

# **ARTICLE 14**

## **PERMITS AND PROCEDURES**

### **Division 14.100 Purpose and Application of Article**

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#### **Sec. 14.101 Purpose**

The purpose of this Article is to set out the City's development approval processes and procedures.

#### **Sec. 14.102 Application of Article**

- A. **Purpose and Application of Article.** *Division 14.100 Purpose and Application of Article.*
- B. **Standardized Administrative Procedures.** *Division 14.200, Standardized Administrative Procedures.*
- C. **Development Applications Summary Table.** *Division 14.300 Development Applications Summary Table*
- D. **Development Application Processes.** *Division 14.400 Development Applications Processes.*
- E. **Special Development Processes.** *Division 14.500 Special Development Processes.*

### **Division 14.200 Standardized Administrative Procedures**

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#### **Sec. 14.201 Standardized Administrative Procedures General**

- A. **Generally.** The standardized approval procedures of this Division apply to all applications for development approval that are set out in Article 14 of this UDC.
- B. **Development Approval Process.** In general, the approval procedures set out in this Division are intended to be undertaken in sequence until a final decision and (if requested) an appeal are considered and decided by the decision-maker identified in this Article.

#### **Sec. 14.202 Pre-Application Conference**

- A. **Generally.**
  - 1. Pre-application conferences are required for specific processes and recommended for all other applications and processes.
  - 2. At the pre-application conference, the Planning Director and other members of City Staff, as appropriate, will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications and approvals will be required from the City and what information will have to be provided.
  - 3. Informal meetings may be scheduled prior to a pre-application conference, at the discretion of the applicant and the City Staff.
- B. **Meeting Materials.**
  - 1. The applicant shall bring to (or submit prior to) the pre-application conference sufficient supporting materials to explain:
    - a. The location of the project;
    - b. The proposed uses (in general terms);

- c. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities;
  - d. The relationship to existing development;
  - e. Generally, the presence of natural resources, open water, floodplains, and floodways on the parcel proposed for development;
  - f. Any other conditions or items that the applicant believes are relevant to the processing of the application.
2. The Planning Director may request that the applicant bring completed application forms (in draft form) for the types of permits being sought.

### **Sec. 14.203 Filing of Application and Fee**

A. **Generally.** Every application for development approval required by this UDC shall be submitted on a form approved by the Planning Director, along with the corresponding application fee, except for the following:

1. When specifically allowed, a resolution from the Planning and Zoning Commission or City Council may substitute for an official application.
2. When specifically allowed, a written request may substitute for an official application.

#### **B. Forms and Information**

1. The Planning Director shall promulgate and periodically revise forms for each type of application required by this UDC.
2. The application shall include any information, plans and data specified for the specific application.

#### **C. Fees**

1. The City Council shall establish a fee schedule, and update as needed, for applications and processes in this UDC.
2. Every application shall be accompanied by the required fee. Failure to pay fees when due is grounds for refusing to process the application.
3. Applications initiated by the City may be exempt from fees. If it is the City Council's intent to waive the fee, the waiver and the fee amount shall be stated in the motion initiating the request.

### **Sec. 14.204 Application Completeness Review**

A. **General.** The Planning Director (or designee) shall review the application to ensure that required submittals are included in the application and determine whether the application is complete. Within five (5) business days after an application is submitted the Planning Director shall notify the applicant of completeness.

#### **B. Incomplete Applications.**

1. If the application is deemed incomplete, the official will not process the application until the deficiencies are remedied.
2. No application that does not include the applicable processing fee shall be considered complete.

3. An application is deemed complete for purpose of review if the official fails to reject it and notify the applicant of the deficiencies within five business (5) days. However, it may not be complete for the purposes of an official recommendation or decision, and a determination of completeness does not constitute approval of the application. The appropriate board, commission, or official may also require the applicant to supplement the application with additional information.
  4. A new determination of completeness is required if the applicant materially changes the application from the prior submittal.
- C. **Complete Applications.** Once the application is determined complete, the application shall be processed according to the applicable procedures of this Article.

### Sec. 14.205 Withdrawal of Applications

- A. **Withdrawal.** Any application may be withdrawn by an **applicant or legal authorized representative**, either in writing or on the record before the final decision without prejudice and may therefore be resubmitted without limitations. There shall be no refund of application fees.

### Sec. 14.206 Resubmittal of Denied Applications

- A. **Time Required Before Resubmittal of Previously Denied Applications.** Applications for a zoning text or map amendment, conditional use, TND and PUD Conceptual Plan and Variance that has been denied will not be accepted for six (6) months. This includes any application that is substantially similar to the denied application:
1. The Planning Director's determination that an application is substantially similar to a denied application is subject to administrative appeal.
  2. In the alternative to an appeal, the applicant may seek a waiver of the successive application rules from the City Council, which may grant the waiver for good cause shown.
- B. The limitations of this section do not apply in the following instances:
1. When the City initiates the application.
  2. When the Board of Adjustments has denied the application without prejudice.

### Sec. 14.207 Administrative Review

- A. **Administrative Review.** The Planning Director and any relevant City Staff shall review the application in accordance with the requirements of the UDC for the specific application(s).
- B. If the application requires public notice and public hearing(s), the Planning Director shall set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
- C. The Planning Director shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings.

### Sec. 14.208 Public Notice

- A. **Generally.** Public notice of public hearings required by this UDC shall be provided as required by Table 14., *Required Notice*.

Table 14.208  
Required Notice

Final Decision	Posted Notice	Publication Notice
Applications for Planning Director Administrative Approval	Notice at City Hall	none
Applications with no Planning and Zoning and/or City Council Public Hearing Requirement	Sign(s) on the property at least ten days before the public hearing	none
Applications requiring Planning and Zoning and/or City Council Public Hearings	Sign(s) on the property at least 10 days before the public hearings	Published not less than ten (10) days before public hearings

B. **Technical Requirements for Notice.** All notices shall describe the action proposed to be taken and the date, time, and place of the public hearing (if applicable). In addition, the following requirements apply based on the type of required notice:

1. *Posted Notice.*

a. Signs shall be of a size and design as to be readily visible to passersby.

2. *Publication Notice.* Where publication is required, notice shall be published for three consecutive days in the official journal of the City. Time requirements are based on the first day of publication.

C. **Validity of Defective Notice.**

1. No action on any application submitted in accordance with this Ordinance shall be declared invalid by reason of any defect in any of the following:

a. The publication of the notice of the purpose or subject matter and the time and place of the hearing if the published notice gives reasonable notification of its purpose, subject matter, substance, or intent.

b. The posting or display of a notification sign if evidence of installation of the sign is presented.

2. Any defect in or failure to adhere to any discretionary forms of notification shall not form a basis for declaring invalid any final decision or City Council resolution, ordinance, or action on any matter regarding this UDC.

3. No denial by the City Council of any application, petition, or other zoning matter requiring notice shall be declared invalid by reason of any defect in any form of public notice, if the applicant has received notice of the time, date, and place of the hearing.

**Sec. 14.209 Public Hearings**

A. When a public hearing is required, the place, date, and time for the hearing will be established, and notice of such hearing is required in accordance with Section 14.XXX.

B. The public hearing will be conducted in accordance with the rules and regulations of the body conducting the hearing.

C. **Continuance of Public Hearing:**

1. The hearing body may continue the public hearing. No new posted and published notice is required to reopen the hearing if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the first hearing and placed in the minutes. Publication of the agenda shall satisfy the notice requirements.

D. **Deferral of Application:**

1. If an application is deferred before the opening of a public hearing, updated public notice shall be required of the new public hearing date.
2. If an application is deferred before the public hearing is closed that shall be automatically considered a continuance of the public hearing as stated in subsection C above.
3. If an application is deferred after the public hearing is closed the body may reopen the public hearing according to their rules and regulations. No new posted and published notice is required to reopen the hearing if the application is deferred to a date specified, provided that a public announcement of the future date, time, and place of consideration of the deferred application is made at the first hearing and placed in the minutes. Publication of the agenda shall satisfy the notice requirements.

### **Sec. 14.210 Approval; Effect of Approval**

- A. **Generally.** Approval of an application authorizes only the particular use, plan, or other specific activity for which the approval was granted.
- B. **Continuity of Approvals.** Approvals run with the land that is the subject of the approval. Unless otherwise stated in this UDC, approvals do not change with changes in ownership.
- C. **Records.** A record of all approved applications shall be kept on file by the City of Zachary.
- D. **Expiration of Approvals.**
  1. Approvals may expire within a prescribed time period if noted in the specific application process in this Article. Any approval without a prescribed expiration date shall not expire.
  2. Approvals may expire within a prescribed time period if indicated in Sec. XX.XXX if either of the following occur:
    - a. A building permit or occupancy permit has not been issued and substantial construction has not commenced; or
    - b. The use does not require a building permit and is not established, ongoing, and in operation.
  3. Although an approval may expire, nothing in subsection D.1., above, abrogates the right to a seek a new permit. However, the new permit application will be decided based on its compliance with the standards that are in place at the time it is filed.
- E. **Extensions.**
  1. Upon written request and good cause shown, one extension may be granted by the decision-making body for a period not to exceed the original approval period. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than one month prior to the expiration of the approval.
  2. Failure to apply for an extension within the time limits established by this Section shall result in the approval's expiration as provided above.
- F. **Effect of Appeals and Litigation.** If there is an appeal or litigation during the time period that limits the applicant's ability to proceed, the appeal or litigation shall suspend the expiration date, and the date shall be recalculated when the appeal or litigation, including appeals, is complete. The new expiration date shall be established by adding the number of days that the approval remained valid before the appeal or litigation commenced to the date the appeal or litigation was completed by a final, non-appealable order. This Subsection does not apply if the litigation is related to enforcement of a violation of this UDC.

## Division 14.300 Development Applications Summary Table

### Sec. 14.301 Development Applications Summary Table

A. **Development Applications Summary Table.** This table summarizes the development applications in Division 14.400 Development Application Processes. In the event of any conflicts Division 14.400 shall apply.

