



Office of the Planning Commission

City of Baton Rouge and Parish of East Baton Rouge
Post Office Box 1471, Baton Rouge, Louisiana 70821
or
1100 Laurel Street, Suite 104, Baton Rouge, LA 70802
Phone (225) 389-3144 Fax (225) 389-5342

Frank M. Duke, FAICP
Planning Director

April 4, 2019

TO: Planning Commission

FROM: Frank M. Duke, FAICP, Planning Director 

SUBJECT: TA-7-19, Chapter 4, Site Plans and Plats (deferred from March 18, 2019, by the Planning Director)

Application Summary			
Applicant	Planning Commission	Submittal Date	August 15, 2018
Code Section(s)	Chapter 4, Site Plans and Plats		
Areas Affected	Parishwide		
Planning Commission Meeting Date	April 15, 2019	Metropolitan Council Meeting Date	May 15, 2019
Request			
Summary of Change	This amendment repeals Chapter 4, Permits and Final Plat Approval, and replaces it with a new Chapter 4, Site Plans and Plats		
Findings			
Approval is recommended, based on consistency with the comprehensive plan and the need to simplify the Unified Development Code			

Case History

- The need to simplify the Unified Development Code (UDC) was recognized during the development of FUTUREBR
- Staff coordinated revisions with the Department of Development in meetings on September 6, September 18, and October 9, 2018
- Comments received from:
 - Mickey Robertson on January 4, 2019
 - The Growth Coalition on January 27, 2019
 - The Federation of Greater Baton Rouge Civic Associations on February 11, 2019
- Staff met with representatives of the Growth Coalition to review changes on February 8, 2019

Comprehensive Plan Consistency

- These changes are consistent with the following provisions of FUTUREBR:
 - Land Use Action 6.1.1, which calls for ensuring regulatory processes are responsive, efficient, and customer friendly; and,
 - Land Use Action 6.1.2, which calls for making the UDC more customer friendly

Analysis

- This amendment eliminates redundancies and inconsistencies in Chapter 4

- It eliminates subdivision types that have not been used in the past
- This amendment:
 - Expands notification requirements to be uniform across all processes
 - Clarifies the approval process for expansions of multi-family projects are clarified
 - Eliminates specific scale requirements for preliminary plats in favor a legibility requirement
 - Incorporates references to Chapter 12, Open Space
 - Extends the period of validity of a preliminary plat to three years
 - Makes automatic the extension of a preliminary plat after construction plan approval
 - Authorizes the Planning Director to extend preliminary plat validity by one year in extenuating circumstances
 - Incorporates State requirements regarding the approval or disapproval of major subdivisions
 - Incorporates provisions for flag lots and townhome developments originally recommended by the former Zoning Advisory Committee in 2016

Community Outreach/Notification

- Draft language was provided to the Growth Coalition and the Federation of Greater Baton Rouge Civic Associations on January 3, 2019
- Staff report will be available for public review on March 7, 2019 at <http://la-batonrouge.civicplus.com/AgendaCenter/Planning-Commission-12>
- Legal advertisement was published in the Advocate on March 8, 12, and 14, 2019

Findings

Approval is recommended, based on consistency with the comprehensive plan and the need to simplify the Unified Development Code

Chapter 4

SITE PLANS AND PLATS

Section 4.1 General

Section 4.1.1 Pre-Application Conferences

It is recommended that a pre-application conference be scheduled with the appropriate department to discuss the procedures, standards and regulations required for development approval.

Section 4.1.2 Coordination with Others

A. Central

The plans for all projects and developments to be constructed within the Central Community School District which require approval of the East Baton Rouge Planning Commission following a public hearing shall be submitted to the Central Planning and Zoning Commission within five days of submission of the plans to the East Baton Rouge Parish Planning Commission. The East Baton Rouge Parish Planning Commission shall not act upon the proposed project or development until it has either received a recommendation from the Central Planning and Zoning Commission, or a period of 60 days has elapsed since submission to the Central Planning and Zoning Commission.

B. Zachary

The plans for all projects and developments to be constructed within the Zachary Community School District which require approval of the East Baton Rouge Planning Commission following a public hearing shall be submitted to the Zachary Planning and Zoning Commission within five days of submission of the plans to the East Baton Rouge Parish Planning Commission. The East Baton Rouge Parish Planning Commission shall not act upon the proposed project or development until it has either received a recommendation from the Zachary Planning and Zoning Commission, or a period of 60 days has elapsed since submission to the Zachary Planning and Zoning Commission.

C. The Recreation and Parks Commission

The plans for all projects and developments to be constructed within 1,000 feet of a Recreation and Park Commission for the Parish of East Baton Rouge (BREC) designated park shall be submitted to the BREC Planning and Engineering Office at least 30 days prior to the Planning Commission public hearing action.

Section 4.1.3 Notice Requirements

A. Types of Notice

Notice shall be required for applications requiring Planning Commission approval through a public hearing shall be as shown in Table 4.A, Notice Requirements.

B. Cost of Notice

The cost of notice requirements shall be paid by the applicant consistent with the fee schedule approved by the Metropolitan Council.

**Table 4.A
Notice Requirements**

Procedure	Published	Posted	Mailed	Mailed Notification Distance
Site Plan	X	X	X	300 ft.
Subdivision Plat	X	X	X	300 ft.

C. Notice Requirements

1. Published Notice

- (a) Any site plan requiring published notice shall be advertised in accordance with law in the official journal of the City of Baton Rouge (the Parish of East Baton Rouge) at least 15 days prior to approval.
- (b) Any subdivision plat requiring published notice shall be advertised in accordance with law in the official journal of the City of Baton Rouge (the Parish of East Baton Rouge) at least ten days prior to approval.

