

ORDINANCE

AMENDING TITLE 7 (UNIFIED DEVELOPMENT CODE), CHAPTER 8 (ZONING DISTRICTS), OF THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, SO AS TO AMEND AND RE-ANACT SECTION 8.217 (TRADITIONAL NEIGHBORHOOD DEVELOPMENT)

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Title 7, Chapter 8 (Zoning Districts), of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended so as to read as follows:

"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. Throughfares and utilities in TND Zoning Districts shall connect to existing Throughfares and utilities, or dead-end as stubs intended for connection to future Throughfares, unless otherwise prohibited by topography, environmental constraints or other considerations.

C. TND Zoning District Design Requirements

1. Association.

~~(a)~~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)~~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)~~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)~~2. provide for the conditions and timing of transferring control of the Association from the applicant to the property Owners;
- ~~(3)~~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)~~4. at all times, cause all Owners to have Access to the Common Open Space within the TND Zoning District;
- ~~(5)~~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)~~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)~~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)~~8. provide for a maintenance program for all property within the TND, including landscaping and Trees within the streetscape;
- ~~(9)~~9. require the collection of assessments from members in an amount sufficient to pay for its functions; and
- ~~(10)~~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. 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)1. Single-family detached Dwellings;
- (2)2. Single-family attached Dwellings, including duplexes, Townhomes, row houses;
- (3)3. Multi-family Dwellings, including senior housing;
- (4)4. Secondary Dwelling Units;
- (5)5. "Special needs" housing, such as community living arrangements and assisted living facilities;
- (6)6. Residential units above commercial Uses, which shall be considered Multi-Family Units.

(b)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)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; not to include drive-throughs.

(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)~~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)~~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)~~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)~~5. Open space Uses may include the following:

- (a) Central square;
- (b) Neighborhood parks;
- (c) Recreational facilities; and
- (d) Playgrounds.

~~(c)~~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)~~1. Environmental corridors dedicated for preservation;

~~(2)~~2. Protected natural areas dedicated for preservation;

~~(3)~~3. Community parks;

~~(4)~~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)~~a. In areas devoted to mixed residential Uses:

~~(1)~~1. The number of single-family attached and detached units permitted shall be 5 - 8+ Dwelling units per Net Acre;

~~(2)~~2. The number of Multi-Family units shall be 8 - 40 Dwelling units per Net Acre.

~~(3)~~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)~~b. In mixed-Use areas:

~~(1)~~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)~~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)~~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)~~a. The following Uses may account for Common Open Space with the stated limitations:

~~(1)~~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 required Common Open Space.

~~(2)~~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)~~ ~~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.~~

~~(4) 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.~~

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.

~~(5)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.~~

~~(6)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.~~

~~(7)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.~~

~~(8)7. Servitudes with existing below ground utilities and/or facilities with a width of not less than thirty (30) feet.~~

~~(9)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.~~

~~(10)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.~~

~~(11)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)b.~~ Common Open Space shall not include:

~~(1)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)~~2. Structures (unless a part of the open space such as gazebos);

~~(3)~~3. Required drainage ditches or canals; and

~~(4)~~4. Areas reserved for the exclusive Use and benefit of an individual tenant or Owner.

~~(c)~~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)~~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)~~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)~~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)~~a. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.

~~(b)~~b. A Drainage analysis shall be submitted in conformance with the Unified Development Code regulations.

~~(c)~~c. Erosion and sediment controls must be implemented.

~~(d)~~d. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.

~~(e)~~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)~~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)~~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)~~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)~~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)~~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)~~a. The circulation system shall allow for different modes of transportation.

~~(b)~~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)~~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)~~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)~~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)~~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)~~3. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

~~(4)~~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)~~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)~~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)~~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)~~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)~~i. Design of Thoroughfares.

~~(1)~~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)~~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~~ Thoroughfares should preferably intersect at 90 degrees but in no case less than 60 degrees.

~~(3)~~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)~~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)~~b. Parking Lots or Garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

~~(e)~~c. Adjacent on-street parking may apply toward the minimum parking requirements.

~~(f)~~d. 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)~~e. Multi-family Uses must provide one (1) parking space for every first bedroom and [0.5] parking space for each additional bedroom.

~~(h)~~f. 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)~~g. 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 as specified in Section 8.217.C.14.

~~(j)~~h. 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)~~i. 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)~~j. Off-street parking shall be located in mid-block parking Lots located behind the Buildings.

~~(n)~~k. Parking shall be accessed by Alley or Rear Lane, when available. However, there shall be no parking in an Alley or lane.

~~(o)~~1. 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)~~m. Required parking must be provided within a ~~five (5) minute~~ (one quarter mile) radius of the site which it serves.

~~(q)~~n. The location of permitted parking along Thoroughfares should be coordinated to allow access to mail boxes.

~~(r)~~o. Parking Lots greater than two (2) double loaded parking rows ~~shall~~ should be carefully arranged to minimize breaks between pedestrian destinations.

~~(s)~~p. Shared Parking.

~~(1)~~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)~~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)~~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)~~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)~~a. Guidelines for Existing Structures

~~(1)~~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)~~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)~~b. Guidelines for New Structures

~~(1)~~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)~~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.

galleries, (j) All openings including porches, 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)~~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)~~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)~~b. Exterior lighting shall comply with the East Baton Rouge Parish Lighting Ordinance.

14. Landscaping and Screening Standards.

~~(a)~~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)~~b. Trees Along Thoroughfares.

~~(1)~~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)~~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)~~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)~~4. Trees shall have a minimum caliper of two and one-half (2 ½) inches at the time of planting.