Table 14.203 Development Applications Summary Table			
Application	Initiated by	Final Decision By	Application Procedure <sup>1</sup>
<b>Final Decision by Planning Director</b>			
UDC Verification: • Sign Permit • Home Occupation Permit	Owner Any interested party City of Zachary	Planning Director	Sec 14.402 UDC Verification, Sec. 14.403 Sign Permit, Sec. 14.404 Home Occupation Permit
UDC Interpretation	Owner Any interested party City of Zachary	Planning Director	Sec 14.405 UDC Interpretation
<b>Final Decision by Planning Director (with Planning and Zoning Consent Agenda Approval)</b>			
Minor Subdivision with no waivers	Owner	Planning Director (on Planning and Zoning Commission consent agenda)	Sec 14.411 Minor Subdivision
Administrative Subdivision Amendment	Owner	Planning Director (on Planning and Zoning Commission consent agenda)	Sec 14.415 Administrative Subdivision Amendment
<b>Final Decision by Planning and Zoning Commission</b>			
Development Plan Approval with no waivers and no conditional use	Owner	Planning and Zoning Commission	Sec 14.410 Development Plan Review
<b>Final Decision by Board of Adjustment</b>			
Variance	Owner	Board of Adjustment	Sec 14.426 Variance
Appeal of Administrative Decision	Any aggrieved party	Board of Adjustment	Sec 14.425 Appeal of an Administrative Decision

<b>Table 14.203 cont.</b> <b>Development Applications Summary Table</b>			
Application	Initiated by	Final Decision By	Application Procedure <sup>1</sup>
<b>Final Decision by City Council (with recommendation from Planning Director)</b>			
Temporary Use Permit	Owner Any interested party	City Council	Sec 14.406 Temporary Use Permit
<b>Final Decision by City Council</b>			
Development Plan Review with waivers	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.410 Development Plan Review
Standard Subdivision Preliminary Plat	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.413 Standard Subdivision Preliminary Plat
Standard Subdivision Final Plat	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.414 Standard Subdivision Final Plat
Minor Subdivision with Waiver	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.411 Minor Subdivision
Major Subdivision Amendment	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.416 Major Subdivision Amendment
<b>Conditional Use</b> <ul style="list-style-type: none"> <li>• Cell Network (Placeholder)</li> <li>• Sign Design Program</li> </ul>	Owner	City Council with recommendation from Planning and Zoning Commission	Sec 14.420 Conditional Use, Sec. 14.422 Sign Design Program
Zoning Map Amendment	Owner City of Zachary	City Council with recommendation from Planning and Zoning Commission	Sec 14.424 Zoning Map Amendment
UDC Text Amendment	Owner City of Zachary Any interested party	City Council with recommendation from Planning and Zoning Commission	Sec 14.423 UDC Text Amendment
Annexation Request	Owner City of Zachary	City Council after recommendation from Planning and Zoning Commission	Sec 14.427 Annexation Request
PUD Conceptual Plan PUD Preliminary Plan PUD Final Plan	Owner	City Council after recommendation from Planning and Zoning Commission	Sec 14.503 TND Summary of Process
TND Conceptual Plan TND Preliminary Plan with Pattern Book TND Final Plan	Owner	City Council after recommendation from Planning and Zoning Commission	Sec 14.505 PUD Summary of Process
Development Agreement	Owner	City Council after recommendation from Planning and Zoning Commission	Sec 14.512 Development Agreements Authorized
<b>TABLE NOTE:</b> <sup>1</sup> Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this UDC.			

## **Division 14.400 Development Applications Processes**

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### **Sec. 14.401 Development Application Processes Introduction**

- A. **Purpose.** The development applications permitted by this UDC are set out in this Division. Other development applications and development permits may also be required by State or Federal law, or the building code. Permits for activities in public rights-of-way are required by the City's Code of Ordinances.
- B. **Administrative Procedures.** All applications shall follow the rules and regulations presented in *Division 14.200 Standardized Administrative Procedures*, unless specifically exempted in a Development Application Process in this section.

### **Sec. 14.402 UDC Verification**

- A. **Purpose/Applicability.** A UDC verification promotes compliance with the UDC by establishing a procedure for the City to verify that an application and/or development project complies with all standards of the UDC prior to issuance of a building permit, certificate of occupancy, business license, or other City permit.
  - 1. No structure or land may be used or occupied, in whole or in part, for any purpose, until a UDC verification has been issued stating that the use, structure, and site improvements comply with the provisions of this UDC.
  - 2. A UDC verification is needed only for the first permit or license issued for the building or site. For example, new construction that requires both a building permit and a certificate of occupancy only requires a UDC verification for the building permit.
- B. **Initiation.** The following parties may initiate a UDC verification:
  - 1. Owner, or duly authorized representative
  - 2. Any interested party
  - 3. City of Zachary Staff
- C. **Authority.** The Planning Director shall make a final decision on a UDC verification.
- D. **Application.**
  - 1. An application shall be filed with the Planning Director.
  - 2. When a UDC verification is required with an application for a building permit, certificate of occupancy, business license or other City permit, no separate application is required.
  - 3. The Planning Director shall request any additional information he or she may deem necessary or appropriate for a full and proper review of the application.
- E. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review. After review, the Planning Director shall make a final decision to approve the UDC verification or to deny the UDC verification with specific reasons for the denial provided to the applicant.
- F. **Appeal.** An aggrieved party may appeal a final decision on a UDC verification within forty-five (45) days of the final decision. Such appeal shall be considered an Appeal of an Administration Decision to the Board of Adjustment.

### **Sec. 14.403 Sign Permit (UDC Verification)**

- A. **Purpose/Applicability.** A sign permit is a specific UDC verification required for the installation, replacement or modification of any sign in the City of Zachary unless the sign is exempted from requiring an application in Sec. XX.XXX (sign permit section).
1. A sign permit shall follow the process outlined in Sect. 14.402 UDC Verification.
  2. A sign design program is a conditional use and shall follow the process outlined in Sec. 14.4XXX Conditional Use Sign Design Program.

### **Sec. 14.404 Home Occupation Permit (UDC Verification)**

- A. **Purpose/Applicability.** A Home Occupation permit is a specific UDC verification required before an occupational license is granted for any Home Occupation in the City of Zachary as outlined in Section 1.XXX.
1. A Home Occupation permit shall follow the process outlined in Section 14.402 UDC Verification.
  2. A Home Business is a conditional use and shall follow the process outlined in Sec. 14.4XX Conditional Use.

### **Sec. 14.405 UDC Interpretation**

- A. **Purpose/Applicability.** A UDC Interpretation may be requested when the provisions of this UDC, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they are applied. request an administrative interpretation of the terms, provisions, or requirements of this UDC if the application of the terms, provisions, or requirements are not obvious.
1. The interpretation process recognizes that many such situations can be readily addressed by an interpretation of the specific provisions of this UDC in the context of other general and specific UDC provisions.
  2. The interpretation authority is not intended to add or change the essential content of this UDC, but only to allow authoritative application of that content to specific cases.
- B. **Initiation.** The following parties may initiate a UDC Interpretation application:
1. Owner, or duly authorized representative
  2. Any interested party
  3. The Planning and Zoning Commission and City Council by adoption of a resolution.
- C. **Authority.** The Planning Director shall make a final decision on a UDC Interpretation.
- D. **Application.**
1. An application shall be filed with the Planning Director.
  2. In addition to the application form the following information and data shall be included as part of the complete application: The applicant shall present a description of the situation or scenario to which the application of this UDC is in question, and a statement of the nature of the interpretation sought.
- E. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review. After review, the Planning Director shall make a final written determination on the UDC interpretation. The Planning Director shall maintain a written record of all interpretations.

- F. **Appeal.** An aggrieved party may appeal a final decision on a UDC interpretation within forty-five (45) days of the final decision. Such appeal shall be considered an Appeal of an Administration Decision to the Board of Adjustment.

### **Sec. 14.406 Temporary Use Permit**

- A. **Generally.** Temporary Use applications are required as set out in **Section 1.XXX Temporary Use XXX**.
- B. **Decision Criteria.** XXX.

### **Sec. 14.407 – Sec. 14.409 Reserved.**

### **Sec. 14.410 Development Plan Review**

- A. **Purpose/Criteria.** Development Plan Review is intended to promote orderly development and redevelopment in the City and to assure that such development or redevelopment occurs in a manner that meets the standards and regulations of this UDC, is harmonious with surrounding developments and promotes the general welfare of the City. All development applications and permit request shall be reviewed for compliance with this UDC as required by Sec. 14.402 UDC Verification. Unless otherwise required by this section or this UDC, Development Plan Review shall be required for all developments that meet the following criteria:
1. Construction of more than two (2) residential units on a single lot of record.
  2. All non-residential construction or expansion, including mixed-use.
  3. Creation of more than five hundred (500) square feet of impervious coverage.
  4. Any development or redevelopment within an Overlay District, excluding single-family residential dwellings.
- B. **Initiation.** The following parties may initiate a Development Plan Review application:
1. Owner, or duly authorized representative
- C. **Authority.**
1. The Planning Commission shall make a final decision on a Development Plan Review application that: 1) Is not tied to specific conditional use application or other application requiring City Council approval; and 2) does not require any waivers or variances.
  2. The City Council shall make a final decision on a Development Plan Review application with a Conditional Use application and/or other application requiring City Council approval and/or an application requiring waivers or variances.
- D. **Application.**
1. A pre-application conference is required before submittal of an application.
  2. The application shall be filed with the Planning Director.
  3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
    - a. The name of the individual or firm preparing the plan.
    - b. The north arrow, scale, and date.
    - c. The boundaries and dimensions of the property involved, the general location of all existing easements, sector lines, property lines, existing streets, structures or waterways, and other significant physical features in or adjoining the project.

- d. The general location and character of construction of any proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, numbers of parking and loading spaces, exterior lighting systems, storm drainage, and sanitary facilities.
  - e. The approximate height of all proposed structures, principal and accessory, or major excavations in relation to heights of structures on adjoining property. The location should be drawn to scale but full dimensioning is not required.
  - f. A tabulation of the total gross area in square feet or acres of the project site and the floor area in square feet of any building(s) in the proposed development.
  - g. Building elevations, locations, and dimensions.
  - h. General location of parking and site circulation.
  - i. General location, height, and material of all fences, walls, screening, and landscape.
  - j. If available, general location, character, size, and height, and orientation of proposed signs.
  - k. If available, the approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other utilities and structures in or near the project.
  - l. If available, landscape and stormwater management plan, where applicable.
  - m. Such other information as may be required in order to meet standards in the district in which the use is to be located.
  - n. A traffic impact analysis, if determined to be necessary by the Planning Director.
  - o. A brief narrative description of how the proposed development addresses the design goals.
4. The Planning Director may waive submittal requirements where such information is not necessary to determine the nature of the development or that the development meets relevant approval criteria.
  5. The Planning Director or other City staff may request additional information as need to make a recommendation and/or final decision.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.
- G. **Final Decision by Planning and Zoning Commission for Development Plan Review with no conditional use and no waivers or variances.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Development Plan Review in Sec. 14.4XX and approve, approve with modifications, or deny the application with specific reason(s) for denial added to the record.
- H. **Recommendation by Planning and Zoning Commission for Development Plan Review with conditional use and/or waivers or variances.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures,

after public notice the Planning and Zoning Commission shall hold a public hearing.

2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Development Plan Review in Sec. XX.XXX and recommend approval, approval with modifications, or denial of the application with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.
- I. **Final Decision by City Council for Development Plan Review Development Plan Review with conditional use and/or waivers or variances.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
  2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Development Plan Review in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.
- J. **Development Plan Review Conditions**
1. The Planning Director, Planning and Zoning Commission and the City Council may impose such conditions upon the Development Plan Review as deemed necessary for the protection of the public health, safety, and welfare.
  2. Any conditions or waiver imposed shall be set forth in the resolution approving the Development Plan Review and shall be incorporated into or noted on revised plan for final approval. The applicant shall submit the revised plan and any additional required information incorporating all approved conditions and waivers. The Planning Director shall verify that the revised plan incorporates all conditions and waivers set forth in the resolution approving the Development Plan Review.
  3. No permits or licenses for the development shall be issued until the Planning Director issues a final approval.
- K. **Review Standards for Development Plan Review.** In reviewing development plans, use specific standards shall be evaluated. However, this review shall not consider the validity or appropriateness of the use.
1. Development Plan Review for the proposed development shall consider use specific standards in this UDC, however this process shall not review the validity or appropriateness of the use(s).
  2. The proposed development or structure meets all of the relevant standards and regulations of this UDC.
  3. The proposed development will support the existing and/or planned character of the City.
  4. The development plan demonstrates the following:

- a. Compliance with any prior approvals;
- b. Site design and development intensity appropriate for and tailored the unique natural characteristics of the site;
- c. Adequate, safe and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways and off-street parking, stacking and loading spaces;
- d. Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater; and
- e. Landscaping, screening and buffers enhance the appearance and use of the site, if applicable.
- f. Adverse impacts on adjacent properties have been minimized or mitigated.
- g. Respects historic design context, if applicable.