2. Mailed Notice

A supplemental notice of the time and place of any required public hearing shall be mailed via regular mail from the Office of the Planning Commission not less than 15 days in advance of the hearing to all owners of real property within 300 feet of the proposed development. For the purpose of notice requirements, the names and addresses of such owners shall be deemed to be those on the current City/Parish Geographic Information System. Failure of owners to receive supplemental notice of hearing shall in no way affect the validity of the action taken.

Section 4.2 Site Plans

Section 4.2.1 Application Requirements

A. Generally

All requests for site plan approval shall submit a completed application providing all information required by the department along with all fees established by Metro Council.

B. Site Plans Requiring Planning Commission Approval

Any site plan requiring approval by the Planning Commission shall require submittal consistent with the submittal calendar established by the department in addition to the requirements listed above.

Section 4.2.2 Thresholds for Approval

- A. The approval authority of projects shall be determined by the intensity of development, as described in Table 4.B, Site Plan Thresholds for Approval.

**Table 4.B
Site Plan Thresholds for Approval**

Type of Project	Threshold	Approval Authority
Multi-Family Residential	75 units or less	Department of Development
	76 – 99 units	Planning Commission staff
	100 units or more	Planning Commission
Additions to Multi-Family Residential	See 4.2.2.B., Additions to Multi-Family Residential	
Manufactured Home Park	all	Planning Commission
Commercial Recreation	Less than ½ acre	Department of Development
	½ acre – one acre	Planning Commission staff
	More than one acre	Planning Commission
All Other New Non-Residential	30,000 sf or less	Department of Development
	More than 30,000 sf but less than 50,000 sf	Planning Commission staff
	50,000 sf or more	Planning Commission
Additions to All Other Non-Residential (resulting in a 20% or more increase in gross floor area)	30,000 sf or less	Department of Development
	More than 30,000 sf but less than 50,00 sf	Planning Commission staff
	50,000 sf or more	Planning Commission

B. Additions to Multi-Family Residential

1. An increase in the number of units in a multi-family residential development that results in the cumulative number of units at the site reaches the threshold for approval by a different approval authority shall require the approval of that new approval authority.
2. Exception
A multi-family development that was previously approved by the Planning Commission following a public hearing shall only require a new public hearing if the cumulative number of units as a result of the addition represents 20% or more of the number of units previously approved by the Planning Commission following a public hearing.

Section 4.2.3 Manufactured Home Parks

Manufactured home parks shall be built to development standards as set forth below:

- A. A minimum site of three acres shall be required, with a minimum frontage of 200 feet on a publicly maintained street or road.
- B. Maximum density shall be 12 manufactured home sites per acre.
- C. Minimum manufactured home site size shall be 30 feet by 75 feet.
- D. Driveways
 1. Driveways within the manufactured home park shall be at least 23 feet back to back of curb in a 35 foot width between building lines with storm drainage and pavement construction consistent with the requirements of Chapter 13, Streets and Sidewalks.

2. Where only one drive is to be provided, a cul-de-sac or "T-turnaround" as described in Section 13.2, Street and Alley Widths, shall be provided at the rear of the driveway.
- E. Each manufactured home site shall have two two-foot wide concrete runners six inches thick for the trailer location and a four inch thick concrete parking pad meeting the requirements of Chapter 17, Parking and Loading, or an alternative approved by the Director of the Department of Development.
 - F. Solid waste disposal sites consistent with those used by multi-family developments shall be provided.
 - G. Each manufactured home site shall be provided with a sanitary sewer connection and each manufactured home park shall be provided with a collection and treatment system, public water supply, and fire hydrants in compliance with the standards of the Public Health Unit, the State Health Department, and Department of Development.
 - H. A separate or optional area for recreational vehicles provided with central public facilities may be established.
 - I. A solid fence or wall at least six feet high shall be provided along all sides and rear property lines.
 - J. An accessible area of open space representing at least ten percent of the overall site area shall be provided. Parks approved prior to October 1, 2019, shall not be required to dedicate more than one acre to meet this requirement.
 - K. Individual manufactured home sites may be leased or rented but not subdivided or sold.

Section 4.2.4 Criteria for Approval

In order to be approved, a site plan shall:

- A. Meet all of the requirements of the Unified Development Code, including the requirements for:
 1. The dimensions of all aspects of the development, as described in Chapter 11, Dimensions;
 2. Open space, as described in Chapter 12, Open Space;
 3. Sidewalks, as described in Chapter 13, Streets and Sidewalks;
 4. Utilities, as described in Chapter 14, Utilities;
 5. Drainage, as described in Chapter 15, Floodways, Floodplains, Drainage and Water Quality;
 6. Signage, as described in Chapter 16, Signs;
 7. Parking, as required in Chapter 17, Parking; and,
 8. Buffers and landscaping, as required in Chapter 18, Landscape.

B. Be in the public interest by not resulting in:

1. Undue congestion of streets and traffic access;
2. Overcrowding of land;
3. Overburdening of public facilities including, among others, sewage, solid waste, drainage, schools, and parks; or,
4. Impairment of water quality.

Section 4.2.5 Appeals

A. Appeals of the Decision of Planning Commission Staff

The applicant may appeal the decision of the Planning Commission staff to the Planning Commission by filing a notice of appeal by the first submittal deadline date following the decision. The appeal shall be heard by the Planning Commission at the public hearing corresponding to that deadline date. Failure to file a notice of appeal shall make the staff decision final.

B. Appeals of the Decision of the Planning Commission

Any member of the Metropolitan Council may introduce an appeal of the decision of the Planning Commission at the Metropolitan Council meeting following the decision of the Planning Commission. If the Metropolitan Council introduces the appeal of the site plan, the item shall be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the Site Plan will make the Planning Commission decision final.

Section 4.2.6 Period of Validity

No site plan shall be valid for more than three years from the date of its approval. No building permits may be issued after the expiration of the site plan.

