



INFORMATION BULLETIN

Number 5

LAND PLANNING

The Current Planning Division of the Office of the Planning Commission processes a number of land development applications. Action on these various land development matters is dependent on the process being followed for a particular type of application. Some land development applications, such as smaller Site Plans and Subdivisions of five lots or less without waivers or a proposed street, can be approved by the Planning Commission staff after review and comment by the Department of Public Works (DPW). Other land development applications, like Planned Unit Development Final Development Plans and Wireless Towers, must be approved by the Planning Commission after a public hearing. Other applications, like Rezoning and Horizon Plan Amendments, must be approved by the Metropolitan Council after public hearing and recommendation at the Planning Commission.

Other land development applications involve waivers of the subdivision or zoning regulations of the Unified Development Code (UDC). These typically require a public hearing by the Planning Commission and a recommendation to, and approval by, the Metropolitan Council.

Public hearings must be advertised, according to law, prior to each scheduled hearing date. Therefore, when public hearings are required by law, the action on these matters may take 10 to 12 weeks. This time period is an approximate scenario and a land development application's particular circumstances may change the length of time involved.

Subdivision Development

The subdivision regulations found in the UDC are locally adopted laws governing the process of dividing land for the purpose of sale or development. A developer or landowner will accomplish this through a plat approval process. Waivers of the subdivision regulations are required to have a public hearing before the Planning Commission and potentially, a public hearing at the Metropolitan Council if a councilmember so requests. A developer may not sell lots until the proposed subdivision has been approved, all required signatures are obtained, and recorded with the Clerk of Courts Office. There are five basic steps to the development of a typical subdivision.

1. Pre-Application Procedures The developer or his engineer shall review his proposed development with the Planning Commission staff. After the pre-application meeting, if the developer wishes to proceed a complete application packet is required. All items on the application checklist must be provided or the application is considered incomplete and will not be processed.

2. Subdivision Review Committee This Committee allows interaction between the various technical agencies involved with the subdivision

process. The utility companies, Health Department, Fire Department, Department of Public Works, the Planning Commission Staff, and other committee members review the proposal. This allows all parties with a review interest in the development to examine the application and provide comments prior to the public hearing at the Planning Commission.

3. Public Hearings The Planning Commission will hold a public hearing. If a waiver or waivers are part of the application, and a Metropolitan Councilmember requests it, following the Planning Commission public hearing a public hearing will be held at a Metropolitan Council meeting. If there is no request by a Metropolitan Councilmember, the application is as approved by the Planning Commission.

4. Construction Plans After the Preliminary Plat has been approved, construction plans are then prepared and submitted by the developer to DPW for review. After construction plans have been approved by the Director of DPW, the developer may proceed with the approved required improvements. In lieu of the immediate installation of improvements as required, the developer may file with the Planning Commission an agreement and performance bond securing to the City-Parish the satisfactory construction of the proposed improvements within a period of not more than two years from the date of such agreement and bond.

5. Final Plat Upon completion and acceptance of improvements, or after posting a performance bond and agreement to guarantee construction of the required improvements, the Planning Director and DPW check any final plat application for conformity with the approved Preliminary Plat and for compliance with the "Final Plat" section of the UDC. The Planning Commission will then grant final approval of the plat.

After approval, the developer will make any corrections or changes as necessary and then record the Final Plat with the East Baton Rouge Parish Clerk of Court. After recording, copies of the recorded plat are submitted to the Office of the Planning Commission. These prints are then distributed by the Office of the Planning Commission to other governmental entities. The developer shall file a maintenance agreement and surety bond with DPW to secure the satisfactory performance of the construction and improvements.

Subdivisions involving five (5) lots or less and not creating a public or private street, or cases in which property is being exchanged or sold and no new lots are being created, can generally be handled at the staff level. However, subdivisions with more than five lots and all matters requiring waivers or creating public or private streets will be processed to the Planning Commission for public hearing.

Parking or Paving Waivers

Off-street parking spaces and hard surface paving are required by the UDC, and therefore, any reduction or waiver must be done by ordinance. This means that the Planning Commission must hold a public hearing prior to taking action on a parking or paving waiver. A completed application for a parking or paving waiver must be submitted to the Office of the Planning Commission for review. After the application submittal, the waiver is referred to DPW for review and comment. After all comments are received, a staff recommendation is developed and the waiver and recommendation is forwarded to the Planning Commission for review and action, an appeal may be made to the Metropolitan Council at any councilmember's request. If appealed, the Metropolitan Council will hold a public hearing and make a decision.