~~(c)~~c. Parking area landscaping and screening.

~~(1)~~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)~~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)~~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)~~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)~~5. A landscaping plan is required for structured parking.

~~(d)~~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)~~a. this ordinance expressly provides otherwise; and

~~(b)~~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. Unified Control. All land included in any TND Zoning District shall be under the complete, unified and legal control of the applicant, whether the applicant be an individual, partnership, limited liability company, corporation and/or other Person. Upon request by the Parish, the applicant shall furnish the Parish sufficient evidence to the satisfaction of the Parish that the applicant is in the complete, legal and unified control of the entire area of the proposed Traditional Neighborhood Development. Upon request by the Parish, the applicant shall provide the Parish all agreements, contracts, guarantees and other necessary documents and information that may be required by the Parish to assure the Parish that the Development project may be lawfully completed according to the plans sought to be approved.

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 Horizon 2010 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. ~~When the Planning Director determines the Application to be complete, the Application shall be sent to the Planning Commission for a public workshop session, followed at a later date by a public hearing.~~ 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)~~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)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)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.

⌘. 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 ~~(not the rezoning)~~ 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, ~~and within consecutive twelve (12) month periods thereafter for each subsequent phase.~~ If the applicant fails to submit a Final Development Plan, then the Concept Plan incorporating all phases not already approved as a Final Development Plan shall be determined to be invalid. 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)~~a. Licensed Architect or Licensed Civil Engineer;
and

~~(b)~~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)~~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)~~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)~~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)~~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)~~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)~~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.

~~K~~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.

~~E~~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.

~~M~~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)~~a. An increase in the Development site area of more than ten (10) percent;

~~(b)~~b. An increase in Density of any permitted land Use, including the number of housing units, by more than ten (10) percent;

~~(c)~~c. In residential areas, a change in the mix of Single-Dwelling and Multi-Dwelling Structures by more than ten (10) percent;

- ~~(d)~~d. An increase in the amount of land in nonresidential Uses by more than ten (10) percent;
- ~~(e)~~e. Involve any land Use not specified on the approved Concept Plan or the list of permitted Uses;
- ~~(f)~~f. Substantial and material reduction in the amenities proffered by the applicant; and/or
- ~~(g)~~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)~~a. Changes that vary the individual Lot Area requirement as submitted in the Concept Plan by more than ten (10) percent;
- ~~(b)~~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)~~c. Deleting or changing the purpose of Flood hazard Servitudes or Easements;
- ~~(d)~~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)~~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)~~f. Changes which are material in the typical sections of Thoroughfare design;
- ~~(g)~~g. Changes in the designation of Thoroughfares between private and public; and/or
- ~~(h)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~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)~~m. Reduction of the size of any Building;
- ~~(n)~~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)~~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)~~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)~~q. Internal rearrangement of a parking Lot that does not affect the number of parking spaces or alter Access locations or design;
- ~~(r)~~r. Changes required or requested by the Parish and other State or Federal authorities in order to conform to other laws or regulations;
- ~~(s)~~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~~,r~~ above in the opinion of the Planning Director; and/or
- ~~(t)~~t. Any adverse impacts caused by the change are mitigated to the satisfaction of the Planning Director.

~~(u)~~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)~~a. Major Use Changes.

~~(1)~~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)~~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)~~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)~~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)~~b. Major Site Changes.

~~(1)~~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)~~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)~~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)~~4. Appeal. The applicant may appeal the decision by the Planning Commission pursuant to Section 8.217.S herein.

~~(c)~~c. Minor Changes.

~~(1)~~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)~~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.N.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)~~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.

NO. 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)~~a. The order of construction of the proposed stages delineated in the Final Development Plan.
 - ~~(b)~~b. The proposed date for the beginning of construction of each stage.
 - ~~(c)~~c. The proposed date for the completion of construction of each stage.
 - ~~(d)~~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)~~a. The Planning Commission shall cease to approve any additional Final Development Plans for subsequent phases; and/or
 - ~~(b)~~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 commercial ~~S~~structure other than a temporary contractor's office or temporary storage ~~B~~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 ~~S~~structure other than a temporary contractor's office or other approved temporary Building shall be issued for a commercial ~~S~~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.
- ~~OP.~~ 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. ~~Nothing herein shall be construed to limit the time limitations for phased Developments as set forth in Section 8.218.J.1.~~
- ~~PQ.~~ 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.
- ~~QR.~~ 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.
- ~~RS.~~ 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.

- ~~ST.~~ 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 ~~Traditional Neighborhood Development (TND)~~ TND, the item shall be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the ~~Traditional Neighborhood Development (TND)~~ TND will make the Planning Commission decision final.
- ~~T.~~ Rezoning from ~~"TND" District to Prior Zoning District.~~ The Planning Director shall request that the Council initiate the rezoning of the property back to the zoning district existing immediately preceding the ~~"TND CONCEPT" and/or "TND" zoning within a Traditional Neighborhood Development, only as to that portion of the property which has not been developed, if:~~
- ~~1. A Final Development Plan for a portion of the property is not approved within three (3) years after the effective date of the ordinance approving "TND CONCEPT" for the property unless extended by the Council for up to one (1) additional year; or~~
 - ~~2. An approved Final Development Plan expires as stipulated in the Final Development Plan.~~
- 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

	Conform to UDC Requirements	Requirements to be Determined by Each Approved Final Development Plan	Special Requirements
PARKING			UDC requirements Unless shared parking or a parking waiver is approved.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to

any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.