Section 4.3 Subdivision Plats

Section 4.3.1 Purpose

- A. These regulations are adopted for the purpose of protecting and providing for the public health, safety, and general welfare of the municipality. They may be cited, and referred to as the Subdivision Regulations of the Parish of East Baton Rouge.
- B. Every subdivision of land or site or tract development within the jurisdiction of the Parish, except industrial areas as defined in the Plan of Government, shall be shown upon a plat and submitted to the Planning Commission for approval or disapproval. Any plat which has been approved by the Planning Commission shall be recorded in the office of the Clerk of Court and Recorder of the Parish, and no lots shall be sold from such plat unless and until approved as required by the Unified Development Code. No street number or building permit shall be issued for the erection of any building in the above limits on any property other than on an original or re-subdivided lot in a duly approved and recorded subdivision without the written approval of the Planning Commission, or its authorized representative. Public money shall not be expended for the

maintenance of streets, sewers, or other improvements until those improvements have been accepted and the plan, plot, or replot of such land shall have been approved by the Planning Commission and recorded in the office of the Clerk of Court and Recorder of the Parish.

- C. No sale or contract of sale or agreement to purchase any lot or division of land either by lot description or by metes and bounds shall be made prior to the approval of a plat thereof by the Planning Commission as required by law.
- D. These regulations shall not apply to:
 - 1. Land in subdivisions previously legally recorded, except in the case of re-subdivision;
 - 2. Subdivision in which a building exists on each proposed lot, provided that the owner certifies on the plat that all such existing buildings were constructed prior to December 19, 1949, and provided that such plat is submitted to the Planning Commission for signature by the Planning Director prior to filing with the Clerk of Court;
 - 3. The subdivision of land to be used for orchards, forestry, or the raising of crops, provided that the owner certifies upon the plat that such land is to be used only for orchards, forestry, or the raising of crops;
 - 4. Small parcels of land sold to or exchanged between adjoining property owners, where such sale or exchange does not create additional lots provided that the Planning Director certifies upon the plat that such sale or exchange does not create additional lots.

Section 4.3.2 Subdivision Plats – Generally

A. Conformance to Applicable Rules and Regulations

All plats shall comply with the requirements of the laws of the State governing surveying, platting, and subdivision of land, all subdivision plats shall comply with the following laws, rules, and regulations:

- 1. The Unified Development Code and all other applicable laws of the Parish of East Baton Rouge,
- 2. The Comprehensive Plan of the Parish of East Baton Rouge;
- 3. The special requirements and rules of the Parish Health Unit, Louisiana Department of Environmental Quality (LDEQ) or United States Environmental Protection Agency (EPA); and,
- 4. The rules of the State Department of Transportation and Development, if the subdivision or any lot contained therein is within ¼ mile of a State road.

B. Adequate Public Facilities

No plat shall be approved unless the applicant submits sufficient information and data to allow the appropriate Parish Departments to determine that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for

adequacy shall include roads and public transportation facilities, water and sanitary sewerage service, stormwater, fire stations, schools, police stations, and health clinics.

1. Roads

- a. No subdivision shall be approved unless the area to be subdivided has frontage on an existing public or private street or road meeting the standards of Chapter 13, Streets and Sidewalks or on a proposed and named street. In cases where the subdivision includes or adjoins an existing street of less width than the minimum widths established in Chapter 13 and the Department of Transportation and Drainage determines that the subdivision creates a need for additional setbacks, the Planning Commission may require the dedication of sufficient setback width to conform to the standards set forth in Chapter 13.
- b. Proposed roads within the subdivision shall provide a safe, convenient, and functional system for vehicular, pedestrian, and may provide bicycle circulation. They shall reflect the requirements of the Major Street Plan and shall meet the requirements of Chapter 13, Streets and Sidewalks, of the Unified Development Code.
- c. Certain locations within the proposed street rights-of-way and servitudes shall be designated for the construction of subsurface drainage, sanitary sewers, and public facilities to minimize conflicts and facilitate the construction, maintenance, and operation of these various facilities in accordance with typical sections as published by the Department of Development showing space allocations for utilities in new subdivision development.

2. Water

The plat shall demonstrate compliance with the requirements of Chapter 14, Utilities, of the Unified Development Code.

3. Sanitary Sewer

All habitable buildings shall be served by an approved means of wastewater collection and treatment as required by Chapter 14, Utilities, of the Unified Development Code.

4. Stormwater Management

Drainage improvements shall comply with the requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality, of the Unified Development Code. They shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. Drainage improvements shall reduce pollutant load leaving the as required by LDEQ and EPA.

5. Capital Improvements Program

Proposed public improvements shall conform to and be properly related to all applicable capital improvement plans.

C. Lot Improvements

1. Zoning

All non-residentially zoned property shall be rezoned to the most restrictive residential zoning classification that accommodates the proposed lot sizes indicated on the proposed plat of any subdivision proposing single family or two family residential or townhouse development. An application to rezone the subject property and a preliminary plat application may be submitted simultaneously with the plat.

2. Lot Dimensions

Lot dimensions shall comply with the minimum standards of Chapter 11, Dimensions, of the Unified development Code.

3. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on any lot. Where grade separation structures are proposed at the intersection of major streets, the lots and improvements in the subdivision shall be arranged so as to make adequate provision for such structures.

4. Lot Orientation

The lot line common to the street or servitude of access right-of-way shall be considered the lot frontage, but lots may be rear loaded and front common open space.

5. Lots or tracts without access to the Wastewater Suburban Transportation Network as determined by the Department of Development shall conform to the lot standards described in Chapter 14, Utilities.

D. Deed Restrictions or Covenants

Though the Parish will not enforce them, deed restrictions or covenants may be submitted to provide for the protection and maintenance of the development. Such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the applicant because of a violation thereon of the terms of the restrictions or covenants.

Section 4.3.3 Preliminary Plats

A. Purpose

The purpose of the preliminary plat is to show graphically all facts needed to enable the Planning Commission, the Department of Development, the Department of Transportation and Drainage, and other City-Parish agencies to determine whether the proposed layout of the land in question meets the requirements of these regulations.

