The Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge convened in zoning session on Wednesday, May 20, 2020 at 4:00 PM, in the Council Chambers of the Governmental Building, Room 348, Baton Rouge, Louisiana.

The Meeting was called to order by the Presiding Officer and the following members were present:


Absent: None

Amending the Comprehensive Zoning Map of the City of Baton Rouge and Parish of East Baton Rouge of June 1976, as contained in and made a part of the “Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge for 1958,” as amended so as to:

The following proposed ordinance was introduced by Ms. Amoroso and read in full at the meeting of the Metropolitan Council on December 11, 2019. On January 15, 2020, the public hearing was held and final action deferred until February 19, 2020. On February 19, 2020, the public hearing was held and final action deferred until March 18, 2020, which was canceled due to the outbreak of COVID-19.

The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full.

PROPOSED ORDINANCE

PA-16-19 225, 300-400 UND Port Hudson-Plains Road
To amend the Comprehensive Land Use Plan from Agricultural/Rural to Residential Neighborhood on property located north of Port Hudson-Plains Road and east of Samuels Road, on the F. Stevenson and B. Stevenson Tracts. Section 65, T4S, R1W, GLD, EBRP, LA (Council District 1 - Welch)
May 20, 2020


A motion was made by Ms. Banks to deny the proposed ordinance, but was withdrawn due to lack of a second.

A motion was made by Mr. Welch and seconded by Mr. Hudson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Yeas: Hudson, Loupe, Racca, Watson, Welch, Wilson
Nays: Amoroso, Banks, Collins-Lewis, Wicker
Abstains: Cole
Did Not Vote: None
Absent: Green

With 6 yeas, 4 nays, 1 abstains, 0 not voting, and 1 absent, the motion failed.

A motion was made by Ms. Wicker and seconded by Mr. Watson to defer the proposed ordinance to the council meeting on June 17, 2020, but the motion was withdrawn.

NO ACTION WAS TAKEN ON THIS ITEM.
The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on February 26, 2020, with a public hearing called thereon for March 18, 2020, which was canceled due to the outbreak of COVID-19.

The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17824

RV-1-20 REVOKING A 20 FOOT ALLEY, LOCATED ON THE WEST SIDE OF CAROLY SUE DRIVE AND NORTH OF OLD HAMMOND HIGHWAY, BETWEEN LOT 11 OF HILLCREST ACRES SUBDIVISION AND LOT B-1 OF THE M.J. SHARP PROPERTY, SECTION 85, T7S, R1E, GLD, EBRP, LA, PROVIDED CERTAIN STIPULATIONS ARE MET.

WHEREAS, the owner of the property located on the west side of Carolyn Sue Drive and north of Old Hammond Highway, between Lot 11 of Hillcrest Acres Subdivision and Lot B-1 of the M.J. Sharp Property, located in the Parish of East Baton Rouge, Louisiana, have requested the approval of a 20 foot alley right-of-way, as shown on the attached map, be revoked and set aside;

WHEREAS, said right-of-way is not needed for public use and the public would not be inconvenienced by the revocation of the said right-of-way; and

WHEREAS, this Council believes that it would be in the public interest to grant the mentioned request:

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

Section 1. The dedication of a 20 foot alley right-of-way, located on the west side of Carolyn Sue Drive and north of Old Hammond Highway, on Lot 11 of Hillcrest Acres Subdivision and Lot B-1 of the M.J. Sharp Property, as shown on the attached map, located in the Parish of East Baton Rouge, Louisiana, is hereby revoked and set aside, pursuant to the provisions of L.R.S. 48:701, et seq., subject to the following stipulations:

1.) Prior to issuance of building permits on the subject properties, a map indicating the revoked servitude (referencing the Metro Council Ordinance) shall be prepared, approved and recorded.

Section 2. This Council does not warrant its authority to act pursuant to the above cited provision of the Revised Statutes, nor does it warrant title to any of the property contained in the area abandoned herein.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Watson and seconded by Ms. Collins-Lewis to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yeas:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nays:** None

**Abstains:** None

**Did Not Vote:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on February 26, 2020, with a public hearing called thereon for March 18, 2020, which was canceled due to the outbreak of COVID-19.

The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17825**

CASE 6-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTIES LOCATED ON THE EAST SIDE OF SCENIC HIGHWAY, AND ON THE NORTH SIDE OF DAYTON STREET, ALL TO THE WEST OF INTERSTATE HIGHWAY 110 AND SOUTH OF SHERWOOD STREET, ON LOTS 1, 2, 3, 17 THROUGH 21, GARDEN CITY SUBDIVISION, AND LOTS 1, 7 THROUGH 10, SUBURB SCOTT SUBDIVISION, SECTION 43, T6S R1W, GLD, EBRP, LA, TO REZONE FROM LIGHT COMMERCIAL (C1) AND TRANSITION (B1) TO LIGHT INDUSTRIAL (M1), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED.

WHEREAS, at its meeting of February 17, 2020, the Planning Commission approved an amendment to the Light Commercial (C1) and Transition (B1) Districts hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:
Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Light Industrial (M1), which shall include the following described property, to wit:

Properties located on the east side of Scenic Highway, and on the north side of Dayton Street, all to the west of Interstate Highway 110 and south of Sherwood Street, on Lots 1, 2, 3, 17 through 21, Garden City Subdivision, and Lots 1, 7 through 10, Suburb Scott Subdivision. Section 43, T6S R1W, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on March 18, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Wicker and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

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<td>Nays:</td>
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<td>Absent:</td>
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With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on February 26, 2020, with a public hearing called thereon for March 18, 2020, which was canceled due to the outbreak of COVID-19.

The following proposed ordinance was introduced by Mr. Watson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17826**

**CASE 2-20** AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF JONES CREEK ROAD AND FERRELL AVENUE, WEST OF SOUTH ALLEGHENY COURT, ON LOT 7, FIRST FILING, SHENANDOAH PARK SUBDIVISION, SECTION 28, T7S, R2E, GLD, EBRP, LA, TO REZONE FROM RURAL TO LIGHT COMMERCIAL (LC1), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of January 21, 2020, the Planning Commission approved an amendment to the Rural District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Light Commercial (LC1), which shall include the following described property, to wit:
Property located on the southeast corner of Jones Creek Road and Ferrell Avenue, west of South Allegheny Court, on Lot 7, First Filing, Shenandoah Park Subdivision. Section 28, T7S, R2E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on February 19, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Hudson and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17827**

**PA-5-20 AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, SO AS TO AMEND THE COMPREHENSIVE LAND USE PLAN FROM INSTITUTIONAL TO OFFICE ON PROPERTY LOCATED ON THE WEST SIDE OF SOUTH ACADIAN THRUWAY AND NORTH INTERSTATE 10, AS SHOWN ON A REPORT PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED.**

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Comprehensive Land Use Plan, hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Planning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Land Use Plan of FUTUREBR for the year 2018, is amended from Institutional to Office on property located on the west side of South Acadian Thruway and north of Interstate 10.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020 after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Cole and seconded by Ms. Collins-Lewis to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17828


WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Single Family Residential (A1) Districts hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Neighborhood Office (NO), which shall include the following described property, to wit:

Property located on the west side of S Acadian Thruway, north of the Interstate 10, on Lots 5-A, 5-B, 5-C and 5-D, Hundred Oaks Park Subdivision. Section 96, T7S, R1E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Cole and seconded by Mr. Watson to approve Neighborhood Office. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yeas:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nays:** None

**Abstains:** None

**Did Not Vote:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

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The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**PROPOSED ORDINANCE**

**PA-6-20   9509 Jefferson Highway**

To amend the Comprehensive Land Use Plan from Residential Neighborhood to Commercial on property located on the north side of Jefferson Highway, to the west of Bluebonnet Boulevard, on Lot A of the Porter Tract. Section 39, T7S, R1E, GLD, EBRP, LA (Council District 11 - Watson)

The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Watson and seconded by Ms. Racca to delete the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yeas:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nays:** None

**Abstains:** None

**Did Not Vote:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

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The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17829


WHEREAS, at its meeting of May 18, 2020, the Planning Commission approved an amendment to the Single Family Residential (A1) Districts hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Neighborhood Office (NO), which shall include the following described property, to wit:

Property located on the north side of Jefferson Highway, to the west of Bluebonnet Boulevard, on Lot A of the Porter Tract. Section 39, T7S, R1E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. Interested citizens in favor of the proposed ordinance were Matthew Shirley, Thomas M. Lusco, and Brian Nicholich.