Right-of-Way or Servitude Revocation

When seeking a right-of-way or servitude revocation, a completed application shall be submitted to the Office of the Planning Commission. A complete application will include an application form, a fee, a letter of request, all maps or sketches of the revocation, and all required letters of "No Objection." Complete applications will be forwarded to the Planning Commission for public hearing and recommendation, and then to the Metropolitan Council for final action. If the revocation does not abut the surrounding property, the case will only be heard by the Metropolitan Council.

Street Name Change

To request a street name change, the applicant must submit a completed application form, the fee, a petition agreeing to the name change that is signed by 51% of the property owners with addresses along the entire length of the street being requested for the name change, and a list of all the abutting property owners along the entire length of the name change. Notice of public hearing is then sent by the Planning Commission staff to all abutting property owners. The Planning Commission will hold a public hearing and forward a recommendation to the Metropolitan Council. The Metropolitan Council will then hold a public hearing and make a decision on the street name change.

Planned Unit Development (PUD)

A PUD is described as a subdivision, development and use of land as an integral unit which provides a mix of land uses, and may include single-family residential, multiple-family residential, educational, business, commercial recreational, park, and common open area. A PUD must consist of at least 10 contiguous acres, can be developed in phases, and requires a three step process consisting of: a) approval of a Concept Plan of the overall project by the Planning Commission and Metropolitan Council; b) approval of a Final Development Plan, which may include a preliminary plat, by the Planning Commission; and c) approval of a final plat by the Planning Commission Staff. More detailed information on PUDs can be found in Information Bulletin #31.

Small Planned Unit Development (SPUD)

SPUDs are small planned unit developments, meaning that they are developed on property consisting of at least 2.5 acres up to a maximum of 20 acres. SPUDs are very similar to PUDs except for the smaller size, a reduction in development requirements, and a shortening of the review process in that a Concept Plan is not required.

Traditional Neighborhood Development (TND)

The purpose of a TND is to encourage mixed-use, compact development and facilitate the efficient use of services. A TND diversifies and integrates land uses within close proximity to each other, and provides

for the daily recreational and commercial needs of the residents. A TND is a sustainable, long-term community that provides economic opportunity and environmental and social equity for the residents.

While a more detailed discussion of TNDs can be found in Information Bulletin #55, at a minimum a TND must consist of at least 50 contiguous acres and have one Neighborhood Center Area and at least one Mixed Residential Area. Design requirements range from building architecture to landscaping to street design. The approval process is very similar to that of a PUD, with an overall Concept Plan being reviewed and recommended by the Planning Commission and approval being given by the Metropolitan Council. However, a Final Plat is required as part of any Final Development Plan Submittal, unlike a PUD where the Final Development may include a preliminary plat but the Final Plat is a separate step of the process.

Infill Small Planned Unit Development (ISPUD)

The maximum size of an ISPUD is two and one-half (2.5) acres. Any applicant for an ISPUD is required to submit a Development Plan. This Plan provides details of the site such as use(s), size, building information, parking, signage, lighting, and landscaping. See Information Bulletin 70 for more detailed information on ISPUDs.

Site Plans

Site Plans include three separate categories. The first is a staff level site plan which is reviewed and approved by staff. Site Plan review of these types of site plans is required whenever development is for a high density use such as multi family projects between seventy-five (75) and ninety-nine (99) units; commercial recreation facilities with land area containing one-half acre to .99 acre; offices, shops, stores, or other commercial uses with a building or buildings containing between 30,000 and 49,999 square feet; or an addition to an existing structure or structures in which the increase in aggregate floor area greater than 30,000 square feet is greater than 20%.

Site Plans requiring Planning Commission review and approval are triggered whenever development is for a high density use such as multi-family projects of more than 100 units or greater; commercial recreation facility with land area containing more than one-half acre; offices, shops, or other commercial uses with a building or buildings containing 50,000 or more square feet, or an addition to an existing structure(s) in which the increase in aggregate floor area greater than 50,000 square feet is greater than 20%. See Information Bulletin 13 for more detailed information on Site Plan Review.

The third is Urban Design Overlay District (UDOD) site plan approval. Any site plan on property that falls within a UDOD boundary, no matter the size, must be reviewed and approved by the Planning Commission staff.

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