**L. Appeal.**

1. An aggrieved party may appeal a final decision on a Development Plan Review by the Planning and Zoning Commission to the City Council within thirty (30) days of the date of the final decision by the Planning and Zoning Commission.

**M. Expiration.** A Development Plan Review approval may expire after two (2) years in accordance with the provisions of *Division. 14.200 Standardized Administrative Procedures*.

**N. Changes to Approved Plans.**

1. The Planning Director may approve minor modifications to an approved Development Plan.
2. A minor modification may not be granted for any part of the Development Plan addressed in a waiver, or in a condition that has not been completed.
3. The following modifications shall be considered minor:
  - a. Any changes to building materials or building facades, provided that the change in materials is listed as a permitted material;
  - b. Up to twenty percent (20%) increase or any decrease in gross floor area of a building and it does not exceed the regulations of the applicable district;
  - c. Up to ten percent (10%) increase or any decrease in height of a building and it does not exceed the regulations of the applicable district;
  - d. Any changes in the uses of the buildings, provided that the use is considered permitted in the applicable district;
  - e. Rearrangements of internal streets and driveways, where such is found to be consistent with previous approvals, improves traffic circulation, and/or otherwise improves the development plan.
  - f. Such additional changes, adjustments, or alterations to elements of the development plan, such as walks, fencing, signs, lighting, landscape, or other elements, as may be necessary or desirable to improve the quality of the approved development plan or to provide for consistency with such other changes as may be authorized in this section.
4. All modifications not listed as minor shall only be considered as part of a new Development Plan Review in according with the requirements of this section

### Sec. 14.411 Minor Subdivision

- A. **Purpose/Criteria.** A Minor Subdivision is intended to allow for land subdivisions that involve a limited number of parcel(s) and do not include the development, construction and/or dedication of public infrastructure and public improvements. Generally, a Minor Subdivision approval is a final plat approval. If a Minor Subdivision requires a waiver of any criteria listed in this section and/or any other regulation of this UDC, the City Council shall make the final decision on the Minor Subdivision application:
1. The area of the proposed subdivision is located entirely within the City of Zachary. No waiver of this criteria is allowed.
  2. The subdivision creates no more than four (4) new lots of record with one additional residual parcel permitted.
  3. The subdivision will conform fully to all requirements of the current zoning district and each lot will be developable according to the site development regulations of the UDC. No waiver of the minimum lot size or minimum lot width is permitted, except where to do so would lead to parcels that are less nonconforming than prior to the subdivision.
  4. The subdivision complies with all regulations and standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
  5. The subdivision has direct access to a public street and existing utilities and/or does not require the creation or extension of any public street or public improvement.
    - a. If any public improvement is required, the application shall be considered as a Standard Subdivision.
    - b. If the subdivision includes a private street or servitude of access, the application shall be considered as a Standard Subdivision.
- B. **Initiation.** The following parties may initiate a Minor Subdivision application:
1. Owner, or duly authorized representative
- C. **Authority.**
1. The Planning Director with ratification by the Planning and Zoning Commission, if the Minor Subdivision creates no more than four (4) new lots of record with one additional residual parcel permitted and does not require any waivers.
  2. The Planning and Zoning Commission if the subdivision meets all the criteria in Sec. 14. 411.A and does not require any waivers.
  3. The City Council if the Minor Subdivision requires any waivers and/or includes a private street or servitude of access.
- D. **Application.**
1. A pre-application conference is required before submittal of an application.
  2. The application shall be filed with the Planning Director.
  3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
    - a. A signed affidavit verifying ownership of all property to be subdivided.

- b. A copy of any covenants or restrictions that affect the property.
- c. A survey of that part of the parcel proposed for subdivision that is subject to the application for the Minor Subdivision.
- d. A plat containing all required information and the required number of print copies in the application.
- e. **Drainage Improvement Study** per Section X.XXX (may be waived by Planning Director).

4. Plat Requirements

- a. The title under which the proposed subdivision is to be recorded; the location of the property to be subdivided; the name of the owner or owners and/or the subdivider; and the name of the engineer, surveyor or landscape architect, if any, who is platting the tract.
  - b. Boundaries of the subdivision location; width and names of streets; section and township lines; indication of incorporated areas, sewer districts, zoning districts, and other legally established districts; all watercourses, drainage ditches, wooded areas and other features within the area to be subdivided as well as the same facts regarding adjacent property.
  - c. The names of all adjoining subdivisions, and the names and record owners of adjoining tracts of unsubdivided land.
  - d. The proposed location, layout, and approximate dimensions of lots; any other necessary descriptions of lots, servitudes and easements; and location and dimensions of existing buildings.
  - e. Existing drainage ditches, sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent.
  - f. The areas of open space.
  - g. The location of all existing and proposed public utilities including storm and sanitary sewers, water, gas and power lines.
  - h. Location and size of proposed parks, playgrounds, church or school sites or other special uses of land to be considered for dedication to public use.
  - i. North Point, Scale and Date. North point, scale, and date.
  - j. A key or vicinity map, showing the area to be subdivided in relation to the nearest major street or road.
5. The Planning Director may waive submittal requirements where such information is not necessary to determine the nature of the development or that the development meets relevant approval criteria.
6. The Planning Director or other City staff may request additional information as need to make a recommendation and/or final decision.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.
- G. **Final Decision by Planning Director with Planning and Zoning Commission ratification for Minor Subdivision Final Plat with no waivers.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning Director shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Minor Subdivisions in Sec. XX.XXX and approve or deny the application with specific reason(s) for denial added to the record.
2. The decision shall be placed on the consent agenda for the next available Planning and Zoning Commission for ratification and signature of the chairman of the Planning and Zoning Commission if required.

**H. Recommendation by Planning and Zoning Commission for Minor Subdivision Final Plat with waivers.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Minor Subdivisions in Sec. XX.XXX and recommend approval, approval with modifications, or denial of the application with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**I. Decision by City Council for Minor Subdivision Final Plat with Waivers.**

1. In accordance with the provisions of *Division 14.200 Standardized Administrative Procedures*, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Sub Uses in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**J. Conditions**

1. The Planning Director, Planning and Zoning Commission and the City Council may impose such conditions upon the Minor Subdivision as deemed necessary for the protection of the public health, safety, and welfare.
2. Any conditions or waiver imposed shall be set forth in the ordinance approving the Minor Subdivision shall be incorporated into or noted on the revised plat for final approval. The applicant shall submit the revised plat and any additional required information incorporating all approved conditions and waivers. The Planning Director shall verify that the final plat incorporates all conditions and waivers set forth in the ordinance authorizing the Minor Subdivision.
3. No permits or licenses for the Minor Subdivision may be issued until the Planning Director issues a final approval.

- K. **Review Standards for Minor Subdivisions.** The following standards shall be considered when reviewing Minor Subdivisions:
1. The subdivision is generally consistent with the policies embodied in the adopted Master Plan.
  2. The subdivision is consistent with the general purpose and intent of the applicable zoning district regulations.
  3. The subdivision meets all applicable standards in this UDC.
  4. The subdivision is compatible with adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public right-of-way to mitigate development-related adverse impacts.
  5. The subdivision is not materially detrimental to the public health, safety, and welfare.
- L. **Appeal.**
1. An aggrieved party may appeal a final decision by the Planning Director with ratification by the Planning and Zoning Commission on a Minor Subdivision to the City Council within thirty (30) days of the date of the ratification by the Planning and Zoning Commission.
  2. An aggrieved party may appeal a final decision on a Minor Subdivision with waivers by the City Council to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.
- M. **Expiration.** A Minor Subdivision Final Plat approval shall not expire.

#### **Sec. 14.412 Subdivision Waivers**

- A. **Purpose/Criteria.** Whenever the parcel to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this UDC would result in real difficulties and substantial hardships or injustices, the City Council may vary or modify such requirements, so that the subdivider is allowed to develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these regulations are preserved. Petition for variance from these regulations shall be made by written request of the applicant, stating fully the grounds for the request and the facts relied upon by the applicant.
- B. **Subdivision Waiver Standards.** All waiver requests shall meet the following criteria:
1. A subdivision waiver may only be applied for as part of a subdivision application.
  2. The area of the proposed subdivision is located entirely within the City of Zachary.
  3. The waiver complies with all federal, state and local regulations including standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
  4. Granting of the waiver will not be detrimental to the public safety, health, or welfare.
  5. A particular hardship or unusual and practical difficulty, but specifically not to include financial hardship, may result from the strict application of these standards or regulations and the conditions upon which the request for waiver are based are unique to the property for which the waiver is sought because of the physical surroundings, existing surround development, or shape or topographical conditions of the specific property, and are not applicable generally to other properties.

6. Purposes of these standards or regulations may be served to a greater extent by an alternative proposal, or when the waiver is of such an inconsequential nature that it will not have any substantial effect on the purpose and intent of these standards or regulations or the authority for which is specifically granted in these standards or regulations.
7. Waivers only apply to this UDC in the creation of a specific subdivision plat. No waiver approved as part of a subdivision plat shall be considered as a waiver or variance for any other standard or regulation of this UDC. If a zoning variance is required, such a variance must be approved through the process delineated in this UDC.
8. In reviewing and/or approving a waiver, the Planning Director, Planning and Zoning Commission and City Council may recommend and/or approve such alternative conditions as will serve substantially the same objective as the standards or regulations waived.
9. All approved waivers must be recorded on the final plat and certified by the City of Zachary. Any approved waiver that is not recorded on the final plat and certified by the City of Zachary shall be considered void.

### **Sec. 14.413 Standard Subdivision Preliminary Plat**

- A. **Purpose/Criteria.** A Standard Subdivision is generally any subdivision that is not a Minor Subdivision or specifically exempt from these standards in the UDC. A Standard Subdivision shall meet the following criteria:
  1. The subdivision is located entirely within the City of Zachary. No waiver of this criteria is allowed.
  2. The subdivision will conform fully to all requirements of the current zoning district and each lot will be developable according to the site development regulations of the UDC. No waiver of the minimum lot size or minimum lot width is permitted, except where to do so would lead to parcels that are less nonconforming than prior to the subdivision.
  3. The subdivision complies with all regulations and standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.
- B. **Initiation.** The following parties may initiate a Standard Subdivision Preliminary Plat application:
  1. Owner, or duly authorized representative
- C. **Authority.**
  1. The City Council shall make a final decision on a Standard Subdivision Preliminary Plat.
- D. **Application.**
  1. A pre-application conference is required before submittal of an application.
  2. The application shall be filed with the Planning Director.
  3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
    - a. A signed affidavit verifying ownership of all property to be subdivided.
    - b. A copy of any covenants or restrictions that affect the property.
    - c. A survey of that part of the parcel proposed for subdivision that is subject to the application for the subdivision.