A motion was made by Mr. Watson and seconded by Ms. Wicker to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17830

PA-7-20 AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, SO AS TO AMEND THE COMPREHENSIVE LAND USE PLAN FROM RESIDENTIAL NEIGHBORHOOD TO OFFICE ON PROPERTY LOCATED ON THE WEST SIDE OF STARING LANE, SOUTH OF MENLO DRIVE, AS SHOWN ON A REPORT PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED.

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Comprehensive Land Use Plan, hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Planning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Land Use Plan of FUTUREBR for the year 2018, is amended from Residential Neighborhood to Office on property located on the west side of Staring Lane, south of Menlo Drive.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020 after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Racca and seconded by Mr. Hudson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yeas:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nays:** None

**Abstains:** None

**Did Not Vote:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17831**


WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Single Family Residential (A1) Districts hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a General Office Low Rise (GOL), which shall include the following described property, to wit:

Property located on the west side of Staring Lane, south of Menlo Drive, on Lots 67 and 68, Laurel Lee Subdivision. Section 66, T8S, R1E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Racca and seconded by Ms. Collins-Lewis to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17832

PA-8-20 AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, SO AS TO AMEND THE COMPREHENSIVE LAND USE PLAN FROM RESIDENTIAL NEIGHBORHOOD TO MIXED USE ON PROPERTY LOCATED SOUTH OF BLUEBONNET BOULEVARD, EAST OF NICHOLSON DRIVE, AS SHOWN ON A REPORT PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED.

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Comprehensive Land Use Plan, hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Planning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Land Use Plan of FUTUREBR for the year 2018, is amended from Residential Neighborhood to Mixed Use on property located south of Bluebonnet Boulevard, east of Nicholson Drive.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020 after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Loupe and seconded by Mr. Wilson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yeas:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nays:** None

**Abstains:** None

**Did Not Vote:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17833**

**PUD-1-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED SOUTH OF BLUEBONNET BOULEVARD, EAST OF NICHOLSON DRIVE, TO REZONE FROM RURAL TO PLANNED UNIT DEVELOPMENT (PUD), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED**

**WHEREAS,** at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Rural District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

**WHEREAS,** public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

**NOW, THEREFORE, BE IT ORDAINED** by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Planned Unit Development (PUD), which shall include the following described property, to wit:
A certain tract or parcel of land, being designated as the entire portion of Tract B, the entire portion of an Existing Tract 2.462 Ac. (called “UND” on Baton Rouge’s Planning and Land Development Map) and a portion of Tract A – West of Selene Parkway and formerly a portion of the Burtville Plantation located in Section 45 & 52, Township 8 South, Range 1 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, the portion of Tract A being more particularly described as follows:

Commencing at the intersection of Section 44, 45, 51 and 52, being the northeastern corner of Section 45, and being the northwestern corner of Section 52, and being the Point of Beginning; From the POINT OF BEGINNING; Thence, along the northern line of section 52 North 85 degrees 04 minutes 20 seconds East for a distance of 731.75 feet to the western right of way line of Selene Parkway; thence, along the said right of way line South 21 degrees 35 minutes 00 seconds East for a distance of 140.92 feet; thence, along a curve to the left on said right of way line, said curve having a radius of 843.00 feet, an arc length of 879.45 feet, and whose long chord bears South 51 degrees 28 minutes 12 seconds East for a distance of 840.11 feet; thence, along the said right of way line South 81 degrees 21 minutes 24 seconds East for a distance of 717.77 feet to the beginning of a curve; Said curve turning to the right on the said right of way line, having a radius of 1932.00 feet, an arc length of 331.17 feet, and whose long chord bears South 76 degrees 26 minutes 44 seconds East for a distance of 330.76 feet to a point and corner; thence, departing said right of way line South 85 degrees 04 minutes 03 seconds West for a distance of 333.09 feet to a point on a line; thence, South 84 degrees 48 minutes 09 seconds West for a distance of 2599.53 feet to a point on a line; thence, South 84 degrees 51 minutes 06 seconds West for a distance of 3709.09 feet to a point and corner along a 4’ chain link fence; thence, along the said fence North 21 degrees 38 minutes 52 seconds West for a distance of 675.40 feet to a point and corner; thence, South 83 degrees 28 minutes 54 seconds West for a distance of 497.31 feet to a point on a line; thence, South 67 degrees 57 minutes 54 seconds West for a distance of 489.01 feet to the eastern right of way line of Louisiana Highway 30 (Nicholson Drive); thence, along the said right of way line North 22 degrees 24 minutes 10 seconds West for a distance of 202.19 feet to a point and corner of fence; thence, North 68 degrees 04 minutes 54 seconds East for a distance of 489.33 feet; thence, North 05 degrees 20 minutes 06 seconds West for a distance of 135.25 feet to the northern line of section 52; thence, along the said section line North 84 degrees 28 minutes 19 seconds East for a distance of 5001.03 feet to the Point of Beginning, said tract containing 132.4 acres, more or less

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. An interested citizen in favor of the proposed ordinance was Joseph Yarborough. An interested citizen commenting without favor or opposition to the proposed ordinance was Phillip Lillard.

A motion was made by Mr. Loupe and seconded by Ms. Wicker to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17834

TA-1-20 AMENDING TITLE 7 (PLANNING AND ZONING), CHAPTER 4 (SITE PLANS AND PLATS), REPEALING AND REPLACING CHAPTER 4 (SITE PLANS AND PLATS), UPDATES LANGUAGE RELATIVE TO UTILITY REQUIREMENTS IN SUBDIVISIONS CURRENTLY IN CHAPTER 14, UTILITIES IN THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE.

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

Section 1. Title 7, Chapter 4, to repeal and replace Chapter 4 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, and shall read as follows:

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 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 including a statement explaining the basis for any recommendation of denial, or a period of 60 days has elapsed since submission to the Central Planning and Zoning Commission. If no reason is provided for a recommendation of denial, the East Baton Rouge Parish Planning Commission may proceed as if no recommendation was provided.
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 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 including a statement explaining the basis for any recommendation of denial, or a period of 60 days has elapsed since submission to the Zachary Planning and Zoning Commission. If no reason is provided for a recommendation of denial, the East Baton Rouge Parish Planning Commission may proceed as if no recommendation was provided.

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.

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

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Published</th>
<th>Posted</th>
<th>Mailed</th>
<th>Mailed Notification Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>300 ft.</td>
</tr>
<tr>
<td>Subdivision Plat</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>300 ft.</td>
</tr>
</tbody>
</table>

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

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

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 Louisiana Department of Health (LDH), and Department of Development.

