Creek to Bluebonnet Road. This District is to strengthen the physical and economic character of the neighborhood by mitigating or avoiding functional and architectural incompatibility of buildings or uses.

B. Permitted Uses

1. Single family residential
2. Town homes and duplex with a maximum of two stories with attached and enclosed garages within townhouse subdivisions developed in accordance with Section 4.9 of the UDC and otherwise in compliance with all other requirements of the UDC and particularly Section 8.221.
3. Neighborhood Office

Office building with a maximum of six thousand (6,000) gross square footage of floor area and a maximum height of two and a half (2 ½) stories are also permitted.

C. Standards for Development

Any “development” as defined in Section 10.102h zoned UDD 4 must comply with the requirements imposed based on this zoning classification as well as the additional requirements set forth therein.

## AIRPORT ZONING

### Section 8.301 Zones

In order to carry out the provisions of the Unified Development Code, there are hereby created and established certain zones which include all of the land lying within the precision instrument approach zones, non precision instrument approach zones, transition zones, horizontal zone, and conical zone. Such areas and zones are shown on the Ryan Airport Zoning Map consisting of one sheet, prepared by the East Baton Rouge Parish Department of Public Works and dated July, 1974, a copy of which is on file and of record in the Office of the Parish Clerk. The various zones are hereby established and defined as follows:

- A. PRECISION INSTRUMENT APPROACH ZONE—An instrument approach zone is established at the NW end of the instrument runway 13/31 for precision instrument landings and takeoffs. The instrument approach zone shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond the physical end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a distance of fifty thousand two hundred (50,200) feet beyond the physical end of the runway, its centerline being the continuation of the centerline of the runway.
- B. NON PRECISION INSTRUMENT APPROACH ZONE -WITH VISIBILITY MINIMUMS GREATER THAN THREE FOURTHS (¾) OF A MILE—A non-precision instrument approach zone is established at each end of runway 4/22 for non-precision instrument approaches for landings and takeoffs. The non precision instrument approach zone shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond the physical end of the runway, widening thereafter uniformly to a width of three thousand six hundred (3,600) feet at a distance of ten thousand two hundred (10,200) feet beyond each physical end of the runway, its centerline being the continuation of the centerline of the runway.
- C. NON PRECISION INSTRUMENT APPROACH ZONE WITH VISIBILITY MINIMUMS AS LOW AS THREE FOURTHS (¾) OF A MILE—A non precision instrument approach zone is established at the SE end of Runway 13/31 for non precision instrument approaches for landing and takeoffs. The non precision instrument approach shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond the physical end of the runway widening thereafter uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand two hundred (10,200) feet from the physical end of the runway, its centerline being the continuation of the centerline of the runway.
- D. TRANSITION ZONES—These zones are hereby established as the area beneath the transitional surfaces which extend outward and upward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. The primary surface is centered longitudinally on the runway, extends two hundred (200) feet beyond each physical end of the runway, is one thousand (1,000) feet wide for Runway 13/31, is five

hundred (500) feet wide for Runway 4/22, and the elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. Transitional zones for those portions of the precision approach zone which project through and beyond the limits of the conical surface extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zone and at ninety (90) degree angles to the extended runway centerline.

- E. HORIZONTAL ZONE—A horizontal zone is hereby established as the area within a figure constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

When an adjacent arc or tangent encompasses an arc or tangent it shall be disregarded in the construction of the perimeter of the horizontal zone. The horizontal zone does not include the approach and transitional zones.

- F. CONICAL ZONE—A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a distance of four thousand (4,000) feet. The conical zone does not include the instrument approach zones and transition zones.

### **Section 8.302      Height Limitations**

Except as otherwise provided in the Unified Development Code, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by the Unified Development Code to a height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

- A. PRECISION INSTRUMENT APPROACH ZONE—One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
- B. NON PRECISION INSTRUMENT APPROACH ZONES—One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the non precision instrument runway and extending to a point ten thousand two hundred (10,200) feet from the physical end of the runway.
- C. TRANSITION ZONES—One (1) foot in height for each seven (7) feet in horizontal distance beginning at the side of and at the same elevation as the primary surface and the approach zones and extending to a height of one hundred fifty (150) feet above the airport elevation, which is seventy (70) feet above mean sea level.