- d. A plat containing all required information and the required number of print copies in the application.
  - e. Drainage Improvement Study (may be waived by Planning Director).
  - f. General specifications and/or drawing notes detailing proposed construction materials and methods.
  - g. General description of proposed Public Improvements Plan.
  - h. A detailed description of any requested waivers (see Section X.XXX Subdivision Waivers).
4. Preliminary Plat Requirements:
- a. The title under which the proposed subdivision is to be recorded; the location of the property to be subdivided; the name of the owner or owners and/or the subdivider; and the name of the engineer, surveyor or landscape architect, if any, who is platting the tract.
  - b. Boundaries of the subdivision location; width and names of streets adjoining the subdivision; section and township lines; indication of incorporated areas, sewer districts, zoning districts, school districts and other legally established districts; all watercourses, drainage ditches, wooded areas and other features within the area to be subdivided as well as the same facts regarding adjacent property.
  - c. The names of all adjoining subdivisions, and the names and record owners of adjoining tracts of unsubdivided land.
  - d. The proposed location, names and width of streets; layout, and approximate dimensions of lots; any other necessary descriptions of lots, servitudes and easements; and location and dimensions of existing buildings, if any; and subdivider's front building lines with setbacks.
  - e. Existing drainage ditches, sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent; statement of proposed plans for drainage and sewage disposal, including location of proposed culverts and bridges and a contour map where terrain might affect location of sewers and ditches.
  - f. The areas of open space.
  - g. The location of all existing and proposed public utilities including storm and sanitary sewers, water, gas and power lines.
  - h. Statement of proposed street improvements, including contour map where terrain might affect location of streets.
  - i. Location and size of proposed parks, playgrounds, church or school sites or other special uses of land to be considered for dedication to public use.
  - j. North Point, Scale and Date. North point, scale, and date.
  - k. A key or vicinity map, showing the area to be subdivided in relation to the nearest major street or road.
5. The Planning Director or other City staff may request additional information as need to make a recommendation and/or final decision.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical

Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.

**G. Recommendation by Planning and Zoning Commission for Standard Subdivision Preliminary Plat.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and the review criteria for Standard Subdivisions in Sec. XX.XXX and recommend approval, approval with modifications, or denial of the application with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**H. Decision by City Council for Standard Subdivision Preliminary Plat.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Standard Subdivisions in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**I. Conditions**

1. The Planning Director, Planning and Zoning Commission and the City Council may impose such conditions upon the Standard Subdivision as deemed necessary for the protection of the public health, safety, and welfare.
2. Any conditions or waiver imposed shall be set forth in the ordinance approving the Standard Subdivision shall be incorporated into or noted on the revised plat for final approval. The applicant shall submit the revised plat and any additional required information incorporating all approved conditions and waivers. The Planning Director shall verify that the revised plat incorporates all conditions and waivers set forth in the ordinance authorizing the Standard Subdivision.
3. No permits or licenses for the Standard Subdivision may be issued until the Planning Director issues a final approval.

**J. Review Standards for Standard Subdivisions.** The following standards shall be considered when reviewing Standard Subdivisions:

1. The subdivision is generally consistent with the policies embodied in the adopted Master Plan.
2. The subdivision is consistent with the general purpose and intent of the applicable zoning district regulations.
3. The subdivision meets all applicable standards in this UDC.

4. The subdivision is compatible with adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public right-of-way to mitigate development-related adverse impacts.
5. The subdivision is not materially detrimental to the public health, safety, and welfare.

**K. Appeal.**

1. An aggrieved party may appeal a final decision on a Standard Subdivision Preliminary Plat by the City Council to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.

- L. Expiration.** A Standard Subdivision Preliminary Plat approval may expire after two (2) years in accordance with the provisions of Division. 14.200 Standardized Administrative Procedures.

### **Sec. 14.414 Standard Subdivision Final Plat**

- A. Purpose/Criteria.** A Standard Subdivision Final Plat is the is the final recorded document which provides the layout of the subdivision, including lots, infrastructure, and protected open space and natural resources. A Standard Subdivision Final Plat shall meet the following criteria:

1. The plat shall conform substantially to the Standard Subdivision Preliminary Plat as approved; and, if desired by the applicant, it may constitute only that portion of the approved plat which was proposed to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
2. Subdivision construction, including public improvements, shall be completed in accordance with the standards and regulation of this UDC.
3. The subdivision complies with all regulations and standards of the Louisiana Department of Health and Hospitals and/or appropriate agencies, with such rules providing minimum standards to be met by all subdivision plats.

- B. Initiation.** The following parties may initiate a Standard Subdivision Final Plat application:

1. Owner, or duly authorized representative

**C. Authority.**

1. The City Council shall make a final decision on a Standard Subdivision Final Plat and acceptance of any public infrastructure.

**D. Application.**

1. The application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
2. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
  - a. A signed affidavit verifying ownership of all property to be subdivided.
  - b. A copy of any covenants or restrictions that affect the property.
  - c. A survey of that part of the parcel proposed for subdivision that is subject to the application for the subdivision.
  - d. A plat containing all required information and the required number of print copies in the application.

- e. Drainage Improvement Study (may be waived by Planning Director).
  - f. General specifications and/or drawing notes detailing proposed construction materials and methods.
  - g. General description of proposed Public Improvements Plan.
  - h. A detailed description of any requested waivers (see Section X.XXX Subdivision Waivers).
3. Final Plat Requirements
- a. Descriptive text and graphics, including:
    - i. Name of subdivision;
    - ii. Name and address of the subdivider;
    - iii. North point, scale and date;
    - iv. Legal description of the tract being subdivided
  - b. Parcel and lot lines and other mapped features, along with text descriptions, which shall include the following:
    - i. The outer boundary lines with accurate distances, angles, or true bearings if available, the exact location width of all recorded streets and ways intersecting the boundaries of the tract being divided;
    - ii. Distances and angles, or true bearings if available, to the established street lines or official monuments, which shall be accurately described on the plat; municipal range, township, parish and section lines accurately tied to the lines of the subdivision by distances and angles, or true bearings, if available
    - iii. Alleys, ways, private servitudes of access and streets, together with their widths and names;
    - iv. All curve data, the lengths of all arcs, radii, internal angles, points of curvature, lengths and bearings of tangents;
    - v. All dimensions, both linear and angular, necessary for determining the exact boundary of all lots in the subdivision; all angles must either be given directly or indicated by the bearings shown; where any lot line is curved, the significant elements of the curve, such as the arc length and the subtending central angle, bearing and dimensions of side lot lines and where a curve is involved an indication if it is a radial line and any and all mathematical information and data necessary to locate all interior and exterior boundary lines of any lot;
    - vi. All block indications, if any; lot numbers; all individual areas shall be designated by number or letter, and lots in new subdivisions shall be numbered consecutively. No tract or portion of land shall be indicated as "Reserved";
    - vii. The accurate location, material, type and description of all permanent control monuments. All monuments are to meet the specifications as set forth in this UDC Division 6.600, Mapping and Monuments; location, description and elevation of bench marks based on mean sea level datum as determined by USGS; where no established bench mark exists, a permanent bench mark shall be established on the property based on mean sea level datum and shown on the plat;
    - viii. Delineation and area of special use areas, including the location and size of proposed parks, playgrounds, protected resources and open spaces, sites for places of public

assembly (including schools) or other special uses of land to be considered for dedication to public use, and of all property that may be granted by deed and covenants for the common use of the property owners in the subdivision, along with a statement for responsibility for maintenance;

- c. Certifications, notes, and references, including:
- i. Every plat shall show a note giving reference to the basis of the bearing, i.e., "Bearings shown refer to true North" or "Bearings shown refer to Grid North as established for the Louisiana Plane Coordinate System by the U.S.C.&G.S." or "Bearings shown refer to assumed North based on a bearing of S10°030'10"W used for the centerline of State Highway 100", or "Bearings shown refer to the map (or deed) call N30'E for the easterly line of the Smith Tract," etc. In all cases the bearings used shall be referenced to some well-established line.
  - ii. Statement of dedication, which shall, in addition to the dedication statement, include the following language: "No trees, shrubs or other plants may be planted, nor shall any building, fence, structure or improvements be constructed or installed within or over any drainage or utility servitude or right-of-way without written approval from the public works department and the city inspector. Any reproduction of the final plat or any resubdivision plat, prepared for purposes of sale or advertising, or any other purpose, shall likewise include that statement pertaining to obstructions of servitude."
  - iii. Statement regarding sewage disposal, which shall be signed by the owner and subdivider, and which shall provide that no person shall provide or install a method of sewage disposal, except connection to an approved sanitary sewer system, until the method of sewage treatment and disposal has been approved by the Division of Health and Hospitals.
  - iv. Private restrictions, restrictive covenants or trusteeships and their periods of existence to apply to lots in the subdivision shall be signed by the owner or his agent and recorded in the office of the clerk and recorder of the parish, and references to such instruments shall be made on the plat and a copy shall be furnished to the secretary of the Planning and Zoning Commission and Clerk of the City Council.
  - v. When the area subdivided lies at such elevation that without additional drainage facilities not then available it will become inundated or overflowed by rain or stormwater, a statement shall be lettered on the subdivision plat, setting forth these facts, and portions that have been overflowed shall be indicated on the plat.
  - vi. The project engineer's certification and seal. This certification shall be a statement by a registered professional engineer and/or land surveyor licensed to practice either of these professions in the state. It shall provide that the plan is based upon an actual survey made by him and that the distances, courses, and angles and all other required survey information are shown correctly, that the monuments have been set and the lot and block corners staked correctly on the ground and that he has fully complied with the provisions of the R.S. 33:5051 et seq., and regulations governing platting. The engineer's or land surveyor's seal shall also be shown.
  - vii. Certification by the Director of Public Works that the development has installed all improvements in accordance with the preliminary plat and the requirements of the UDC; or certification of substantial completion of the improvements by the Director of Public Works (i.e. the improvements can be used for the purposes intended) with the posting of a performance bond, letter of credit, or other surety in sufficient amount as

certified by the Director of Public Works, for completion of all required improvements. For any bond, letter of credit or other surety, there shall be submitted with the plat a determination by the City Attorney as to the sufficiency of the bond offered.

viii. Certification of a maintenance bond, letter of credit or other surety, approved by the City Attorney, in an amount sufficient to cover any costs which might be incurred by the City of Zachary for the maintenance and/or repair to the required improvements for a period of two years after completion has been furnished by the developers and accepted by the City Council.

ix. Approval of the **Chairman of the Planning and Zoning Commission**.

4. The Planning Director or other City staff may request additional information as need to make a recommendation and/or final decision.
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.
- G. **Recommendation by Planning and Zoning Commission for Standard Subdivision Final Plat.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff and the Technical Advisory Committee, relevant comments of interested parties and recommend approval or denial of the application with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.
- H. **Decision by City Council for Standard Subdivision Preliminary Plat.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
  2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and shall approval, or deny with specific reason(s) for denial added to the record.
- I. **Conditions**
1. No conditions of approval shall be placed upon the final plat.
- J. **Appeal.**
1. An aggrieved party may appeal a final decision on a Standard Subdivision Final Plat by the City Council to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.

### **Sec. 14.415 Administrative Subdivision Amendment**

- A. **Purpose/Criteria.** Administrative subdivision amendments generally XXX.
1. The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided that the plat meets all requirements of this UDC and does not result in an increasing in the total number of lots and/or an increase in the density or intensity of the development.
  2. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the City of Zachary or East Baton Rouge Parish, thereby leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines; or
  3. The dedication, acceptance, relocation, or deletion of public utility servitudes, other than public roads or streets, or the deletion of gas, electric, or telephone utility servitudes acquired by private act or pursuant to the provisions of RS 19:1 *et seq.* on the property being resubdivided.
  4. Any change to any waiver approved as part of the final, approved subdivision shall be considered a major amendment.
- B. **Process.** An Administrative Subdivision Amendment shall follow the process for Minor Subdivision (No Waivers) in Sec. 14.XXX with a final decision by the Planning Director and consent agenda approval by the Planning and Zoning Commission.