H. A separate or optional area for recreational vehicles meeting the design standards of Section 4.2.4, Recreational Vehicle Parks, 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 Recreational Vehicle Parks

Recreational vehicle parks may be located in the Suburban and Rural Character Areas. They shall be built to development standards as set forth below:

A. A minimum site of two acres shall be required, with a minimum frontage of 200 feet on a publicly maintained street or road.

B. Maximum density shall be 20 recreational vehicle spaces per acre.

C. Minimum recreational vehicle space size shall be 20 feet in width by 35 feet in length. At least 90 percent of the spaces shall be provided with electrical and water hook-ups.

D. An accessible area of open space representing at least ten percent of the overall site area shall be provided and equipped as a recreational facility for use of the tenants of the park.

E. Driveways

1. Driveways within the recreational vehicle 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 as described in Section 13.2, Street and Alley Widths, shall be provided at the rear of the driveway.

F. Solid waste disposal sites consistent with those used by multi-family developments shall be provided.
G. Recreational vehicle parks shall provide at least one disposal site for the sole use of receiving discharges from recreational vehicle holding tanks and one additional disposal site for every 60 recreational vehicle spaces or fraction thereof. Said discharge facility shall be located in such a manner as to not present unpleasantness to tenants and neighboring residents.

H. Every recreational vehicle park shall contain one public service building equipped with water flush toilets, and lavatories and showers with hot and cold running water.

I. Recreational vehicle parks shall provide at least one additional parking space for every three recreational vehicle spaces with the parking spaces meeting the requirements of Chapter 17, Parking and Loading, or an alternative approved by the Director of the Department of Development.

J. Landscaped areas shall be provided on all sides of a recreational vehicle park.
   1. Along all public streets, a 25 foot deep area planted with the equivalent of an L1 buffer shall be provided.
   2. Along all sides not abutting a public street, a 15 foot deep area planted with the equivalent of an L3 buffer in combination with a six foot tall wall or fence shall be provided.

K. Guests may not stay longer than 90 days.

Section 4.2.5 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 provisions of any overlay district after review by the Planning Commission, as described in Chapter 10, Overlay Districts;
   2. The dimensions of all aspects of the development, as described in Chapter 11, Dimensions;
   3. Open space, as described in Chapter 12, Open Space;
   4. Sidewalks, as described in Chapter 13, Streets and Sidewalks;
   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;
   8. Buffers and landscaping, as required in Chapter 18, Landscape; and,
   9. With regard to utilities, adequate facilities, including treatment and disposal facilities for sanitary waste.

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,
Section 4.2.6 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 4.2.7 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 replat 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. Location of Facilities
   
   1. Public Facilities
      Whenever possible, locations within the dedicated public right-of-way shall be designated for the construction of subsurface drainage, sanitary sewers, and public facilities, including sidewalks. Such locations shall be designated for these purposes and designed to minimize conflicts and facilitate the construction, operation, and maintenance of the various facilities in accordance with the design guidelines of the Department of Development showing space allocations for utilities in the development. When such infrastructure cannot be located within the dedicated right-of-way, a 15 foot wide servitude shall be the minimum acceptable width for both public sewer and public drainage servitudes. Such servitudes shall be "stand-alone" and not combined, with each separate servitude dedicated strictly for either drainage or sanitary sewer operation and maintenance.
   
   2. Private Facilities
      The location and dimensions of servitudes for private facilities shall be determined in conjunction with the utility providing the service.

C. 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 protection facilities, 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.
2. Water

a. All newly constructed water distribution lines for either new water systems or extensions to existing systems, will be designed and constructed in accordance with the criteria established by the Department of Development in conjunction with the utility company providing water service to subdivisions to provide adequate flow capacity and pressure, together with an adequate number of fire hydrants required for fire protection in that area. The minimum pipe size providing fire protection will be eight inches.

b. The design and construction shall allow the systems’ performance to be consistent with generally accepted standards for fire defense and, thereby allow favorable credit in accordance with established evaluation procedures as promulgated by the Insurance Service Office and/or Property Insurance Association of Louisiana.

c. All future plans for developing as it relates to fire hydrant locations on adequately sized water mains shall be submitted to the chief of the applicable fire protection district for fire hydrant locations within such district and to the water utility company providing the water service for review and written approval prior to subdivision plan approval and/or issuance of construction permit.

d. Materials and methods used to construct the systems will be of such quality and standards as approved for fire defense by Underwriters' Laboratories, Inc., and/or the American Water Works Association.

3. Sanitary Sewer

a. Sanitary Sewer Accessible

The subdivider shall connect with the public sanitary sewer and provide adequate sewer collection lines to the property line of each lot, unless the development is more than 500 feet from the existing trunk line or the Department of Development certifies that there is inadequate capacity in City-Parish conveyance system.

b. Sanitary Sewer Not Accessible

(1) Subdivisions of no more than five lots, with each lot having an area of at least 22,500 square feet and a width of at least 100 feet, may have effluent from an approved sewage disposal (treatment) system draining to open effluent ditches, provided such open effluent ditches are predominant in the area and are at least 24 inches deeper than the grade at the building site. Sufficient grade elevations to adequately determine this requirement and a statement by the engineer certifying that open effluent ditches are predominant in the area shall be provided on the plat and approved by the Health Unit along with a vicinity map at an appropriate scale showing the subject property and any existing buildings, streets and drainage channels within at least one thousand 1,000 feet in all directions from the subject property.

(2) Subdivisions having between six and 50 lots, with each lot having an area of at least 75,000 square feet, may have effluent from an approved sewage disposal (treatment) system draining to open ditches, provided such open drainage ditches are at least 24 inches deeper than the grade at the building site. Sufficient grade elevations to adequately determine meeting of this requirement shall be shown on the plat and shall be approved by the Health Unit along with a vicinity map at an appropriate scale showing the subject property and any existing buildings, streets and drainage channels within at least 1,000 feet in all directions from the subject property. The plat shall also contain a note stating that none of these lots may be further subdivided unless treatment and disposal is provided for all lots within the subdivision.

(3) All other subdivisions shall have lots meeting the width and area requirements of the Unified Development Code and shall have private community sanitary sewage treatment facilities meeting the following requirements:
(a) The plant site shall be designated as a common area on the plat. A minimum distance for the location of the wastewater treatment plant site from adjacent property shall be required, with the plant site shall be deemed a heavy industrial use and the appropriate minimum buffer, as specified in Section 18.3.3, Required Buffers between Abutting Properties, shall be provided.

(b) The owner or operator that will be serving the subdivision must be a Public Service Commission licensed, Class 4 Wastewater Utility and shall be identified on the Final Plat. The “operator” or “discharge permit holder” shall not be a resident homeowner’s or civic association. The operator, discharge permit holder, or private sewerage treatment provider must have a contract with the water service provider that allows the wastewater service provider to disconnect water service in the event of non-payment of applicable service fees.

(c) At such time as connection to the public wastewater treatment network becomes feasible due to availability of sufficient capacity or proximity of no more than 500 feet, the property owner may be required to tie in to the public sewer system at his cost. An appropriate reserve account administered jointly by the Public Service Commission and the treatment plant owner shall be established for the purpose of necessary maintenance and the expense of the public system tie in.

(d) The Department of Development shall maintain a list of all community wastewater treatment facilities within the parish.

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 site 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.