B. Scale

The preliminary plat shall be drawn at a reasonably legible scale. Larger plats may use match lines and multiple sheets to ensure legibility if necessary.

C. Composition

The following items normally shall be required to be shown on the preliminary plat:

1. A north arrow, scale, and date.
2. Title
The title shall include:
 - a. The name by which the proposed subdivision is to be recorded;
 - b. The legal description of the property to be recorded;
 - c. The number of lots and common areas proposed;
 - d. The name of the owner or owners and/or the applicants; and,
 - e. The name of the appropriate licensed design professional of record who is platting the tract.
3. Boundaries
The boundaries of the subdivision location, with section and township lines, and an indication of incorporated areas, zoning district classifications and boundaries, phase lines, if proposed, and all dimensions, bearings, and corner markers shall be provided.
4. Existing Improvements
 - a. The width and names of streets adjoining the subdivision shall be shown.
 - b. All watercourses, drainage ways, stormwater controls, sanitary sewers, water mains, culverts, other underground structures, and other features within or immediately adjacent the area to be subdivided shall be shown.
 - c. Existing buildings shall be shown and municipal address, if any, identified.
5. Vicinity
The following information shall be provided:
 - a. The names of all abutting subdivisions with respective filings; and
 - b. A map with a north arrow showing existing roads and drainage ways within at least 1,000 feet of the boundaries of the property being subdivided.
6. When subdividing lots of record, all property affected must be platted (i.e., when a lot is removed from a property, both the lot and the remainder must be designated as lots and dimensions given) and lots must be re-designated. For example, if Lot 1 was divided into lots, the resulting new lots would become 1-A and 1-B.
7. Proposed Features
The following features shall be shown:

- a. The proposed location, names, and width of streets, including proposed cross-sections. In order to determine whether proposed subdivision streets would be subject to flooding to a depth of more than one foot, and whether developments of a subdivision may be permitted, the inundation level of record, the one percent (100 year) flood event level and the design water surface meeting the applicable requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality, shall be shown.
- b. All servitudes and easements intended for public use, including stormwater controls, sanitary sewers, water, gas and power lines but excluding the Major Street setback.

c. Sewer Lines

- (1) A statement of proposed plans for sewage disposal shall be shown.
- (2) If the property is located within 500 feet of the wastewater suburban transportation network, the applicant shall provide connection to the sanitary sewer facilities at his expense.
- (3) If the property is located more than 500 feet outside the wastewater suburban transportation network and no sanitary sewer facilities are available:
 - (a) No more than 50 lots may be approved unless the applicant provides community sanitary sewage treatment facilities. If the applicant elects not to provide community facilities, the Parish Health Unit shall provide certification on the plat that the proposed method of disposal may serve no more than 50 lots.
 - (b) A note shall be added to the plat that states:

"APPROVED PRIVATE SEWAGE TREATMENT
PLANTS ARE IN USE. MINIMUM SLAB
ELEVATIONS ARE REQUIRED TO BE 24 INCHES
ABOVE THE SEWER EFFLUENT DITCH INVERT."

d. Stormwater Management

- (1) Flood Elevation Data
The preliminary plat shall include the record inundation, the FEMA flood zone(s) and the range of base flood elevation(s). Where the area subdivided lies at or below the record inundation level, or the base flood elevation, whichever is greater, that area shall be shaded appropriately.
- (2) A statement of proposed plans for stormwater management, including the location of proposed culverts and bridges and shall be shown.
- (3) The following shall also be submitted with the preliminary plat:
 - (a) A Stormwater Management Plan consistent with the requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality;

(b) A Drainage Impact Study consistent with the requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality; and,

(c) A Water Quality Impact Study consistent with the requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality.

e. Common Areas

Location and size of any areas required by the provisions of Chapter 12, Open Space.

f. Lots

(1) The layout and approximate dimensions of lots along with any other necessary descriptions of lots, including building envelopes. The lots shall not encroach on any rights-of-way and all rights-of-way shall be excluded from lot area. Private servitudes of access may be included within lots, provided that the lot area outside of the servitude meets the dimensional requirements of the underlying zoning district for all buildable lots.

(2) Lots at the corner of streets intersecting streets shown on the Major Street Plan and at all acute angle intersections that, in the opinion of the Director of Transportation and Drainage, are likely to be dangerous, shall have a radius of 20 feet at the street corner.

D. Process

1. The staff of the Planning Commission and the Department of Development shall review all preliminary plats, with the final approval dependent upon whether the subdivision is a minor subdivision, a minor subdivision requesting waivers, or a major subdivision.
2. Approval of a preliminary plat is a tentative approval only and does not constitute the approval of a final plat.
3. If no street, drainage, or sewer improvements are required for a site or tract development the preliminary plat may be approved as the final plat.

E. Changes

Any changes made by the owner/applicant subsequent to approval of the preliminary plat shall be reviewed by the Planning Director. If the change suggested by the owner/applicant is determined by the Planning Director to be of a substantial nature, a public hearing before the Planning Commission shall be required to approve the change. If the Planning Director determines that the suggested change is not substantial, then approval may be granted immediately. Substantial changes shall include:

1. An increase in the number of lots by more than ten percent;
2. Redesign of any portion of the subdivision that changes the street layout;

3. Relocation or addition of any sewage treatment facility, except as mandated by an agency with the legal authority to govern the change;
4. Changes in the Stormwater Management Plan, including drainage or water quality concept; and,
5. Relocation or reduction in size of any designated open space area.

F. Period of Validity

1. Generally

A preliminary plat shall initially be valid for a period of three years from the date of approval. Upon approval of construction drawings and specifications, the preliminary plat approval shall automatically be extended for an additional six months. Failure to submit a final plat for signature and recording within the period of validity of the preliminary plat shall require resubmission of an application, public hearing, and fees for the preliminary plat to the Planning Commission for approval.