### **Sec. 14.416 Major Subdivision Amendment**

- A. **Purpose/Criteria.** A Major Subdivision Amendment is any change to an approved, final subdivision plat that is not considered an Administrative Subdivision Amendment.
- B. **Process.** A Major Subdivision Amendment shall follow the process for Standard Subdivision in Sec. 14.XXX with a recommendation by the Planning and Zoning Commission and a final decision by the City Council.

### **Sec. 14.417 – Sec. 14.419 Reserved**

#### **Sec. 14.420 Conditional Use**

- A. **Purpose/Applicability.** The standards of this Section are applicable to Conditional Uses and major amendments to previously approved or established Conditional Uses.
1. Development Plan Review (Sec. 14.4XX) may occur co-currently with a conditional use process. In this case the City Council shall include all Development Plan review conditions and waiver in their final decision on the Conditional Use.
  2. If the proposed use requires subdivision, the subdivision shall be required as a condition of approval. The subdivision must be completed prior to the completion of the conditional use and prior to the issuance of a building permit.
- B. **Initiation.** The following parties may initiate a Conditional Use application:
1. Owner, or duly authorized representative.
  2. City of Zachary.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning

Commission, shall make a final decision on Conditional Use applications.

**D. Application.**

1. A pre-application conference per Sec. XX.XXX is required before submittal of an application.
2. The application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
3. In addition to the application form the following information and data shall be included as part of the complete application unless the Planning Director determines the information and data is not needed for review purposes:
  - a. Site and/or development plans at an appropriate scale showing, at a minimum: proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, proposed locations for utility hook-ups, and required yards and open spaces.
  - b. Preliminary plans for buffering and landscaping.
  - c. Drainage Improvement Study (may be waived by Planning Director).
  - d. Traffic Impact Study (may be waived by Planning Director).
4. The Planning Director or other City staff may request additional information....

**E. Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.

**F. Recommendation by Planning and Zoning Commission.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Conditional Uses in Sec. XX.XXX and recommend: approval, modified approval or denial with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**G. Decision by City Council.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council Commission shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Conditional Uses in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**H. Conditions and Rules**

1. The Planning and Zoning Commission may recommend and the City Council may impose such conditions and restrictions upon the establishment, location, design, construction, maintenance, and operation of the conditional use as deemed necessary for the protection of the public health, safety, and welfare.
  2. The City Council may grant a variance from specific zoning standards otherwise applicable to the use by this Ordinance to secure the general objectives of this section, provided however that any such shall be based on a finding that the case meets the approval standards of Section XX.XXX (the variance criteria). However, the City Council cannot waive or modify any approval standards of this section.
  3. Any conditions imposed shall be set forth in the ordinance approving the conditional use and incorporated into or noted on the development plan for final approval. The applicant shall submit the revised development plan incorporating all conditions within one (1) year of adoption of the conditional use ordinance by the City Council. The Planning Director shall verify that the development plan incorporates all conditions set forth in the ordinance authorizing the conditional use, and shall sign the plan to indicate final plan approval.
  4. No permits or licenses for the conditional use may be issued until the Planning Director issues final plan approval.
  5. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these UDC regulations, the City Code, and any permits required by regional, state, and federal agencies.
  6. No proposed or existing building, premise, or land use authorized by a conditional use may be enlarged, extended, relocated, or otherwise changed from that approved by the conditional use ordinance, unless an application is made for approval in accordance with the procedures set forth in this section.
- I. **Review Standards for All Conditional Uses.** The following standards shall be considered when reviewing Conditional Uses:
1. The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan.
  2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
  3. The proposed use meets all standards specifically applicable to the use as set forth in this UDC.
  4. The proposed use is compatible with and preserves the development character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public right-of-way to mitigate development-related adverse impacts.
  5. Any variance of zoning standards meets the approval standards of XXXVarianceXXX Sec. XX.XXX.
  6. The proposed use is not materially detrimental to the public health, safety, and welfare, or results in material damage or prejudice to other property in the vicinity.
- J. **Appeal.** An aggrieved party may appeal a final decision by the City Council on a conditional use to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.
- K. **Expiration.** For new construction a conditional use approval will expire two (2) years from the date of final approval by the Planning Director if a building permit has not been issued and substantial construction has not been commenced per Section XX.XXX. For conditional uses approved for existing

structures or for a parcel of land where no structure is planned, if the use has not been established within a period of two (2) years, the approval will expire per Section XX.XXX.

- L. **Revocation of Conditional Use.** If the operation of the use for which a conditional use has been approved ceases for a continuous period of one (1) year by discontinuation or abandonment, or if any conditions of this conditional use permit or other requirements of this UDC are violated, the City Council may revoke the conditional use permit after holding a public hearing in accordance with Sec. XX.XXX
- M. **Annotation of Zoning Map.** If the application is approved, the Official Zoning Map shall be annotated to reference the approval by resolution number.

### **Sec. 14.421 Conditional Use – Cell Network (Placeholder)**

### **Sec. 14.422 Conditional Use – Sign Design Program Conditional Use**

- A. **Generally.** The standards of this Section are applied to sign design programs. Sign design programs are an optional method for applicants to obtain approval of signs that do not strictly comply with the standards of [Article 5, Signs](#). See [Division 5.500, Sign Design Program](#).
- B. **Process.Application.** XXX.
- C. Review Standards. XXX.

### **Sec. 14.423 UDC Text Amendment**

- A. **Purpose/Applicability.** A UDC Text Amendment includes any proposal to amend the text of this UDC.
- B. **Initiation.** The following parties may initiate a UDC Text Amendment:
  1. Any interested party.
  2. Planning and Zoning Commission or City Council by resolution.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on UDC Text Amendments.
- D. **Application.**
  1. The application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
  2. The Planning Director or other City staff may request additional information XXX....
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- F. **Recommendation by Planning and Zoning Commission.**
  1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for UDC Text Amendments in Sec. XX.XXX and recommend: approval, modified approval or denial with specific reason(s) for denial added to the record.
  3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the

majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**G. Decision by City Council.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for UDC Text Amendments in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**H. Conditions and Rules.**

1. The Planning and Zoning Commission may recommend and the City Council may approve UDC Text Amendments including additional text changes not specifically identified in the application only if the additional text changes are directly related to the application request and needed to preserve the consistency, enforceability and legality of the UDC.

**I. Review Criteria.** A Zoning Text Amendment shall meet all of the following criteria:

1. The proposed amendment is compatible with the Comprehensive Plan;
2. The proposed amendment is compatible with the intent, and related general standards and regulations of this UDC.
3. The proposed amendment promotes the public health, safety and welfare of the City.
4. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
5. The proposed amendment benefits the citizens of the City as a whole.
6. The proposed amendment provides a more workable way to achieve the intent and purposes of this UDC and the Comprehensive Plan.
7. The proposed amendment does not create a significant number of nonconformities.

**J. Appeal.** An aggrieved party may appeal a final decision by the City Council on a conditional use to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.

### **Sec. 14.424 Zoning Map Amendment**

- A. Purpose/Applicability.** A Zoning Map Amendment includes any proposal to amend the Zoning Map of the City of Zachary.
- B. Initiation.** The following parties may initiate a Zoning Map Amendment:
1. Owner, or duly authorized representative.
  2. Planning and Zoning Commission or City Council by resolution.
- C. Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on a Zoning Map Amendment.

**D. Application.**

1. The application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
2. The Planning Director or other City staff may request additional information XXX....

**E. Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.

**F. Recommendation by Planning and Zoning Commission.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Zoning Map Amendments in Sec. XX.XXX and recommend: approval, modified approval or denial with specific reason(s) for denial added to the record.
3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a continuance or deferral shall be considered as **without recommendation of no legal majority**.

**G. Decision by City Council.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Zoning Map Amendments in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**H. Conditions and Rules.**

1. The Planning and Zoning Commission may recommend and the City Council may approve Zoning Map Amendments with a different zoning classification than requested by the applicant.
2. No recommendation or approval shall include any parcel or properties not specifically identified in the public notice for the application per Sec. 14.XXX.

**I. Review Criteria.** A Zoning Text Amendment shall meet all of the following criteria:

1. The proposed amendment is compatible with the Comprehensive Plan;
2. The proposed amendment is compatible with the intent of this UDC.
3. The proposed amendment is compatible with existing use and zoning of nearby property.
4. The proposed amendment promotes the public health, safety and welfare of the City.
5. The proposed amendment the proposed amendment is a more suitable zoning classification for the property than the current classification considered in the context of both current and future development in the area where the property is located.

6. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
  7. The proposed amendment benefits the citizens of the City as a whole.
  8. The proposed amendment provides a more workable way to achieve the intent and purposes of this UDC and the Comprehensive Plan.
  9. The proposed amendment does not create a significant number of nonconformities.
- J. **Appeal.** An aggrieved party may appeal a final decision by the City Council on a conditional use to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.
- K. **Annotation of Zoning Map.** If the application is approved, the Official Zoning Map shall be annotated to reference the approval by resolution number.

### **Sec. 14.425 Appeal of Administrative Decision**

- A. **Purpose/Applicability.** Appeals to the Board of Adjustment may be filed by an aggrieved party affected by any decision of a public official concerning this UDC. Appeals shall be based on, and provide evidence of, an error in application of the law or a conflict in the law. All appeals shall be filed within forty-five (45) days from the date of the decision.
- B. **Initiation.** The following parties may initiate an appeal:
1. Any aggrieved party.
- C. **Authority.** The Board of Adjustment shall make a final decision on an Appeal of an Administrative Decision.
- D. **Application.**
1. An application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
  2. In addition to the application form the following information and data shall be included as part of the complete application:
    - a. The applicant shall provide a written statement citing the decision that is being appealed, and any reason why the appeal should be granted.
  3. Additional information....XXX
- E. **Stay of Proceedings.** An appeal stays all proceeding in furtherance of the action appealed, unless the Planning Director and/or other relevant public official or city staff certifies to the Board of Adjustment after the notice of appeal has been filed, that a stay would cause imminent peril of life or property. In such case proceedings shall not be stayed except by restraining order that may be granted by XXX Civil District Court.
- F. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- G. **Decision by Board of Adjustment.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Board of Adjustment shall hold a public hearing.
  2. The Board of Adjustment shall limit testimony and other evidence to that contained in the record at the time that the official took final action on the administrative decision.

3. After the close of the public hearing, the Board of Adjustment shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Appeals of Administrative Decisions in Sec. XX.XXX and The Board may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed.
- H. **Review Criteria.** The Board of Adjustment shall consider all of the following criteria in reviewing an appeal:
1. Whether the decision by the Official was in accordance with the intent and requirements of this UDC;
  2. Whether the Official made erroneous findings based on the evidence and information presented in the original application, or failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; and
  3. Whether the official acted arbitrarily or capriciously.
- I. **Appeal.** An aggrieved party may appeal a final decision of an Appeal of an Administration Decision by the the Board of Adjustment to XXX Civil District Court within forty-five (45) days of the Board's decision.