D. 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) The proposed plans for sewage disposal shall be shown.

(2) 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

1. The Department of Development shall not approve construction plans that involve the construction of a street until a street light plan has been submitted and approved by the Department of Transportation and Drainage. Neither shall a subdivision be accepted for
maintenance unless street lights have been installed or if installation is guaranteed by a bonding company or franchised utility company.

2. Prior to the approval of any construction plans of subdivisions proposing the use of private community wastewater collection and treatment facilities, letters or certificates of approval must be obtained for the private wastewater collection and treatment facilities and submitted to Department of Development from:

   i. The LDH, Office of Public Health (OPH); and,

   ii. The LDEQ, which shall include a copy of the Louisiana Pollutant Discharge Elimination System permit.

3. 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;
Curbs and medians;
Roadway pavements;
Utilities installation;
Manufacture and installation of all drainage and sanitary sewer pipe; and
Stormwater BMPs;

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;

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,

Conduct the final inspection of all improvements with representatives of the appropriate licensed design professional of record, the contractor, and the testing laboratory.

The applicant’s appropriate licensed design professional of record shall be responsible for the following:

Providing a sampling plan for project construction and submitting it to the Department of Development in conjunction with the request for the preconstruction meeting;

Providing a survey party for the stakeout of lines and grades to complete the work;

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;

Ensuring the inspection of the items described in Section 4.3.4.C.2(b), above;

Requesting intermediate site inspections by the Department of Development;

Providing a resident inspector to inspect the base processing;

Providing a resident inspector to inspect the street pavements including asphalt;

Providing a resident inspector to attend intermediate site inspections when called upon;

Providing a resident inspector to attend the final inspection;

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,

Ensuring the inspection of “as built” stormwater BMPs to assure compliance with the approved stormwater management plan.

The testing laboratory shall be responsible for the following:

Testing the concrete used in the construction of the street pavements, curbs, and sidewalks;

Providing a resident inspector to be present at the concrete and/or asphalt plants to inspect preparation of these materials; and,

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.

5. If private community wastewater treatment and collection facilities are to be used, the private sewerage treatment operator or provider shall be responsible for the following:
   a. Inspected and approving all sewer collection lines, pump stations and treatment facilities;
   b. Providing the sewer wye locations; and,
   c. Inspecting the sewer building connections prior to the issuance of any occupancy permit.

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 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)

17. If a private community collection and treatment facilities are provided, the existence of the
contract for the operation and maintenance of the private community treatment facility and
the collection lines as recorded in the conveyance records of the Clerk of Court.

18. 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.

19. 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.

20. 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.

21. 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.”

22. 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. Approval of a final plat shall not be granted to any development or that includes private sewerage collection and/or treatment facilities prior to the actual installation, construction and operation of said improvements and proof of and inspection by the OPH and the LDEQ. The developer or owner shall not be allowed to issue a bond to the City/Parish for these improvements in order to obtain final approval.

D. 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.

E. 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 where seeking 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.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Watson and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

- Nays: None
- Abstains: None
- Did Not Vote: None
- Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17835**

**TA-2-20 AMENDING TITLE 7 (PLANNING AND ZONING), CHAPTER 14 (UTILITIES), REPEALING AND REPLACING CHAPTER 14 (UTILITIES), REORGANIZES AND UPDATES THE PROVISIONS OF CHAPTER 14, DELETING LANGUAGE BEING MOVED TO CHAPTER 3 4, SITE PLANS AND PLATS, AND 19, DEFINITIONS. IN THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE.**

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

**Section 1.** Title 7, Chapter 14, to repeal and replace Chapter 14 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, and shall read as follows:

**Section 14.1 Outdoor Lighting**

**Section 14.1.1. Generally**

- **A. Intent and Purpose**
  This section addresses a critical component of community design by promoting effective, efficient, and attractive outdoor site lighting. The intent of this ordinance is to prevent excessive glare and unwanted light trespass, ensuring that all light emanating from a particular development is confined to that development site. The design criteria and review process establish overall lighting performance standards and provide flexibility in meeting site specific outdoor lighting needs.

- **B. Applicability**
  The provisions of this section shall be applicable to all properties located within the City of Baton Rouge and unincorporated East Baton Rouge Parish.

**Section 14.1.2 Site Lighting**

- **A. General Requirements**
  1. **Luminaire Requirements**
    - **a. Luminaire Design**
      Any luminaire with a lamp with an initial output rating greater than 10,000 lumens shall be either:
(1) Full cutoff type fixture; or,
(2) Shielded and adjustable.

b. Luminaire Height
(1) Any luminaire with a lamp with an initial output rating of less than 10,000 lumens may be mounted at any height.
(2) Any luminaire with a lamp with an initial output rating of 10,000 lumens or greater may be mounted up to a height of 35 feet provided that the luminaire is not aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or on streets.
(3) Maximum height of pole mounted fixtures shall not exceed 35 feet.

2. Illumination Levels
   a. Generally
      The average levels of illuminance for all applications for buildings designed for human occupancy except one or two family dwellings shall conform to the requirements of the Louisiana State Fire Marshal as described in the Louisiana Commercial Buildings Energy Conservation Code pursuant to LRS 40:1730.41-48.
   b. Exception for Banking Facilities with Automated Teller Machines or Night Depositories
      The levels of illuminance for this specific application shall be a minimum of ten foot candles at the face of the facility and extending in an unobstructed direction outward five feet with an average of two foot candles within 50 feet of the facility as required by LRS 6:1365.

3. Light Measurement
   Light level measurements shall be made at a point eight feet outside the boundaries of the property upon which the outdoor luminaire is installed. Measurements shall be made with the light-registering portion of the meter held at ground level with the measuring instrument held in the horizontal plane parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within the previous two years. Light levels shall be calculated and measured in maintained foot candles, unless specified otherwise.

1. Light Trespass
   The maximum level of light trespass shall be:
   a. Abutting single family or two family residential property -- ½ foot candle at the edge of the property; and,
   b. Abutting multifamily and nonresidential property -- two foot candles at the edge of the property line.

B. Exceptions
   The following lighting is exempt from the provisions of this section:
   1. Police or Fire Departments or other Emergency Services
      All temporary emergency lighting needed by a governmental entity, including the police or fire departments, performing any emergency services.
   2. Federal Regulatory Agencies
      All hazard warning luminaries required by Federal Regulatory Agencies, except that all luminaries used must be red and specific to the warning task required.
3. Airport Lighting
Lighting that is required for the safe and efficient movement of aircraft during flight, takeoff, landing, and taxiing.

4. Radio, Communication and Navigation Towers
All lighting used for radio, communication, and navigation towers, provided the owner or occupant demonstrates that the Federal Aviation Administration regulations can only be met through the use of lighting that does not comply with the provisions of this chapter.

5. Outdoor Performance Areas
Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. To ensure adequate lighting for such events while reducing glare and unwanted illumination of surrounding streets and adjacent properties, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and no direct illumination is directed off the site.

6. Uplighting
The following features may be illuminated through uplighting, provided that the lighting fixtures are located, aimed, or shielded to minimize light spill into the night sky:

a. National, state, municipal or foreign nation flags located on poles independent of other structures;

b. Trees; and,

c. Architectural details.

C. Certification of Compliance
The applicant for a building permit shall certify that the applicable provisions of this section will be satisfied. All site plan and subdivision plats must have a notation on the plat stating that the proposed development will comply with these provisions.