2. Exceptions

- a. The owner or applicant may prepare a preliminary plat for the entire tract and then may submit a final plat for only a portion of the tract. No construction shall be started until construction plans for the entire area covered by a final plat have been approved. Improvements shall be installed for all of that area for which a final plat is submitted and the owner may sell, lease, or offer for sale or lease only those lots in the improved portion of the property. In such cases of partial development of a subdivision, the street system, drainage system, trunk sewers, and sewage treatment plants shall be designed and built in such a manner as to be easily expanded or extended to serve the entire area.
- b. The Planning Director may extend the period of validity of a preliminary plat for one additional year upon receiving a written request describing any extenuating circumstances beyond the control of the developer, provided such request is received during the period of validity.

Section 4.3.4 Construction Plans and Construction of Improvements

A. Submittal

After approval of a preliminary plat, the applicant shall submit complete construction plans for the first or initial development of the area given approval together with a complete and accurate contour map using mean sea level datum to the Department of Development for review and approval. All designs shall be made in accordance with design standards of the Department of Development and a copy of complete design data shall be submitted for the permanent record. This submittal shall include a CAD (or its electronic equivalent) file of the sewer and drainage layouts for the update of the City-Parish GIS Database and the records of the East Baton Rouge Sewerage Commission.

B. Requirements

1. The basic requirements of plans shall include:

- a. Contour map of the area comprising the subdivision and sufficient additional area to include all watersheds that might be a factor in the design of the storm sewer system;**
- b. Layout plans of storm sewer system and/or ditch drainage system including culvert locations within the entire area of the preliminary plat as a unit giving due consideration to the problems which may be created by the subdivision of adjacent lands;**
- c. Layout plan of sanitary sewer system, if it is to be built within the entire area of the preliminary plat as a unit giving due consideration to the problems which may be created by the subdivision of adjacent lands;**
- d. Plan and profile of all streets, public and private, showing the street names from the list approved by the Office of the Planning Commission, and including the following:**
 - (1) Profile along the centerline and each property line;**
 - (2) Proposed curb grade;**
 - (3) Grade of storm sewers and/or ditch drainage system with hydraulic grade lines; and,**
 - (4) Grade of sanitary sewers;**

2. A final stormwater management plan shall be submitted in accordance with the requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality.

C. Approval of Construction Plans

The applicant shall do no construction work until his completed construction plans have been approved by the Department of Development, and a reasonable time must be allocated for the proper study of the plans submitted. Final approval of construction plans shall be valid for a period of six months from date of approval. The Department of Development shall cancel and revoke approval in writing of all construction plans under which no work is commenced within six months, and new construction plans conforming to the regulations then in effect must be submitted and approved, before construction of any improvements. When construction plans have been approved the applicant shall apply for inclusion in the consolidated garbage district and consolidated road-lighting district.

D. Construction of Improvements

After construction plans have been approved by the Department of Development and prints filed, the applicant shall request a preconstruction meeting with the Department of Development in writing. The applicant, testing laboratory, and representatives from the applicant's appropriate licensed design professional of record and contractor shall be present at this meeting, and a permit will be issued to the contractor. Construction shall be performed under the standards of the Department of Development, and shall at all times be subject to inspection by that department. The applicant, his appropriate licensed design professional of record, and the testing

laboratory shall be responsible for close field supervision and final compliance with approved plans and specification.

1. The Department of Development may hire and supervise the work of independent engineering firms and/or testing laboratories for the purpose of independent quality assurance to verify the quality of the work being performed by the applicant's contractor, appropriate licensed design professional of record, and testing laboratory. The fees, or a portion of the fees, for this work shall be paid from the fee schedule established by the Metropolitan Council.
2. The Department of Development shall:
 - a. Check the visual appearance of curbs and medians, street pavements, and sidewalks;
 - b. Reserve the right to perform general inspections of the following:
 - (1) Excavations;
 - (2) Subsurface drainage;
 - (3) Inlets, junctions, and manholes;
 - (4) Sanitary sewer collection lines;
 - (5) Sanitary sewer manholes;
 - (6) Public sanitary sewage treatment facilities;
 - (7) Sanitary sewage lift stations/pump stations;
 - (8) Base processing;
 - (9) Sidewalks;
 - (10) Curbs and medians;
 - (11) Roadway pavements;
 - (12) Utilities installation;
 - (13) Manufacture and installation of all drainage and sanitary sewer pipe; and
 - (14) Stormwater BMPs;
 - c. Be in charge of intermediate site inspection and approval of the base and/or sub-base, checking the integrity with applicant's appropriate licensed design professional of record and representative of the testing laboratory by means of proof-rolling;

- d. Notify the applicant's appropriate licensed design professional of record of any defects in materials or workmanship, failed independent quality assurance tests, any non-compliance with the required DPW standards based on general inspection, or any discrepancy found between field observations and the approved construction plans; and,
 - e. Conduct the final inspection of all improvements with representatives of the appropriate licensed design professional of record, the contractor, and the testing laboratory.
3. The applicant's appropriate licensed design professional of record shall be responsible for the following:
- a. Providing a sampling plan for project construction and submitting it to the Department of Development in conjunction with the request for the preconstruction meeting;
 - b. Providing a survey party for the stakeout of lines and grades to complete the work;
 - c. Providing a resident inspector to inspect the laying of the sanitary sewer line and the storm drainage, including the preparation of an "as built" wye record;
 - d. Ensuring the inspection of the items described in Section 4.3.4.C.2(b), above;
 - e. Requesting intermediate site inspections by the Department of Development;
 - f. Providing a resident inspector to inspect the base processing;
 - g. Providing a resident inspector to inspect the street pavements including asphalt;
 - h. Providing a resident inspector to attend intermediate site inspections when called upon;
 - i. Providing a resident inspector to attend the final inspection;
 - j. Ensuring that all shop drawings of concrete, metal, clay, plastic, or other acceptable pipe have been stamped as approved prior to delivery to the job site; and,
 - k. Ensuring the inspection of "as built" stormwater BMPs to assure compliance with the approved stormwater management plan.
4. The testing laboratory shall be responsible for the following:
- a. Testing the concrete used in the construction of the street pavements, curbs, and sidewalks;
 - b. Providing a resident inspector to be present at the concrete and/or asphalt plants to inspect preparation of these materials; and,
 - c. Furnishing reports to the Department of Development, the applicant's appropriate licensed design professional of record, and the contractor on all items described in

Sections 4.3.4.C.3(a)-(e), above, and all items requiring testing in accordance with the sampling plan.