### **Sec. 14.426 Variance (Fix Definition)**

- A. **Purpose/Applicability.** A Variance from a specific regulation or standard of this UDC may be allowed where literal enforcement of the provisions of this UDC will result in practical difficulties or unnecessary hardship.
1. A Variance shall allow permission to deviate from the height, width, bulk, setback, parking or other dimensional requirements established by this UDC, unless specifically not allowed elsewhere in the UDC, except the following in items 2 and 3:
  2. The development standards for conditional uses, TND, PUD, or any other matter designated by the City Council expressly within this UDC, shall not be subject to variances by the Board of Adjustment.
  3. The Board of Adjustment shall have no power to authorize uses in zoning districts which are not authorized in zoning district regulations, nor to change the boundaries of zoning districts.
- B. **Initiation.** The following parties may initiate an appeal:
1. Owner, or duly authorized representative
- C. **Authority.** The Board of Adjustment shall make a final decision on a Variance.
- D. **Application.**
1. An application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
  4. In addition to the application form the following information and data shall be included as part of the complete application:
    - a. The nature and purpose of the requested variance (including specific reference to the UDC sections from which variance is sought), and the grounds on which the variance is requested; and
    - b. A statement regarding how the proposed variance meets **ALL** of the standards set out in XXX.

5. Additional information....XXX
- E. **Review/Decision by Planning Director.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed. The Planning Director may present the application to the Technical Advisory Committee for review.
- F. **Decision by Board of Adjustment.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Board of Adjustment shall hold a public hearing.
  2. After the close of the public hearing, the Board of Adjustment shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Variances in Sec. XX.XXX and shall approve, approve with modification or deny with specific reasons for the denial added to the record.
- G. **Rules and Conditions.**
1. The Board of Adjustment may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variance as necessary or appropriate to protect the public interest and adjacent property. Failure to maintain such conditions or restrictions as may be imposed constitutes grounds for revocation of the variance.
  2. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.
- H. **Review Criteria.** The Board of Adjustment shall not grant a variance unless and until the following criteria are satisfied:
1. There are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography that are not applicable to other lands or structures in the same district;
  2. The need for a variance or the extraordinary and exceptional conditions do not result from the actions of the applicant;
  3. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district;
  4. A literal interpretation of the provisions of this UDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
  5. Granting of the variance will be in harmony with the general purpose and intent of this UDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
  6. The variance requested is the minimum variance that will make possible a permitted use of the land, building, or structure;
  7. The variance will not permit a use of land, building, or structure that is not otherwise permitted in the applicable district;
  8. The variance will not permit an intensity of use of land that is not permitted in the applicable district; and
  9. No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this UDC.
- I. **Appeal.** An aggrieved party may appeal a final decision of a Variance by the Board of Adjustment to XXX Civil District Court within forty-five (45) days of the Board's decision.

- J. **Expiration.** A Variance may expire after XXX months according to the provisions of Sec. X.XXX.D xxxx
- K. **Annotation of Zoning Map.** If the application is approved or approved with conditions, the Official Zoning Map shall be annotated to reference the approval by resolution number.

### Sec. 14.427 Annexation Request

- A. **Purpose/Applicability.** The purpose of this section is to establish a procedure and criteria for annexation of land into the City of Zachary. These standards are meant to supplement the State of Louisiana laws and policies concerning annexation. In no case shall this process supersede the State of Louisiana laws concerning annexations. These standards will assist the City in:
  - 1. Protecting the public health, safety, and welfare by establishing standards for annexation of land into the City;
  - 2. Managing the fiscal impacts of annexation;
  - 3. Preserving, protecting, and enhancing the character of the City of Zachary; and
  - 4. Ensuring that annexed land is adequately served by essential public facilities and services, including water facilities, wastewater facilities, drainage facilities, and transportation facilities.
- B. **Initiation.** The following parties may initiate an Annexation Request:
  - 1. Owner, or duly authorized representative.
  - 2. City Council by resolution.
- C. **Authority.** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall make a final decision on an Annexation Request.
- D. **Application.**
  - 1. The application shall be filed with the Planning Director in accordance with Sec. XX.XXX.
  - 2. The Planning Director or other City staff may request additional information XXX....
- E. **Review by City Staff.** The Planning Director and any relevant City Staff shall review the application and make recommendations as needed.
- F. **Review by Technical Advisory Committee.** With notice as required for by the UDC, the Technical Advisory Committee shall hold a public meeting to allow for review of the application and make recommendations as needed.
- G. **Recommendation by Planning and Zoning Commission.**
  - 1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  - 2. After the close of the public hearing, the Planning and Zoning Commission shall consider the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Annexation Requests in Sec. XX.XXX and recommend: approval, modified approval or denial with specific reason(s) for denial added to the record.
  - 3. The failure to resolve a finding of incomplete or inaccurate information may be grounds for recommending denial. If the Planning and Zoning Commission fails to act by a vote of the majority of the Commission members, the application will be forwarded to the City Council **without recommendation of no legal majority**. The Planning and Zoning Commission may continue a public hearing or defer an application no more than two (2) time before making a recommendation. After the second continuance or deferral concerning a specific application, a

continuance or deferral shall be considered as **without recommendation of no legal majority.**

**H. Decision by City Council.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. After the close of the public hearing, the City Council shall consider the recommendation of the Planning and Zoning Commission, the recommendations and reports of City staff, relevant comments of interested parties and the review criteria for Annexation Requests in Sec. XX.XXX and shall approval, approve with modification, or deny with specific reason(s) for denial added to the record.

**I. Conditions and Rules.**

1. An applicant may submit a Zoning Map Amendment for the property considered for annexation concurrent with the Annexation Request. In this situation the Zoning Map Amendment may only be approved conditionally on the effective date of the annexation.
2. No recommendation or approval shall include any parcel or properties not specifically identified in the public notice for the application per Sec. 14.XXX.
3. All annexations and approvals must comply with state law, regardless of the approval of an Annexation Request.

**J. Review Criteria.** An Annexation Request shall meet the following criteria:

1. The proposed annexation and parcel configuration is generally consistent with the Comprehensive Plan.
2. The proposed annexation is compatible with the intent of this UDC.
3. The proposed annexation promotes the public health, safety and welfare of the City.
4. The proposed annexation is compatible with existing use and zoning of nearby property and will not adversely affect the planned development pace of growth or redevelopment in other areas of the City.
5. The proposed annexation supports the planned capital improvement policy (if available), and public services and utility services are in place or planned to be in place to accommodate the development pace of the land under consideration.
6. Current infrastructure including streets, drainage, sewer, etc. must meet City standards where applicable, including right-of-way and access standards, unless otherwise exempted by the City Engineer.
7. The proposed annexation benefits the citizens of the City as a whole.

**K. Appeal.** An aggrieved party may appeal a final decision by the City Council on an Annexation Request to the East Baton Rouge Parish Civil District Court (XXX) within thirty (30) days of the date of the final decision by the City Council.

**L. Annotation of Zoning Map.** If the application is approved, the Official Zoning Map shall be annotated to reference the approval **by ordinance or resolution number.**

## Division 14.500 Special Development Processes

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### Sec. 14.501 Special Development Processes

- A. **Special Applications Established.** The development applications and processes in this section generally have additional requirements, regulations, standard, and/or approval processes.
- B. **Traditional Neighborhood Development**
- C. **Planned Unit Development**
- D. **Development Agreements**

### Sec. 14.502 Traditional Neighborhood Development Defined

- A. **Generally.** The pattern book is a design guide for a specific Traditional Neighborhood Development (TND). It is submitted by the applicant to address the design of individual buildings or dwellings. The pattern book ensures that the development will be attractive and harmonious. The pattern book:
  - B. Primary difference between TND and PUD
  - C. Specific Standards

### Sec. 14.503 TND Summary of Process

- A. **Generally.** All TNDs shall follow the application and approval process outlined in Sec. 14.XXX PUDXXX, with the following additions and exceptions:
  - 1. All TNDs shall require submittal and approval of a pattern book. The pattern book shall be submitted as part of the Preliminary Plan, and reviewed according to the standards of Sec. 14.XXX Pattern Book Requirements.
  - 2. All TND Preliminary Plan shall be only be approved with the approval of a companion Pattern Book.

### Sec. 14.504 Pattern Book Requirements

- A. **Generally.** The pattern book is a design guide for a specific Traditional Neighborhood Development (TND). It is submitted by the applicant to address the design of individual buildings or dwellings. The pattern book ensures that the development will be attractive and harmonious. The pattern book:
  - 1. Provides a palette of development styles and materials (as such, it addresses the design elements not the use or intensity of development);
  - 2. Provides details of streetscape design and landscaping; and
  - 3. May provide for specific modifications of the requirements of this UDC in order to ensure that the development is a cohesive whole.
- B. **Application.**
  - 1. An application for Pattern Book approval shall accompany all applications for approval of a TND, and any application for approval of a mixed-housing neighborhood which also seeks to deviate from minimum lot size, lot averaging, lot width, or setback requirements.
  - 2. The Pattern Book shall include the following elements:
    - a. A description of each type of housing that is proposed.

- b. Standards for lot dimensions for each type of housing, expressed either as lot width and lot depth or lot width and lot area. Such standards may be expressed as averages.
  - c. Standards for setbacks or build-to lines for front, street side, interior side, and rear lot lines, which may be different for principal buildings and accessory buildings. Such standards may be presented in tabular or illustrated format.
  - d. Standards for yards or courtyards, if different from areas between required setback lines and lot lines.
  - e. Standards for the design of each type of building (residential, nonresidential, and mixed-use) that is proposed in the development, which shall include:
    - i. Architectural style / typology;
    - ii. Typical architectural elements for each style / typology; and
    - iii. Typical building materials for each style / typology.
  - f. A collection of illustrative elevations for each architectural style / typology, with standards that will ensure diversity of architectural presentation; or a collection of proposed elevations for each architectural style / typology, which demonstrates diversity of architectural presentation.
  - g. Standards for fences and garden walls, if different from those set out in Section 4.05, Fences and Garden Walls.
  - h. Standards for accessory buildings, if different from those set out in Article 2, XXX.
- C. **Decision Criteria.** Upon recommendation by the Planning and Zoning Commission, the City Council shall review the pattern book to ensure that it will accomplish the following objectives:
1. *Limitations on Modulation.* Pattern books may modulate residential development standards if the modulations occur in the following ranges:
    - a. Front setbacks (or build-to lines) are in the following ranges:
      - i. Center Subdistrict: 0 ft. to 8 ft.
      - ii. General Subdistrict: 0 ft. to 15 ft.
      - iii. Edge Subdistrict: 10 ft. or more
    - b. Side setbacks shall comply with applicable fire codes.
  2. *Harmony.* The municipality, neighborhood, and development should be harmonious. Harmony is defined as the middle, or balance, of two continuums, both of which have ends that, at their extremes, are unattractive. The balance shall be struck between:
    - a. Monotony and chaos; and
    - b. Unity and interest.
  3. *Quality.* Quality not only refers to the materials and care with which a building or environment is built, but also to its visual richness (e.g., details that are attractive to the resident or visitor). In order to ensure visual interest, the pattern book shall demonstrate the following:
    - a. Single-Family homes (attached or detached) are designed to provide a unit that has a unified appearance from the street with any street façade (front façade and street side façade), having comparable treatment in materials, color, and trim.
    - b. If masonry is used on a front façade, it is also applied to side facades in one or more of the

following ways:

- i. Masonry returns to a break in the side façade, such as a chimney, room projection, or projecting window area;
  - ii. An architectural return is applied to all corners so that the greater of ten percent of the length of the side building wall or three feet is finished with masonry to the same height as the front facade;
  - iii. Quoins are used, if consistent with the architectural typology of the building;
  - iv. An architectural detail with a minimum width of 16 inches is applied, such as a pilaster that caps the masonry and the other material that completes the corner; or
  - v. A wing wall screens the view of the side of the building from the street.
- c. Detached single-family homes will be articulated and detailed, and shall avoid undue imposition of building mass on the street.
  - d. There should be some detailing or doors, windows and their trim that carries around the buildings sides so that even if the trim is plainer, they show a relationship to the general style and character of the front.
  - e. Front porches will be provided on all detached housing types within 1,320 feet along street centerlines from the Center subdistrict, and may be provided elsewhere and on other housing types.
  - f. Balconies will be provided on all multistory townhomes and multistory multifamily buildings.
  - g. Utility meters shall not be on front or side elevations unless screened by vegetation or other approved screening.
4. *Diversity*. The pattern book shall demonstrate that one or more of the techniques below will be used to achieve harmony (the pattern book is not required to include all of these elements):
- a. Varied Housing Types at a Fine-Grained Scale. Multiple housing types are required, yet this requirement could result in areas or “pods” of each type, which has the potential to lead to monotony. Mixing types on a smaller scale, even having differing dwelling unit types in a block face, is a technique to reduce monotony and add interest.
  - b. Varied Architectural Styles. Different architectural styles (e.g., Colonial Revival and Neoclassical) can be used to vary the appearance of buildings with comparable floor plans. The variations in architectural styles must be meaningful, but must not create a chaotic appearance. For this technique to be reviewed, a number of elements, including roof type and orientation, roof pitch, eave overhangs, windows, doors, decorative elements shall be specified for each architectural style that will be used in the TND. The reference for architectural style shall be *A Field Guide to American Houses* by Virginia and Lee McAlester, et al. (Knopf 1984).
  - c. Varied Floor Plans. If floor plans are meaningfully different, homes will look different. If floor plans are not meaningfully different, homes will often look monotonous. The differences in floor plans must significantly alter the width and shape in order to present a building volume or mass that is different. Such differences include, but are not limited to:
    - i. Minimum of 10 percent difference in front façade width; or
    - ii. Different forms (rectangle, L, or X shapes), if the differences affect the front façade; or
    - iii. Different numbers of stories; or

- iv. Different symmetry (symmetrical or asymmetrical).
- d. Varied Gable Orientation. In many cases, a front or side gable roof can be constructed over the same floor plan. This change significantly alters the roof profile of the house, its front elevation massing, and may also alter the height of the roof peak.
- e. Varied Elements. The pattern book may demonstrate that architectural elements will be varied in a way that creates meaningful differences in building appearance. Such details may include trims, materials, color, window arrangement (grouping), window fenestration, doors, door lights, window and garage doors, porches, chimneys, bay windows, towers, and balconies, as necessary to create the required variation. This technique is particularly useful when a single architectural style, or two very closely related styles (e.g., Prairie and Craftsman) are used in the development. The pattern book must include detailed elevations, lists of specific elements to be used, and an explanation of how the elements will be mixed to differentiate nearby buildings.
- f. Averaged Lot Width. Meaningful variation of lot width generally causes meaningful variations in building width and floor plan. A pattern book may show that block faces will include lots of varying widths, as follows:
  - i. Three lots size categories for each type of housing are created, using a required average (e.g., 50 percent of the lots would be average, 25 percent small, and the remainder large).
  - ii. The difference in frontage among the lot sizes should be in the range of 10 to 20 percent. For example, an average 10,000 square foot lot that is 80 feet wide is 125 feet deep. The “small” lot could be 70 feet wide, and the “large” lot 90 feet wide. The resulting lots, all 125 feet deep, would have areas of 8,750, 10,000, and 11,250 square feet.
- 5. *Light and Air*. The pattern of development, and the open space available on each lot and for the community are such that adequate light and air are provided for residents. Residents of the General Subdistrict and Edge Subdistrict shall have a private outdoor space that is at least 100 square feet in dimension, and which may be a rear lawn, courtyard, patio, deck, or useable rooftop area.
- 6. *Pedestrian-Orientation*. The pattern book shall demonstrate that the residential areas of the development are designed for the comfort and convenience of the pedestrian, with continuous sidewalks; tree-lined, traffic-calmed streets; and architecture that provides street-level interest and accessibility.
- D. **Conditions of Approval**. The City Council may place conditions of approval on the Pattern Book as necessary to ensure compliance with the decision criteria of subsection C., above.
- E. **Prohibited Issues**. The City Council will not impose conditions on the Pattern Book that:
  - 1. Limit density, intensity, amount of open space, or land use in a manner that is different from the requirements of this UDC.
  - 2. Address the design of the development, in ways that are covered in the preliminary plat or site plan review. The pattern book approval shall defer any overall plan layout issues to be addressed in the plat approval.

### Sec. 14.505 Planned Unit Development Summary of Process

- A. The PUD application and review process consist of three (3) processes: Conceptual Plan application

and approval, Preliminary Plan application and approval, and Final Plan/Final Plat application and approval.

- B. Unless specifically presented in this division, the PUD application and review process does not supersede Division 14.XXX XXXX, or any other public review and/or approvals required by the City code, including this UDC.

### **Sec. 14.506 PUD Conceptual Plan Application and Process**

- A. **PUD Conceptual Plan Pre-Application Conference.** A pre-application conference is required before submission of a PUD Conceptual Plan application.
1. The pre-application conference shall include the applicant(s) and/or developer(s), planning and zoning staff, and all other applicable City agencies.
  2. The general characteristics of the proposal, evidenced schematically by a conceptual plan, shall be considered during the Pre-Application Conference
  3. The Planning Director and other relevant City of Zachary officials shall furnish the applicant with written comments from the pre-application conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the PUD application.
- B. **PUD Conceptual Plan Application.**
1. Upon completion of the Pre-Application Conference and after comments from the conference have been provided to the applicant by the City, a conceptual plan application may be filed for a PUD.
  2. The application for the PUD Conceptual Plan shall include all of the required information for a Standard Subdivision in the City of Zachary.
  3. Additionally, a site and development plan with the following information is required:
    - a. A narrative explaining and tabulating the land uses by net acre, number of dwelling units by housing type, residential density, open space acreage, square footage of non-residential uses per net acre, and the relationship of the proposed development to existing development in the area and other related development features.
    - b. A concept plan schematically showing major streets, major utilities, land uses, access to existing streets, major open space and a conceptual drainage plan.
- C. **Review by Planning Director.** The Planning Director shall review the application and may refer the application to other City Officials and affected or interested agencies for review and comment.
- D. **Review by the Technical Advisory Committee.** Review by the Technical Advisory Committee is required before the Planning and Zoning Public Hearing.
- E. **Public Hearing and Recommendation by Planning and Zoning Commission on PUD Conceptual Plan.**
1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  2. Within sixty (60) days after the start of the official public hearing, the Planning and Zoning Commission shall consider the comments and recommendations of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Section 1.601, and the review criteria for a PUD Conceptual Plan in Section 14.XXX.I and recommend approval, approval with conditions, or denial of the application.
  3. An extension of the sixty (60) day consideration period may be granted by the Planning and Zoning Commission at the request of the applicant, however granting additional consideration

time shall not preclude the Planning and Zoning Commission from making a recommendation on the application.

**F. Public Hearing and Decision by City Council on PUD Conceptual Plan.**

1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
2. Within sixty (60) days after the start of the official public hearing on the recommendation on the application by the Planning and Zoning Commission, the City Council shall consider the official recommendation of the Planning and Zoning Commission, the comments and recommendation of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Section 1.601, and the review criteria for a PUD Conceptual Plan in Section 14.952.I and approve, approve with conditions, or deny the application.
  - a. Approval of the application: Applicant authorized to submit PUD Preliminary Plan in compliance with approved PUD Conceptual Plan.
  - b. Approval of application with conditions: Applicant authorized to submit PUD Preliminary Plan in compliance with approved PUD Conceptual Plan and all conditions.
  - c. Deny the Application: The City Council shall state the reason for the denial of the application in the official record.
3. An extension of the sixty (60) day consideration period may be granted by the City Council at the request of the applicant, however granting additional consideration time shall not preclude the City Council from making a final decision on the application.

**G. Appeal of City Council decision on a PUD Conceptual Plan.** A final decision by the City Council on a PUD Conceptual Plan may be appealed to the East Baton Rouge Parish Civil District Court.

**H. Expiration of PUD Conceptual Plan Approval.** Approval of the PUD Conceptual Plan shall expire, unless a Preliminary PUD Plan of at least the first phase of the development based thereon is submitted within two (2) years from the date of such approval, unless an extension of time is applied for and granted by the Planning and Zoning Commission. Future phases of development that extend beyond the two (2) year limit shall be subject to review by the Planning Director and the City Engineer to determine if specifications and design standards meet current regulations.

**I. Review Criteria for PUD Conceptual Plan.**

1. Compliance with the requirements contained in this ordinance.
2. The proposed development is consistent with the pertinent elements of the Zachary Comprehensive Plan.
3. The proposed development will reinforce the existing or planned character of the neighborhood and the City.
4. The site is appropriate for the development proposed in the concept plan.
5. The proposed development demonstrates a higher quality of site design than is possible under other available zoning districts, and is not used solely to avoid the requirements of the base zoning district.
6. Public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply, stormwater management, police and fire are adequate for the development allowed in the proposed concept plan.

7. The proposed development will not substantially or permanently injure the appropriate use of adjacent conforming properties.

### **Sec. 14.507 PUD Preliminary Plan Application and Process**

**A. PUD Preliminary Plan Pre-Application Conference.** A pre-application conference is required before submission of a PUD Preliminary Plan application.

1. The pre-application conference shall include the applicant(s) and/or developer(s), planning and zoning staff, and all other applicable City agencies.
2. The general characteristics of the PUD Preliminary Plan application shall be considered during the pre-application conference.
3. The Planning Director and other relevant City of Zachary officials shall furnish the applicant with written comments from the pre-application conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the PUD application.

**B. PUD Preliminary Plan Application.**

1. Upon completion of the Pre-Application Conference and after recommendations from the conference have been provided to the applicant by the City, a PUD Preliminary Plan application may be filed.
2. The application for the PUD Preliminary Plan shall include all of the required information for a Standard Subdivision in the City of Zachary.
3. Additionally, a site and development plan with the following information is required:
  - a. A detailed description of any proposed exceptions to these regulations and/or the UDC.
  - b. A detailed narrative of the proposed development plan for the PUD including any future phases of development.
  - c. Proposed lot lines.
  - d. Proposed location and floor area of all existing and proposed buildings, structures and other improvements, including maximum building heights.
  - e. Density of residential uses.
  - f. Location and size in acres or square feet of all areas to be conveyed, dedicated, reserved, or otherwise used as common open space, public park, recreational areas, schools sites, and similar public and semi-public uses.
  - g. Existing and proposed circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development. Street standards shall be consistent with the minimum street standards for the City.
  - h. General landscape plan for all areas.
  - i. Vicinity map of the area surrounding the site within a distance of at least one (1) mile, at a scale of not less than 1"=500'.
  - j. Proposed treatment of the perimeter of the PUD, including materials and techniques used (i.e. fences, walls, and other landscaping)
  - k. Adequate drainage facilities for storm water, including storm sewers, gutters, paving, and the proper design of finished grades.
  - l. Any additional fiscal, traffic, or environmental information as required by the City to

evaluate the character and impacts of the PUD.