D. Temporary Lighting

1. Generally
Any temporary outdoor lighting that conforms to the requirements of this section shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Building Official after considering:

a. The public and/or private benefits that will result from the temporary lighting;

b. Any annoyance or safety problems that may result from the use of the temporary lighting; and,

c. The duration of the temporary nonconforming lighting.

2. Searchlights
The operation of permanent searchlights is prohibited. Temporary use of searchlights may be permitted by the Building Official provided that the light shall not be:

a. Located within 500 feet of a residential area; and,

b. Allowed to operate after 12:00 a.m.

E. Prohibited Lighting
The use of laser source light or any similar high intensity light is prohibited.
May 20, 2020

F. Nonconforming Luminaries

1. Nonconforming Luminaries
A light trespass shall only be deemed to occur if the Building Official receives a complaint from a third party residential property owner within 100 feet of the property line and determines that there is a violation. In these situations, all offending outdoor lighting fixtures located on the subject property with an initial output rating of greater than 10,000 lumens that do not conform to this section shall be required to be shielded, redirected, or adjusted so that no more than two foot candles of light fall eight feet outside the boundaries of the property upon which the outdoor luminaire is installed. This level shall be measured 25 feet outside the boundaries of the property upon which the outdoor luminaire is installed. Ownership where at least 50 percent of ownership is common shall be deemed as one tract.

2. Nonconforming Luminaries Causing Hazardous Glare
Nonconforming luminaries with a lamp or lamps with an initial output rating greater than 10,000 lumens that are aimed, directed, or focused such as to cause or create glare perceptible to persons operating motor vehicles on public ways shall be shielded or redirected so that the luminaries do not cause a potential hazard to motorists or cyclists if determined to be hazardous by the Building Official.

Section 14.1.3 Street Lighting

A. General Requirements

1. Luminaire Requirements
   a. Luminaire Design
      (1) Lighting shall conform to the recommendations of the Illuminating Engineering Society of North America as described in its publication Recommended Practice 8, Roadway Lighting (ANSI-IES RP-8-18).

      (2) All street lighting fixtures shall be a full cut-off type fixture. If necessary, fixtures shall include “house side shields” to minimize light directed to the rear of the fixtures.

   b. Luminaire Height
      (1) The maximum height of pole mounted fixtures intended to light the street shall not exceed 30 feet.

      (2) Mounting heights of fixtures designed to light bicycle paths or pedestrian paths, but not streets, shall not exceed 15 feet.

   c. Alternatives
      The design for an area may suggest the use of street lighting fixtures of a particular “period” or architectural style, or there may be existing historical fixtures to be retained. In such cases, alternative fixtures may be used if approved by the Director of Transportation and Drainage and Entergy with any additional costs associated with use of the alternative fixture absorbed by the neighborhood.

2. Light Level
   Light levels shall be calculated using the illumination method specified in the Illuminating Engineering Society of North America’s publication Recommended Practice 8, Roadway Lighting (ANSI-IES RP-8-18), and measured in maintained foot candles, unless specified otherwise.

B. Street Lights within Subdivisions

1. Residential Subdivisions
a. A licensed Professional Engineer in electrical engineering shall design the lighting systems. Equipment used shall be manufactured specifically for street light application, and repair parts shall be available for the projected life of the installation. Any equipment other that the standard equipment used by the franchised servicing utility shall require that utility’s approval prior to that utility’s accepting maintenance and operation. The maximum spacing of lighting fixtures shall be 180 feet and the minimum shall be 60 feet. The minimum initial lumens shall be 100 watt high pressure sodium or the equivalent. The engineer shall ensure that the degree of illumination in divided or boulevard type streets is consistent with the degree of illumination required by this paragraph for undivided streets.

b. The provisions of this section shall not be construed to impose a duty on either the City-Parish or a franchised servicing utility as to the public, regardless of the activity in which any member(s) of the public is engaged.

2. Commercial and Industrial Subdivisions
   In commercial and industrial subdivisions, street light illuminations shall meet all requirements set for the by the Illuminating Engineering Society of North America as described in its publication *Recommended Practice 8, Roadway Lighting* (ANSI-IES RP-8-18).

C. Installation Prohibited until Approval Obtained
   No street lighting facilities shall be installed by any person or by any utility company within dedicated rights-of-way in any approved subdivision until and unless an application has been submitted to and approved by the Department of Transportation and Drainage.

D. Notice to Remove Facilities
   If any person or any utility company shall install street lighting facilities in any subdivision in violation of the provisions of this chapter, the Director of Transportation and Drainage shall give such person or utility company ten days written notice to remove the facilities from the rights-of-way, and upon the failure of such person to so remove the facilities, the Director of Transportation and Drainage may remove them without further notice. All costs of removal shall be chargeable to the owner of or to the person installing such facilities, as the case may be. This provision shall be supplemental and in addition to the penalties hereinafter provided.

Section 14.2 Wireless Communication Facilities
   Wireless transmission and relay equipment located in or on existing structures shall be exempt from the following requirements and may be permitted by right.

Section 4.2.1 General Requirements Applicable to All Wireless Communication Towers
   All wireless communication towers shall comply with the following requirements:

A. Shall be located on properties meeting all dimensional requirements;

B. Shall be located at least 20 feet from any street right-of-way;

2. Shall not be located within 1,320 feet of any previously approved or existing wireless communication tower or any building taller than the proposed wireless communication tower, unless a waiver is granted by the Planning Commission upon the applicant demonstrating that the previously approved tower or building cannot accommodate the applicant’s technical needs;

3. Shall provide a solid wall or fence at least six feet in height or an alternative fence surrounded by an evergreen hedge composed of plant material at least four feet in height at time of planting that will grow to six feet in height at maturity around the equipment enclosure;

4. Shall not use any metal buildings; and,

5. Shall include the following information as part of any application:
1. Identification of the owners of all antennae and equipment proposed to be located on the site;

2. A site plan demonstrating compliance with all requirements;

3. A map showing the location of all of the applicant’s existing facilities serving any property with the parish; and,

4. The following certifications:
   a. That there are no Parish-owned sites in the area of the proposed facility that can accommodate the applicant’s needs;
   b. That the proposed equipment and antennae cannot be accommodated on any existing structure reasonably available within the search area;
   c. That the tower is designed to withstand winds in accordance with the most current version of Structural Standards for Antenna and Support Structures (ANSI/TIA 222-G);
   d. That the proposed facility will comply with all Federal Communication Commission regulations; and
   e. That the proposed tower complies with all Federal Aviation Administration requirements, including lighting requirements.

Section 14.2.2 Wireless Communication Towers Subject to the Following Limiting Conditions

Wireless communication towers may be established in the zoning districts listed in Table 14.A, Wireless Towers Allowed by Right subject to the height and setback requirements shown.