If the above procedures are not followed, the Department of Development may close down the job after written notice to the applicant and the appropriate licensed design professional of record.

E. Acceptance of Improvements

1. When construction is complete in accordance with the approved plans and specifications and these regulations, the applicant, through his appropriate licensed design professional of record, shall certify that all work has been completed, submit a completed sampling report, and request final inspection so that he may obtain written final approval and acceptance from the Department of Development.

a. For 12 months after acceptance of the work the applicant shall keep all improvements constructed by the applicant, including, but not limited to, filled trenches, pipes, manholes, structures, paved or unpaved surfaces, and stormwater BMPs, in good condition, making repairs to any defects in materials or workmanship as may develop or be discovered.

b. If sewage treatment plants and/or pumping stations are constructed, the applicant shall guarantee materials and workmanship of these facilities for 12 months. The applicant shall file with the Department of Development a maintenance agreement and surety bond securing to the Metropolitan Council the satisfactory performance of this work for a period of one year from the date of such bond. The amount of the bond shall be ten percent of the cost of the improvements as determined by the Department of Development, and the Parish Attorney shall approve the form of the bond. The bond shall be subject to cancellation only upon the written approval of the Director of Development.

2. Bonds in Lieu of Immediate Construction

An applicant may file an agreement and bond with the Planning Commission securing to the Metropolitan Council the actual satisfactory construction of required improvements within one year from the date of such agreement and bond. The Director of the Department of Development shall approve the amount of the bond, and the Parish Attorney shall approve the form of the bond. The bond may be canceled only upon written approval of the Director of the Department of Development.

Section 4.3.5 Final Plats

A. After the construction plans have been approved, the applicant and his engineer may proceed with the preparation of the final plat.

B. All information required in Section 4.3.3, Preliminary Plats, and the specific information listed below shall be required on the final plat:

1. The name of subdivision;

2. The name, address, and signature of the applicant;
3. A north arrow, scale, and date;
4. The outer boundary lines with accurate distances, angles, or true bearings if available, and the exact location and width of all recorded streets and ways intersecting the boundaries of the tract being divided;
5. Distances and angles, or true bearings if available, to the established street lines or official monuments, which shall be accurately described on the plat;
6. Municipal, range, township, parish and section lines accurately tied to the lines of the subdivision by distances and angles, or true bearings, if available;
7. Streets, alleys, ways and private streets, together with their widths and approved names;
8. All curve data, the lengths of all arcs, radii, internal angles, points of curvature, and lengths and bearings of tangents;
9. All dimensions, both linear and angular, necessary for determining the exact boundary of all lots in the subdivision. All angles shall 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;
10. A note giving reference to the basis of the bearings referenced to some well-established line, 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 S 10°30' 10" W used for the center line of State Highway 100," or "Bearings shown refer to the map (or deed) call N 30°E for the easterly line of the Smith Tract";
11. All block indications, if any, and lot numbers. A number or letter shall designate all individual areas, and lots in new subdivisions shall be numbered consecutively. No tract or portion of land shall be indicated as "Reserved";
12. Benchmarks
The accurate location, material type and description of all permanent vertical control monuments (benchmarks) shall be designated by permanent benchmarks based on datum established by the Department of Development. Approved City-Parish permanent benchmarks or subdivision monuments referenced to the official City-Parish permanent benchmarks shall be shown and referenced to set all lowest floor elevations of residential, non-residential and manufactured home structures to meet the requirements of Chapter 15, Floodways, Floodplains, Drainage, and Water Quality;

13. Special Use Areas

The location and size of proposed parks, playgrounds, church or school sites, or other special uses of land to be considered for dedication or sale for public use and of all property that may be designated by deed and covenants for the common use of the property owners in the subdivision, along with a statement for responsibility for maintenance;

14. A description of the tract being subdivided;

15. The street light layout;

16. Statements of Dedication and Sewage Disposal

The following statement signed by the owner:

Public Dedication Note:

The streets, rights-of-way (and pump station tract*) shown hereon, if not previously dedicated are hereby dedicated to the perpetual use of the public for proper purposes. All areas shown as servitudes, other than those labeled as private servitudes, are granted to the public for the purposes indicated on the plat, including utilities, drainage, sewage removal or other proper purposes for the general use by the public. 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 servitude or right-of-way so as to prevent or unreasonably interfere with any purpose for which the servitude or right-of-way is granted.

*(if applicable, the following paragraph is to be added)

Where a pump station or sewage treatment plant is to be provided by the applicant, the area to be used for this purpose shall be dedicated by the owner as a servitude and tract separate from any other lot for that purpose only.

Sewage Disposal Note:

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 East Baton Rouge Parish Health Unit.

Property Owner Signature _____
Property Owner Name
Business Name (if applicable)

_____ Date

17. The municipal address numbers assigned for the subdivided property. In the case that sufficient space is not available within the drawing, the address numbers may alternatively be provided in table format on the final plat document with references to the coinciding lot numbers.

18. Flood Elevation Data

The record inundation, flood zone(s) and the Flood Insurance Rate Map base flood elevation(s), all of which shall be provided by the Department of Development. Where the area subdivided lies at or below the record inundation level or the FIRM Base Flood Elevation, whichever is greater, that area shall be shaded by an approved shading pattern. The foregoing information shall also be set forth in a separate box in the general notes. A note shall be on the final plat indicating that the base flood elevation(s) are subject to change and that the current base flood elevation should be verified with the Department of Development.