- C. **Review by Planning Director.** The Planning Director shall review the application and may refer the application to other City Officials and affected or interested agencies for review and comment.
- D. **Review by the Technical Advisory Committee.** Review by the Technical Advisory Committee is required before the Planning and Zoning Public Hearing.
- E. **Public Hearing and Recommendation by Planning and Zoning Commission on PUD Preliminary Plan.**
  - 1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the Planning and Zoning Commission shall hold a public hearing.
  - 2. Within sixty (60) after the start of the official public hearing, the Planning and Zoning Commission shall consider the comments and recommendations of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Section 1.601, and the review criteria for a PUD Preliminary Plan in Section 14.953.I and recommend approval, approval with conditions, or denial of the application.
  - 3. An extension of the sixty (60) day consideration period may be granted by the Planning and Zoning Commission at the request of the applicant, however granting additional consideration time shall not preclude the Planning and Zoning Commission from making a recommendation on the application.
- F. **Public Hearing and Decision by City Council on PUD Preliminary Plan.**
  - 1. In accordance with the provisions of Division 14.200 Standardized Administrative Procedures, after public notice the City Council shall hold a public hearing.
  - 2. Within sixty (60) days after the start of the official public hearing on the recommendation on the application by the Planning and Zoning Commission, the City Council shall consider the official recommendation of the Planning and Zoning Commission, the comments and recommendation of the Planning Director, City Engineer, and other relevant public officials, relevant comments of all interested parties, the PUD Standards in Section 1.601, and the review criteria for a PUD Preliminary Plan in Section 14.953.I, and approve, approve with conditions, or deny the application.
    - a. Approve the application with no conditions: Applicant authorized to submit Construction/Engineering Plan/Public Improvement Plans to proceed with development of the Final PUD Plan.
    - b. Approval with conditions:
      - i. The applicant shall submit an updated PUD Conditional Plan showing compliance with the approved conditions to the Planning Director for staff review and approval prior to submission of Construction/Engineering/Public Improvement Plans and proceeding with the development of the Final PUD Plan.
      - ii. Failure to submit an updated PUD Conditional Plan showing compliance with the approved conditions within the time period prescribed by the City Council shall constitute a failure to meet the conditions of approval and shall cause the application to be denied.
    - c. Deny the Application: The City Council shall state the reason for the denial of the application in the official record.
  - 3. An extension of the sixty (60) day consideration period may be granted by the City Council at the request of the applicant, however granting additional consideration time shall not preclude the

City Council from making a final decision on the application.

- G. **Appeal of City Council decision on a PUD Preliminary Plan.** A final decision by the City Council on a PUD Preliminary Plan may be appealed to the East Baton Rouge Parish Civil District Court.
- H. **Expiration of PUD Preliminary Plan Approval.** Approval of the PUD Preliminary Plan shall expire, unless a PUD Final Plan of at least the first phase of the development based thereon is submitted within two (2) years from the date of such approval, unless an extension of time is applied for and granted by the Planning and Zoning Commission. Future phases of development that extend beyond the two (2) year limit shall be subject to review by the Planning Director and the City Engineer to determine if specifications and design standards meet current regulations.
- I. **Review Criteria for PUD Preliminary Plan**
  - 1. Compliance with the requirements contained in this ordinance.
  - 2. The development will not create potential adverse environmental impacts or effects on neighboring properties.
  - 3. The development is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

### **Sec. 14.508 PUD Construction**

- A. **PUD Construction.** Construction of the PUD shall be in accordance with the provisions and standards of this UDC and all other relevant codes and ordinances.

### **Sec. 14.509 PUD Final Plan Application and Process**

#### **A. PUD Final Plan Application**

- 1. After approval of the PUD Preliminary Plan, an application may be made for approval of the PUD Final Plan. Application for the PUD Final Plan shall not be made until substantial completion of the approved PUD Preliminary Plan has occurred, provided the final plan is in compliance with the approved PUD Preliminary Plan and all conditions of the approval plan and does not violate any provision of the UDC and/or all other relevant codes and ordinances.
- 2. If the PUD Final Plan is not in compliance with the approved PUD Preliminary Plan and all conditions of the approved PUD Preliminary Plan, the Final Plan shall require the same review and public hearing process required for approval of the PUD Preliminary Plan.
- 3. Final Site Plan --The final site plan shall also serve as the official subdivision final plat and shall meet all of the requirements of a Standard Subdivision Final Plat. This plat must conform to the subdivision ordinance and the UDC of the City of Zachary except where exceptions have been approved by the City Council as part of the approved PUD Preliminary Plan. The plat shall contain proper dedications for public streets, utility easements, and all other public rights required by the PUD Preliminary Plan.
- 4. In addition to the requirements of a Standard Subdivision Final Plat, the final site plan shall also contain the following:
  - a. Zoning designations of planned development.
  - b. Description of all uses in the planned development.
  - c. Location and floor area of all existing and proposed buildings, structures, and other improvements, including maximum building heights, types of dwellings, and density per building type. All buildings shall be dimensioned with distances shown from clear reference points.

- d. Final design of circulation system of streets and pedestrian ways, including off-street parking areas, service areas, loading zones, major points of access to public rights-of-way, and ingress and egress to the development.
  - e. Location and size in acres or square feet of all areas to be conveyed, dedicated, reserved, or otherwise used as common open space, public park, recreational areas, school sites, and similar public and semi-public uses.
  - f. Final landscape plan shall be submitted, and no certificates of occupancy shall be issued until the landscaping is in place for all non-residential areas.
  - g. Detailed utility plans for sewer, water, electrical, street improvements, and other public improvements must be submitted and approved by the Planning Director and City Engineer. The developer shall execute an agreement in proper form providing for the installation of such improvements prior to submission of the final plan to the City Council. All utilities shall be placed underground.
  - h. Adequate drainage facilities for surface water, including storm sewers, gutters, paving, and the proper design of finished grades.
  - i. Documentation of all waivers and exceptions granted by the City Council during approval of the PUD Preliminary Plan.
- B. **Final PUD Plan Approval.** Review by the Technical Advisory Committee, recommendation by the Planning and Zoning Commission, and approval by the City Council of the Final PUD Plan and plat shall be required before filing the plat with East Baton Rouge Parish Clerk of Court. Final PUD Plan approval shall comply with the standards and procedures of the Standard Subdivision Final Plat Approval.

### Sec. 14.510 PUD Minor Amendments

- A. Minor changes to the final, approved PUD such as: location, sizing, height, and siting of buildings and structures may be approved by the Planning and Zoning Commission.
- B. Any change to the final, approved PUD considered a major or significant amendment to the planned development shall require public hearings by the Planning Commission and the City Council in accordance with the provisions of the PUD Preliminary Plan application and process.
- C. Any change to any exception or waiver approved as part of the final, approved PUD shall be considered a major or significant amendment.

### Sec. 14.511 PUD Waivers from District Regulations

- A. **Generally.** A PUD Preliminary Plan may include exceptions to the regulations contained in these regulations and in the UDC including, but not limited to, use, density, area, bulk, required yards, off-street parking and loading, and signage to achieve the objectives of the proposed planned development. Such exceptions shall be consistent with the procedures and standards of this section.
- B. Waivers for exceptions to UDC regulations may be granted when such exceptions do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or vehicular and pedestrian circulation, subject to the following:
  - 1. No waiver or exception shall be granted for any non-residential uses that are not allowed in per Section 1.302 and Section 1.601.
  - 2. **No waiver or exception shall be granted to exceed the maximum allowed residential development area or residential density as permitted in section 1.601.**
- C. All requested PUD Waivers shall be noted in the Preliminary PUD Plan application. Additionally, all

waivers approved with a PUD Preliminary Plan shall be identified on the PUD Final Plan and the final plat when applicable.

- D. **PUD Waiver Review Criteria.** To be granted a waiver, the applicant must demonstrate a substantial benefit to the City, which may include, but is not limited to, superior design characteristics, enhanced amenities within the development, and a commitment to the appropriate use of sustainable design techniques. The following design characteristics and amenities are provided as a guide for consideration as to whether to grant a waiver to UDC requirements, but do not constitute an exclusive list of requirements. Additional design characteristics, public benefits and amenities not listed below may also be considered.
1. Enhanced design characteristics including mixed-use development, circulations systems that utilize traffic calming techniques and pedestrian-oriented environments.
  2. Community amenities including plazas, public parks and other areas to congregate, outdoor seating, public art, and pedestrian amenities.
  3. The use of sustainable design and architecture, such as the use and/or incorporation of green roofs, white roofs, bio-swales, solar panels, wind turbines and other energy efficient design concepts, new building technologies, and/or Leadership in Energy Efficiency Design (LEED) or LEED-equivalent structures.
  4. Preservation of natural areas.
  5. Historic preservation included the adaptive reuse of historic structures.
  6. Additional open space and recreational amenities such as ball fields, playgrounds, dog parks, natural water features and conservation areas.
  7. Additional public infrastructure improvements (in addition to the minimum requirements).
  8. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

### **Sec. 14.512 Development Agreements Authorized**

- A. **Generally.** Development agreements are a tool for providing stability and establishing public and private expectations for large, multi-phased and/or multi-jurisdictional projects with long-term buildouts. Development agreements may also be used, at the City Council's discretion, for any other development, and may be combined with annexation requests.
- B. **Authorization.** The City Council may authorize the Mayor to negotiate and execute a development agreement pursuant to RS 33:4780.21 (Subpart G, Development Agreements), *et seq.*, and the home rule authority provided by the Home Rule Charter of the City of Zachary. Proposed development agreements shall be reviewed by the City Attorney, are subject to a public hearing and recommendation from the Planning and Zoning Commission and a public hearing and approval by the City Council before execution.

### **Sec. 14.513 Contents of Development Agreements**

- A. **Required Development Agreement Provisions.** A development agreement shall include at least the following provisions:
1. The duration of the agreement;
  2. Documentation of the legal, approved zoning and development standards including:
    - a. The permitted uses of the property;

- b. The density or intensity of use;
  - c. The maximum height and size of proposed buildings;
3. Provisions for reservation or dedication of land for public purposes or natural resource protection; and
  4. Terms and conditions relating to financing of necessary public facilities by the applicant; and, if such improvements serve more than the applicant's development, subsequent reimbursement of the applicant over time.
  5. The timing or phasing of extension of utilities and services to the applicant's development, including how the costs of the extension will be allocated between the City, other jurisdictions or agencies, other responsible parties and the property owner.
- B. Optional Provisions.** Development agreements may include:
1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the legal, approved zoning and development standards set forth in the agreement;
  2. A requirement that construction shall be commenced within a specified time and/or that the project or any phase thereof be completed within a specified time; and
  3. Any other lawful provision that is mutually agreed between all parties.

### **Sec. 14.514 Review; Modification; and Termination of Development Agreements**

- A. **Generally.** Development agreements shall be reviewed at a minimum of once every twenty-four (24) months, at which time the applicant or his successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement.
- B. **Termination or Modification of Agreement.** If, as a result of such periodic review, the City Council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the City Council may terminate or modify the agreement.