Table 14.A
Wireless Towers Allowed by Right

<table>
<thead>
<tr>
<th>Districts</th>
<th>Maximum Height</th>
<th>Minimum Wireless Tower Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>LC1, LC2, LC3, C1,</td>
<td>120 feet</td>
<td>1½ x tower height</td>
</tr>
<tr>
<td></td>
<td>Unless a greater height is approved through a waiver by the Planning Commission upon a demonstration that the tower is designed to accommodate additional antennae and wireless transmission and relay equipment</td>
<td></td>
</tr>
<tr>
<td>HC1, HC2, C5, CW1, CW3, CG, C2, CW, CW2</td>
<td>250 feet</td>
<td>1½ x tower height</td>
</tr>
<tr>
<td></td>
<td>Unless a greater height is approved through a waiver by the Planning Commission upon a demonstration that the tower is designed to accommodate additional antennae and wireless transmission and relay equipment</td>
<td></td>
</tr>
<tr>
<td>M1</td>
<td>None</td>
<td>200 Feet</td>
</tr>
<tr>
<td>M2</td>
<td>none</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

Section 14.2.2 Wireless Communication Towers Requiring Planning Commission Approval

Wireless communication towers may be established in the REA-3, REA-1, A1, Rural, A2, A3.1, A3.2, A3.3, A4, and B1 zoning districts through the approval of a conditional use permit subject to the requirements identified below:

A. Shall not exceed 85 feet in height, except in the Rural district. In the Rural district, a maximum height of 300 feet may be approved by the Planning Commission upon a demonstration that the
tower is designed to accommodate additional antennae and wireless transmission and relay equipment following a public hearing;

B. Shall be located at least one and one-half times the height of the tower from abutting property lines under different ownership; and,

C. Shall not be located within any recognized residential subdivision.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Collins-Lewis and seconded by Mr. Watson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yeas:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nays:** None

**Abstains:** None

**Did Not Vote:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17836**

**TA-3-20 AMENDING TITLE 7 (PLANNING AND ZONING), CHAPTER 19 (DEFINITIONS), REPEALING AND REPLACING CHAPTER 19 (DEFINITIONS), RELOCATES DEFINITIONS CURRENTLY IN CHAPTER 14, UTILITIES, TO CHAPTER 19, DEFINITIONS AND ADDS OR REVISES DEFINITIONS ASSOCIATED WITH OTHER CHAPTERS IN THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE.**

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

Section 1. Title 7, Chapter 19, to repeal and replace Chapter 19 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, and shall read as follows:

**Section 19.1 Word Usage**

For the purpose of this Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

A. The present tense includes the future tense.

B. The singular includes the plural and the plural the singular.

C. The word “shall” is mandatory.

D. Any term not defined within this chapter shall be as defined elsewhere in the City-Parish Code or, if not defined elsewhere in the City-Parish Code, as defined in Webster's New International Dictionary, most recent edition, unless the result does not effectuate the intent of the Metro Council, leads to absurd or illogical results, or is inconsistent with the surrounding textual context.

F. The word “person” or “applicant” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

G. The word “director” associated with a department of the City-Parish shall include any individual designated by that department director.
Section 19.2 Defined Terms

Numerics

5-year storm: a storm event that has a 20% chance of occurring in any given year.

10-year storm: a storm event that has a ten percent chance of occurring in any given year.

25-year storm: a storm event that has a four percent chance of occurring in any given year.

100-year storm: a storm event that has a one percent chance of occurring in any given year.

500-Year storm: a storm event that has a 0.2% chance of occurring in any given year.

A

Abutting: sharing a common property line.

Accessory Dwelling: A permitted independent, subordinate dwelling unit contained within a single family detached dwelling or an accessory structure.

Accessory Structure: a separate building, typically located on the same lot as a principal structure that is devoted to a use typically considered subordinate, or accessory, to the primary use of the property.

Accessory Use: a use subordinate to and incidental to the primary use of the principal building or to the primary use of the premises.

Adjacent: property that touches or is directly across a right-of-way or servitude that is no more than 60 feet in width.

Adult Entertainment: any bookstore, motion picture theater, mini-motion picture theater, or live entertainment business that has as a substantial or significant amount (no more than 20%) of its stock in trade or floor area dedicated to materials that emphasize matter depicting, describing, or relating to the depiction of the human genitals in a state of arousal or stimulation (even if completely or opaquely covered), acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic areas, buttocks, of female breasts, or less than completely covered human genitals, pubic areas, buttocks, or the female breast below a point immediately above the top of the areola, as well as any massage business (other than those massage businesses licensed by the State of Louisiana).

Agricultural Activities: the exclusive use of land for bona fide agricultural purposes, including farming, silviculture, viticulture, aquaculture, animal and poultry husbandry, but not the cultivation of marijuana (Cannabis). It includes accessory uses for packing, treating, or storing the product of such activities, provided that the operation of the accessory uses is clearly incidental to the primary agricultural activity.

Alley: a public servitude that generally runs to the rear of lots for the provision of service or secondary access to homes and businesses.

Animal Hospital: an establishment for the care and treatment of animals, and where animals may be boarded during their convalescence. May include boarding services as an ancillary use, but the primary operation of the use is the care and treatment of the diseases and injuries of animals.

Architectural Features: the architectural style, general design, and general arrangement of the exterior of a building, structure, object, or work of art, including the building materials and texture, the type and style of all windows, doors, and other similar architectural fixtures but not signs.

Area of Shallow Flooding: a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
Arrester: a device which prevents the emission of flammable debris from combustion sources, such as fireplaces and wood burning stoves.

Arterial Streets: a street designed to carry large volumes of through traffic on a continuous route with intersections at grade and traffic control measures that grant priority to the movement of through traffic.

Assisted Living: a combination of housing, board, personalized supportive services and health care on a 24 hour basis, designed to meet the individual needs of persons who need assistance with the activities of daily living, but do not need the skilled medical care provided in a nursing home. Generally, the facility has a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters.

Attached Garage: a garage that is connected to the principal structure on a property that, for floodplain management purposes, is treated as an enclosure if below the Base Flood Elevation.

Banner: any sign of lightweight fabric or similar material that is mounted to a structure or a building by a frame at one or more edges.

Bar: any establishment where alcoholic beverages are sold for consumption on the premises by paying customers that is equipped with a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale and the average monthly revenue alcoholic beverage sales represents at least 50 percent of its total average monthly revenue; is staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for take-out service; and prohibits entry by persons under the age of 18 except as authorized by Louisiana law.

Base Flood: the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation: the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, VI-V30, or VE that indicates the water surface elevation resulting from the base flood.

Basement: the area of a building that is wholly or partly below ground level.

Bed and Breakfast: a lodging facility located within an owner-occupied home in a National Register Historic District or Site or a home listed on the National Register of Historic Places or homes a minimum of 50 years old.

Bedroom: any space in the conditioned area of a dwelling unit or accessory structure that is at least 70 square feet in area that is designed or intended for sleeping purposes and has at least one window. For purposes of determining the number of bedrooms in a dwelling unit, halls, bathrooms, the kitchen, one living room, one dining room, one den or family room one laundry room, and closets/dressing rooms opening off of a bedroom shall not be considered as bedrooms.

Best Management Practices (BMPs): methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce pollution of waters or conservation of natural resources. Among other things, BMPs include treatment requirements, operating procedures, and practices to control runoff. With regard to construction, these may include structural devices or nonstructural practices designed to control runoff and direct the flow of water.

Billboard: a large outdoor advertisement (typically 300 square feet) for which rent is charged according to:

A. The amount of traffic that passes its location;

B. Its visibility; and,
C. Its size.

Boarding House: a dwelling occupied by not more than twenty persons not related by blood, marriage or adoption with only one kitchen.

Boulevard: a street with a landscaped center median; the entrance to a major subdivision with a landscaped center median.

Brewpub: a type of eating and drinking establishment that includes the brewing of beer for consumption on-premise or sale directly to a consumer as an accessory use.

Buffer: the planted area, including fences or walls, required between land uses to eliminate or minimize conflicts between them.

Buildable Area: that portion of a lot in which a building may be located; the area defined by setbacks.

Buildable Lot: a lot, other than designated common areas, which meets all the minimum requirements of the Unified Development Code for the construction of at least one main building/structure.