19. Professional Land Surveyor's Certification and Seal

The land surveyor's seal and a statement by a professional land surveyor licensed to practice in the State to the effect that the plat 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 State law, and the minimum standards for the practice of land surveying as promulgated by the Louisiana Professional Engineering and Land Surveying Board. . A note shall indicate the survey classification.

20. Statement of Wastewater Impact Fee Certification

"This is to certify that the Applicant of (Lots/Tracts) _____ through _____ has paid \$_____ per (Lot/Tract)_____ for a total of \$_____ (Check No. _____) in Wastewater Impact Fees in accordance with Ordinance 10043, EBROSCO Ordinance 1242 as amended, adopted September 28, 1994, by the Metropolitan Council. Additionally, all (Lots/Tracts)_____ for which a building permit will be issued for improvements to the (Lot/Tract) _____ will require payment of the remaining portion of the Wastewater Impact Fee in accordance with the aforementioned Ordinance. This subdivision is located in the _____ Sewer District."

21. Statement of Private Water Quality Maintenance Covenant

"A Private Water Quality Maintenance Covenant has been executed and recorded in the Office of the Clerk and Recorder of the Parish as Original _____ and Bundle _____."

An executed and recorded "Private Water Quality Maintenance Covenant" is required for all Stormwater BMPs and/or Stormwater BMP systems on a development site prior to final plat approval. This Private Water Quality Maintenance Covenant must reflect the approved Water Quality Impact Study and/or Stormwater Management Plan, and must include Stormwater BMP Scheduled Maintenance Actions as stated in either or both of these approved documents.

- C. Upon acceptance of improvements, staff of the Planning Commission and the Department of Development shall check the final plat for conformity with the preliminary plat and for compliance with construction plans. The final plat shall not be approved until it complies with all stipulations

of the Planning Commission and the Department of Development. The Director of the Department of Development shall indicate their recommendation for approval of the final plat by their signature. The Planning Director or their designee shall then indicate final approval by their signature on the plat.

D. Restrictions and Maintenance

Private restrictions or restrictive covenants 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. A copy of the recorded restrictions shall be furnished to the Planning Director prior to or concurrent with the filing of the final plat. The restrictions shall provide that the subdivision association or other lot owners in the subdivision shall have the right to enforce the provisions of the restrictions. The Parish of East Baton Rouge shall have no obligation to enforce the provisions of such restrictions. Although the restrictions may provide for additional requirements, they shall provide the following:

1. Where underground electrical service is provided for the subdivision, restrictions shall include a requirement that the owner of each lot shall furnish an electric servitude from the source of supply to his meter location for receipt of electric service on the lot, and this requirement shall be noted on the Final Plat.
2. All new major subdivisions shall comply with the landscape and permitting requirements of Chapter 18, Landscape, except where specifically exempted, or where the requirements are in conflict with the requirements set forth in this section.

The restrictions and covenants shall grant the Parish of East Baton Rouge the power to enforce these restrictions should the association fail to do so, but the Parish shall be under no obligation to do so.

- E.** The applicant shall furnish the Planning Director of the Planning Commission with the appropriate number of prints and a current digital copy of the plat within two days of approval to be distributed to the appropriate agencies.
- F.** The applicant shall not sell or lease any lots in the subdivision until the final plat has been approved.

Section 4.3.6 Minor Subdivisions

A. Defined

Any subdivision of five or fewer lots that does not require the construction of a public or private street shall be considered a minor subdivision.

B. Approval Authority

The Planning Director (or his designee) shall have the authority to approve all minor subdivisions with the exception of those with requesting a sidewalk location waiver. Minor subdivisions seeking a sidewalk location waiver shall require approval by the Planning Commission following a public hearing.

C. Plats

Minor subdivisions shall meet the requirements of Section 4.3.3, Preliminary Plats, and be bound by the requirements of Section 4.3.5, Final Plats. If no drainage, or sewer improvements are required for a site or tract development, the preliminary plan may be approved as the final plat; otherwise procedure is the same as for a major subdivision.

D. Sewer Improvements

1. All plats of minor subdivisions shall show existing sewer lines and wyes. A separate wye shall be installed to serve each lot with the cost of the installation borne by the property owner or applicant.

2. Sewer improvements for minor subdivisions shall be constructed within two years of approval or as may be extended.

3. Exceptions

a. If property is proposed to be developed under a site plan, the property may be subdivided without the installation of sewer facilities. The site plan may be approved prior to approval of the minor subdivision, if the following conditions are met:

(1) Asterisks have been added to each lot/tract designation.

(2) Each lot has been labeled as "Not a Building Site."

(3) A note have been added to the plat which states:

"No building permits shall be issued for these lots until the following requirements have been completed:

(1) Sanitary sewer plans shall be designed by a qualified registered professional;

(2) Plans shall be reviewed and approved by the Department of Development;

(3) The required sanitary sewer improvements shall be constructed by the owner/contractor;

(4) The Department of Development shall inspect and approve the sanitary sewer improvements;

(5) A revision to this plat removing this stipulation shall be submitted to the Planning Commission and the Department of Development for approval; and,

(6) The revised plat shall be recorded in the Clerk of Court conveyance records and the required certified copies submitted to the Planning Commission."

(4) The note has asterisks (to reference the double asterisks on the lot/tract designation).

- b. The improvements may be bonded in lieu of immediate construction consistent with the requirements of Section 4.3.4.E.2., Bonds in Lieu of Immediate Construction. Lots/Tracts shall be noted on the plat as “Not a Building Site” and no building permits will be issued until the sewer has been installed and inspected/accepted by The Department of Development.

