



Office of the Planning Commission

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Frank M. Duke, FAICP
Planning Director

April 4, 2019

TO: Planning Commission

FROM: Frank M. Duke, FAICP, Planning Director

SUBJECT: **TA-8-19**, Chapter 1, General Provisions (deferred from March 18, 2019, by the Planning Director)

| Application Summary | | | |
|---|--|-----------------------------------|-------------------|
| Applicant | Planning Commission | Submittal Date | December 11, 2018 |
| Code Section(s) | Chapter 1, General Provisions | | |
| Areas Affected | Parishwide | | |
| Planning Commission Meeting Date | April 15, 2019 | Metropolitan Council Meeting Date | May 15, 2019 |
| Request | | | |
| Summary of Change | This amendment revises Chapter 1, General Provisions, deleting provisions that deal with the subdivision of land that are being incorporated into Chapter 4, Site Plans and Plats, and adding provisions regarding interpretation of the UDC that are being relocated from Chapter 6, Enforcement. | | |
| 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
- The Parish Attorney identified issues with regard to language governing subdivisions that is currently located in Chapter 1 being more appropriate in Chapter 4
- Language on general interpretation of the UDC that should be in Chapter 1 was found in Chapter 6

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 relocates language from Chapter 1 that is more appropriate in Chapter 4 and moves language from Chapter 6 that should be in Chapter 1

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 1

GENERAL PROVISIONS

Section 1.1 Authority and purpose

In accordance with the provisions of Louisiana Revised Statutes (La RS) 33:101 et seq., and particularly La RS 33:112, and in order to promote the health, safety, convenience, morals, and general welfare of the community, to ensure orderly development of property; provide for the proper arrangement, width, naming of streets in relation to other existing or planned streets that provide adequate and convenient traffic circulation including access for emergency vehicles; and ensure the adequacy of vehicular parking, utilities, and open space, the following regulations are adopted by the Planning Commission.

These regulations divide the City-Parish into zoning districts and within the districts regulate and restrict the height, placement, and size of buildings and other structures; the size of yards, courts, and other open spaces; the location and amount of parking; and the location and use of buildings, structures and land for trade, industry, residence, and other purposes; establish appropriate regulatory bodies and prescribe their powers and duties; provide penalties for the violation of the chapter and repeal all ordinances in conflict herewith.

The provisions in the Unified Development Code were originally adopted and became effective on November 20, 1996.

Section 1.2 Relationship to Adopted Plans

The regulations established by this Unified Development Code implement the comprehensive plan adopted by the Metropolitan Council for the purpose of promoting health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, to the character of the district, and its peculiar suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 1.3 Interpretation of the Unified Development Code

In interpreting and applying the provisions of the Unified Development Code, the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare shall be held to be the minimum requirements. It is not intended by the Unified Development Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that where a conflict may exist or develop between the regulations and restrictions, or other applicable legal restrictive regulations, then the more restrictive regulations shall control.

Section 1.4 Minimum Requirements

Use of all premises in the City-Parish shall be in accordance with the standards established in this Unified Development Code, which shall be considered the minimum standards permitted.

Section 1.5 Fees

The amount associated with all fees referenced in this Unified Development Code may be found in Appendix B of this code.

Section 1.6 Severability

Should any section or provision of this Unified Development Code be declared invalid by judgment or court order, the remaining sections or provisions shall remain valid and in full force and effect.