Building: a structure with solid exterior walls pierced only by windows and doors on all sides and a permanent roof.

Building Frontage: the façade of a building that is architecturally designed as the front and which contains the main entrance for use by the general public.

Building Line: the inner edge of any required yard that determines the buildable area of a lot or tract.

Building Official: the individual certified by the Louisiana State Uniform Construction Code Council and designated by the City/Parish with the responsibility for administering the building codes as well as enforcement of the Unified Development Code.

Buoyancy: the force that causes objects to float.

Centerline: a line defining the midpoint of a street right-of-way.
Central Business District (CBD): the urban area that has a diversity of uses not typically found in other areas of the parish, including retail, governmental, office, cultural, recreational, entertainment, and residential uses, whose boundaries are the Mississippi River on the west, North Boulevard on the south, North Street on the north and Interstate 110 on the east.

Certificate of Appropriateness: A document evidencing approval of an application to alter, change, demolish, relocate, excavate, or construct in a designated historic landmark or district.

Clearance: the height or width of a passage.

Club: buildings and facilities operated for a social, educational or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

Collector Street: a street carrying traffic from local streets within residential or commercial areas that provides connections to arterials and highways; collector streets may be considered major streets in accordance with the Major Street Plan.

Common Area: land within a development that is not individually owned or dedicated for public use, but is designed and intended for the common use or enjoyment of the residents of a development. Complementary structures and improvements may be included as part of a common area.

Communication Tower: a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Community Garden: any piece of land gardened by individuals or groups of people for cultivation of fruits, flowers, vegetables, or ornamental plants.

Comprehensive Land Use Data: data establishing the Future Land Use GIS data layer recommended by the Planning Commission and adopted by the Metropolitan Council establishing an orderly guide for long-range development.

Concept Plan: a generalized written and graphic document indicating the boundaries of a planned development identifying the location of uses and their intensity as well as the access alignments of the development.

Conditional Uses: uses that generally are considered compatible with the uses permitted in a zoning district but require individual review of their location, design and intensity in order to ensure their appropriateness on any particular parcel of land and their compatibility with adjacent uses.

Country Club: an establishment with recreation facilities for members, their families and invited guests.

Courtyard: an uncovered area, which may be landscaped, that is bounded on at least three sides by buildings or walls and is used to supply access, light, and air to abutting uses.

Critical Facility: a facility necessary to protect the public health, safety and welfare during a natural disaster. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

Critical Root Zone: the area around the base of a tree generally corresponding to the dripline of the tree that contains sufficient root volume to ensure the future well-being of the tree in the event of nearby soil disturbance; typically, the critical root zone is considered to be an imaginary circle drawn around the trunk of the tree with a radius of one foot for every inch of tree diameter at breast height.
D

Day Care Center: any facility operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance to seven or more individuals who are not related to one another or to the operator and who do not live in the facility, but are cared for there for only part of a 24-hour day. This term includes nursery schools, child care centers, and adult day care facilities, but does not include educational facilities or facilities offering care to individuals for a full 24-hour day.

DBH: see Diameter at Breast Height.

Demolition by Neglect: the process of deterioration of a structure within a local historic district that occurs when routine maintenance or major repair is not performed to the extent that preservation and future restoration is jeopardized.

Density: the number of dwelling units per gross acre devoted to residential development.

Density, High: more than 20 dwelling units per acre.

Density, Low: less than 8 dwelling units per acre.

Density, Medium: at least 8 but not more than 20 dwelling units per acre.

Detention Basin: is a specifically designed and engineered stormwater management structure or facility whose primary purpose is to temporarily store stormwater runoff resulting from a development and slowly release it at a controlled rate.

Developed Site Area: the area of a lot that is disturbed for the purpose of developing structures, parking facilities, loading areas, storage areas, access drives, sidewalks, or any other facilities paved with an all-weather material, and landscaped areas.

Development: any human made change in improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Diameter at Breast Height (multi-stem): the caliper measurement of the largest trunk of a tree taken approximately 54 inches above the ground plus ½ the caliper measurement of each additional trunk approximately 54 inches above the ground.

Diameter at Breast Height (single trunk): the caliper measurement of the trunk of a tree taken approximately 54 inches above the ground.

Disturbance: any activity related to movement and removal of soil, addition or import of soil, or the removal of trees, vegetation or brush from the land, not including the regular mowing of open grassy areas or the incidental movement of small amounts of soil or land cover for maintenance or operation of a residence or commercial business.

Drainage way: a ditch, levee, watercourse, piping, or other natural or artificial condition for the removal of surplus or excess surface water collecting or accumulating on the land.

Dwelling: a building or a part of a building, containing living, cooking, sleeping, and sanitary facilities for use by a single housekeeping unit. Motor homes, trailers, automobiles, and tents are not considered dwellings.

E

Elderly: any person having attained the age of 65 years.

Embellishment (for purposes of Chapter 16, Signs, only): the area of design made as a cutout that extends beyond the basic rectangular space of an advertising sign.

Environmentally Sensitive Area: an area not suitable for development due to the presence of significant wetlands, floodplains, or habitat for Threatened or Endangered Species as determined by the U.S. Fish and Wildlife Service.
Equestrian Facility/Stable: a facility created and maintained for the purpose of accommodating, training or competing equids, especially horses. Based on their use, they may be known as a barn, stables, or riding hall and may include commercial operations described by terms such as a boarding stable, livery yard, or livery stable. Larger facilities may be called equestrian centers and co-located with complementary services such as a riding school, farriers, vets, tack shops, or equipment repair.

Erect: to construct, build, raise, assemble, install, place, replace, locate, relocate, affix, attach, display, alter, use, create, paint, draw, illuminate, or in any way bring into being or establish.

Erosion: is the removal of soil through the actions of water or wind.

Estate Sale: see Garage Sale.

Exception: a use that is not permitted by right, but is allowed subject to specific conditions that are set forth in the ordinance.

Existing Structure: (for purposes of determining flood insurance rates associated with Chapter 15, Floodways, Floodplains, Drainage and Water Quality, only): structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRM’s effective before that date.

Expressway: a limited access route designated on the Major Street Plan.

F

Family: an individual or two or more persons who are related by blood, marriage or legal adoption living together and occupying a single housekeeping unit with single cooking facilities; or not more than two persons, or not more than four persons (provided the owner lives on the premises) living together by joint agreement and occupying a single housekeeping unit with single cooking facilities on a non-profit, cost sharing basis.

Final Development Plan: written and graphic documents reflecting detailed plans for the development of a tract and reflecting the conceptual plans for the tract that is part of a planned development.

Firing Range, Indoor: a completely enclosed facility with impenetrable walls, floors, and ceilings, and acoustical treatment for sound attenuation, all designed to offer a controlled shooting environment for target shooting for practice or amusement with any firearm provided for the use of any person.

Firing Range, Outdoor: the use of land for the discharge of firearms for the purpose of target practice, skeet and trap shooting. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner’s permission.

First Flush: the first one inch of rainfall runoff.

Fixture, Full Cut-Off: a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture and that is installed in a vertical position to prevent disability glare.

Fixture, Fully Shielded: a luminaire or fixture constructed in such a manner that an opaque shield extends, on the top and all sides, below the lowest direct light emitting part of the luminaire with a shield surrounding the lowest direct light emitting part that is level with the horizontal plane, regardless of the orientation of the luminaire or fixture.

Flag: any fabric, bunting, or other flexible material that is mounted on a pole and used as a symbol of a unit of government, group, cause, or organization.