In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the side of and at the same elevation as the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.

- D. HORIZONTAL ZONE—One hundred fifty (150) feet above the airport elevation or a height of two hundred twenty (220) feet above mean sea level.
- E. CONICAL ZONE—One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of four hundred twenty (420) feet above the airport elevation.
- F. EXCEPTED HEIGHT LIMITATIONS—Nothing in the Unified Development Code shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to one hundred twenty-five (125) feet above the surface of the land except in the approach and transition zones.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

### **Section 8.303 Use Regulations**

From and after the taking effect of this Part, it shall be unlawful to put any land located within any zone hereby created to any of the following additional uses:

- A. Any use, which would create unreasonable electrical interference with navigational signals or radio communication between the airport and aircraft, or unreasonably interfere with electronic navigational aids established for the airport.
- B. Any use which would make it difficult for pilots to distinguish between airport lights and others.
- C. Any use which would result in glare in the eyes of the pilots using the airport.
- D. Any use which would impair visibility in vicinity of the airport.
- E. Any use which would otherwise endanger the landing, taking off, or maneuvering of aircraft.
- F. Any business, structure, growth, or occupation which by its very nature is inherently dangerous or hazardous as respects likelihood of causing or resulting in injury or damage to aircraft or persons using Ryan Airport or flying in the vicinity, thereof, except as otherwise provided hereinafter.
- G. Any other use or uses, which would be detrimental, hazardous, or injurious to the safety of aircraft using the Ryan Airport or maneuvering in the vicinity, thereof, or to the health, safety, or general welfare of airport personnel and other persons using said airport except as otherwise provided hereinafter.

### **Section 8.304 Nonconforming Uses**

- A. EXISTING NONCONFORMING USE—The regulations prescribed by this Part shall be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date, hereof, or to otherwise interfere with the continuance of any nonconforming use. Nothing, herein, contained shall require any change in the construction, alteration, or intended use of any structure for which the necessary permits were issued and the construction or alteration of which was begun prior to the effective date of this part.

- B. ALTERATION OF NONCONFORMING USES—Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Building Official authorizing such replacement, change, or repair. No permit shall be granted that would allow a structure or tree, or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when this part became effective; and whenever the Building Official determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, destroyed, deteriorated, or decayed:
1. No permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and
  2. Whether application is made for a permit under this paragraph or not, the Building Official may by appropriate action compel the owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations, or if the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten (10) days after notice, thereof, the said Building Official may proceed to have the object so lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object or the land whereon it is or was located. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the agent or owner of such object or land, the sum shall bear interest at the rate of ten (10) percent per annum until paid and shall be collected in the same manner, as are general taxes.

**Section 8.305 Administrations**

- A. The administration and enforcement of this Part shall be the responsibility of the Building Official of the Parish of East Baton Rouge.
- B. Applications for permits shall be made to the Building Official upon a form furnished by him. Applications, which are by this Part to be decided by the Building Official, shall be promptly considered and granted or denied by him. The Building Official shall forthwith transmit applications for action by the Board of Adjustment to the Board of Adjustment for hearing and decision.

**Section 8.306 Permits**

- A. Permits shall be obtained in each of the following instances:
  1. Where it is desired to increase the height of an existing structure to a point, which is less than ten (10) feet below the height limit within any zone hereby created.
  2. Where it is desired to increase the height of any structure, which already projects upward to a point, which is less than ten (10) feet below the height limit within any zone hereby created.
  3. Where it is desired to erect a new or additional structure, which will project upward to a point, which is less than ten (10) feet below the height limit within any zone hereby created.
- B. How obtained:
  1. Application for such permit shall be made to the Building Official of the Parish of East Baton Rouge.

2. Each such application shall indicate the purpose for which the permit is desired with sufficient particularity to permit a determination of whether the structure will conform to the regulations, herein, prescribed.
3. If the Building Official determines that the structure will conform to the regulations, the permit shall be granted.

C. Variances:

1. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Part may apply to the Board of Adjustment for a variance from the zoning regulations in question. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Part provided that any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Part.

D. Hazard Marking and Lighting:

1. In granting any permit or variance under this Section, the Building Official or Board of Adjustment may, if it deems such action advisable to the effectuate the purposes of the Part and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the East Baton Rouge Airport Commission at its own expense to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.