Section 4.3.7 Major Subdivisions

A. Defined

Any subdivision of six or more lots or that requires the construction of a public or private street shall be considered a major subdivision.

B. Approval Authority

The Planning Commission shall hold a public hearing on all major subdivisions and render a decision to approve or disapprove the preliminary plat within sixty days of it having been determined to meet all of the requirements described in Section 4.3.3, Preliminary Plats, unless the applicant waives this time limit and consents to a longer period. The Planning Commission shall state the basis of any denial of a subdivision plat as part of any motion to deny the plat.

C. Requirements

1. Major subdivisions shall comply with all of the requirements of Sections 4.3.3, Preliminary Plats, 4.3.4, Construction Plans and Construction of Improvements, and 4.3.5, Final Plats.
2. All proposed major subdivisions that are developed in the Rural and/or Residential Estate Agriculture Zoning Districts that abut a major arterial street shall provide along the arterial either:
 - a. An opaque fence at least six feet in height parallel to the arterial street located at least ten feet from the right-of-way. Between the fence and the right-of-way there shall be a landscape buffer in which for every 100 linear feet there are planted at least four Class A Trees. Two Class B Trees may be substituted for each required Class A Trees, provided that at least 50 percent of the required trees are Class A Trees. All required trees shall have at least a two inch caliper measured six inches from the ground. Existing trees not removed or damaged in connection with any construction in the requisite locations can substitute for the required trees; or,
 - b. A 20 foot wide landscape buffer parallel to the arterial street, planted as described in paragraph a, above.

The requirements of this section shall be installed by the applicant prior to filing of the final plat, although they may be bonded and subsequently installed in accordance with the provisions of Section 4.3.4.E.2, Bonds in Lieu of Immediate Construction. Prior to the filing of a final plat, the applicant shall provide a certification from a landscape architect that the plantings have been installed.

Section 4.3.8 Specialized Subdivisions

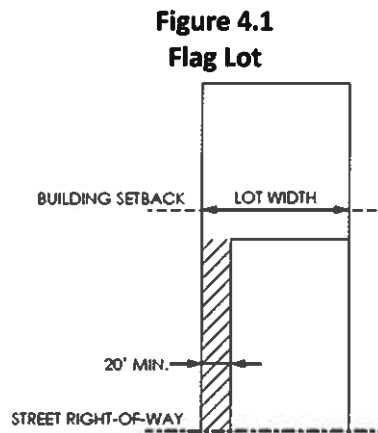
A. Camp Site Subdivisions

Whenever a parcel of land fronts for a reasonable distance on the Amite River or on Bayou Manchac, the Planning Commission may approve a camp site subdivision under the following conditions:

1. The minimum lot width shall be 100 feet and minimum lot area 22,500 square feet.
2. Streets shall consist of six inches of compacted gravel at least 20 feet in width or on a roadbed at least 24 feet in width and shall be graded to full width of 60 feet right-of-way. Deed restrictions shall be noted on the plat that streets shall not be improved to a higher standard by the City-Parish and such streets shall not be eligible for petition paving, but may be improved to a higher standard by the owners and/or applicants.
3. The plat shall include a notation that the property has been designated as a "Camp Site."

B. Flag Lots

1. The width of the lot shall be measured as the distance between the side lot lines at the point where the lot achieves its buildable area so long as the "pole" (the narrow portion of the lot abutting a street) has a minimum width of 20 feet.



2. Creation of a flag lot shall require a conditional use permit approved by the Planning Commission.

C. Townhouse Subdivision

The Planning Commission may approve townhouse subdivisions in the A2.5, A5, B1, and C5 zoning districts subject to the following conditions:

1. At least three, but no more than 12 townhouse units shall be contiguous.

2. In order to provide visual diversity, no more than six contiguous townhouse units shall utilize the same building line. A variation of at least three feet in the setback line shall be required, except in locally designated historic districts.
3. No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 20 feet to any portion of a town house or accessory structure related to another group, or to any building outside the townhouse area.
4. There shall be a 25 foot yard with a six foot high wall or solid fence along sides and rear of each townhouse site wherever it abuts an A-1 or A-2 zoning district.
5. Each townhouse unit shall have its own lot yard space of at least 400 square feet, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for an accessory building.
6. Off-street parking facilities may be grouped in bays, either adjacent to streets or in the interior of blocks.
7. Servitudes in favor of the lots shall be provided at the front or rear of lots in the required yards for off-street parking provided in common bays and utilities, but entrances to front yard parking areas shall be not less than 50 feet apart, unless an individual space is provided for each lot.
8. The plat shall include a notation that the property has been designated as a "Townhouse Subdivision."

D. Zero Lot Line Subdivision

The Planning Commission may approve a zero lot line subdivisions in the A2.1 and A2.6 zoning districts under the following conditions:

1. The zero lot line shall be designated on the approved subdivision plat. A five foot private construction and maintenance easement shall be provided on the lot adjacent for construction and maintenance of the zero lot line wall. This shall be noted on the approved subdivision plat.
2. Any zero lot line subdivision approved prior to October 1, 2019, shall dedicate a minimum of 25 percent of the total site area as common open space. Subdivisions approved after that date shall be required to meet the requirements of Chapter 12, Open Space.
3. The plat shall include a notation that the property has been designated as a "Zero Lot Line Subdivision."

Section 4.3.9 Violation and penalty

Whoever, being owner or agent of the owner of any land located in a subdivision, transfers or sells, or agrees to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Clerk of Court of the Parish, shall forfeit and pay a penalty of \$500 for each lot or parcel transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds

in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Where decisions are left herein to the Department of Development, any person dissatisfied with such decision may appeal to the Planning Commission. Such appeal shall be made by letter addressed to the Planning Commission through its Director, with copies for each member of the Planning Commission. Upon receipt of such an appeal, the Director shall notify the members of the Planning Commission of such appeal and expeditiously place the appeal on the agenda of the Planning Commission for a hearing