Flood or Flooding: a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; or

B. The unusual and rapid accumulation or runoff of surface waters from any source.
Flood Insurance Rate map (FIRM): an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Proofing: any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain: the low land area near a watercourse that has been, or may be, covered by a flood of 100-year frequency as determined by the Department of Development.

Floodplain Administrator: the principal individual responsible for the daily implementation of flood loss reduction activities including enforcing the community’s flood damage prevention ordinance, updating flood maps, plans, and policies of the community, and any of the activities related to administration of the National Flood Insurance Program.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Flood-Prone Area: any land area susceptible to being inundated by water from any source.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area: the sum of the horizontal areas of each floor of a building, measured from the interior faces of all exterior walls of a building, or the centerline of walls separating two joined buildings, excluding unfinished basements, unfinished attics, enclosed parking areas, porches, breezeways, and accessory structures.

Floor Area Ratio: the floor area of all buildings on a lot divided by the lot area.

Foot Candle: a unit of measure for illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footprint: the area enclosed within the external walls or periphery of a structure. For elevated structures, trailers, and mobile homes, the footprint shall mean the vertical projection of the external walls to the ground surface.

Four Percent Storm: a storm with a four percent chance of occurring in any given year; the 25-year storm.

Freeboard: a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” is intended to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Frontage, Building: see Building Frontage.

Frontage, Lot: the horizontal distance between the side lot lines measured at a point where the side lot lines intersect a street right-of-way or private servitude of access. All sides of a lot that abuts a street or servitude of access are considered frontage, as is the arc between the side lot of curvilinear streets or servitudes of access.

Frontage, Street: all of the property on one side of a street between two intersecting streets or from one intersecting street to the end of a dead end street. Street Frontage may represent the combination of multiple Lot Frontages.
Functionally Dependent Use: a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities but does not include long-term storage or related manufacturing facilities.

Future Land Use Map: the map within the comprehensive plan that guides the distribution of various land use categories (residential, office, commercial, industrial, mixed-use) envisioned for the future.

G

Garage Apartment: See Accessory Dwelling

Garage Sale: the sale of personal property on any portion of a lot in a residential zoning district, whether inside or outside a building.

Garage, Private: an accessory structure within which vehicles owned and used by occupants of the principle building may be contained.

Garage, Storage: a structure within which vehicles may be contained or where persons other than the occupants of the principle building on the property use the vehicles.

Gas Station: any place used for the dispensing, sale or offering for sale of automobile fuel and oils at retail and no vehicle repair services are offered.

Glare: light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see and function, and in extreme cases causing momentary blindness.

Grade: the average level of the finished surface of the ground abutting the exterior walls of a building or the support structure for a sign, unless the building or sign closer than five feet to a street, in which case the sidewalk elevation at the center of the building shall determine the grade.

Grading: movement and reshaping of earth to create new contours.

Green Wall: a wall partially or completely covered with vegetation that includes a growing medium, such as soil, and frequently features an integrated water delivery system. Green walls are also known as living walls, BIOboards, biowalls, ecowalls, or vertical gardens.

Greenbelt: an open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses.

Ground Cover: material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches.

Group Homes: a residential facility that provides room and board and may include habilitation services and supervision in a family setting for people with a disability (as “disability “is defined by the Federal Fair Housing Act and the Americans with Disabilities Act). Such uses are permitted uses in all residential zones where they are not permitted as of right, notwithstanding any zoning requirements inconsistent therewith, in all cases where granting permission for such use would be a reasonable accommodation under the federal Fair Housing Act. The City-Parish’s decision to grant a reasonable accommodation will waive any provisions of the Unified Development Code that would otherwise prohibit such use.

H

Half-Story: space under a sloping roof that is at least three feet high but permits not more than 60 percent of the floor area to be finished off for use.

Height, Building: the vertical distance from grade to (a) the top level of a flat roof; (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs.

Height, Sign: the vertical distance from grade, street pavement, or building facade, as applicable, to the highest point of the sign.
Height, Tower: the distance from grade to the top of the tower structure or any attached wireless transmission or relay equipment.

Highest Adjacent Grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historical Society: an organization that collects, researches, interprets and preserves information or items of historical interest. Generally, a historical society focuses on a specific geographical area, such as a county or town or subject, such as aviation or rail transport.

Historic District, Local: a geographically definable area designated by the Metropolitan Council on the recommendation of the Historic Preservation Commission that contains structures, buildings, objects, sites, or works of art that contribute to the historic character of the area.

Historic Landmark, Local: an individual structure, building, object, site, or work of art designated by the Metropolitan Council on the recommendation of the Historic Preservation Commission as exhibiting a special historical, architectural, or environmental character.

Historic Structure: any structure that is:

A. Listed individually in the National Register of Historic Places;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on the State inventory of historic places; or,

D. Individually identified as a contributing property within a local historic district or designated as an historic landmark.

Housing for the Elderly: a multiple family structure operated with resident management that is designed specifically for people over age 65 with at least 75 percent of its occupants being 65 years of age or older.

Hydrodynamic Load: those loads that result from the pressure of water flowing against and around a rigid structural element or system.

Hydrostatic Load: those loads that result from the pressure of standing water on a solid object.

Impervious Surface: a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Indexed Stream: surface waters with assigned numbers as shown on maps produced with the EBR Stream Segment Data Layer.

Institution: an establishment serving a social, educational, or religious purpose, such as a hospital, school or place of worship.

Institution, Educational: any public, parochial or private institution that provides a curriculum of education at the primary, secondary, or college/university level, including preschool programs such as Head Start, as well as schools for the mentally or physically handicapped. This definition does not include childcare facilities or trade or business schools.

Institution, Philanthropic: any organization that is supported primarily by charity and whose principal function is the performance of charitable works.

Institution, Religious: a building used for nonprofit purposes in which people assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public
worship, together with accessory buildings and customary accessory uses, including cathedrals, chapels, churches, mosques, synagogues, temples, and similar designations.

K

Kennel: an establishment where domestic animals, except where accessory to an agricultural use, are boarded, bred, raised, or trained for commercial gain.

Kitchen: a room primarily used, intended, or designed to be used for the preparation of food that contains a sink, a range or oven or utility connections suitable for servicing a range or oven, and other appliances typically associated with the preparation of food.

Kitchen, outdoor: an area outside of the principle structure designed for the preparation of food that is located in the rear yard that may be roofed but is open on at least two sides.

L

Lamp: the component of a luminaire that produces the actual light.

Landscape Materials: materials such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, earthen mounds, landscape water features and non-living, durable materials commonly used in landscaping including, but not limited to rocks, pebbles, sands, decorative walls, fences, brick, stone or concrete paving or landscape support systems such as irrigation, drainage and landscape lighting components.

Landscape Plan: detailed graphic and written criteria and specifications for the arrangement and/or modification of features such as plantings, ground and water forms, circulation, walks and other features of development.

Light, Direct: Light emitted directly from the lamp, off of the reflector or diffuser, or through the refractor or diffuser lens, of a luminaire.

Light, Indirect: direct light that has been reflected or has scattered off of other surfaces.

Light Trespass: any artificial light greater than the standard allowed falling eight feet outside the boundaries of the property upon which the outdoor luminaire is installed. Light trespass shall be deemed to occur when residential or residentially zoned properties within 100 feet of the property line are affected by the lighting system’s inability to contain its light within the established parameters.

Limits of Clearing: the boundaries defined on a site plan to be cleared, including the Limits of Construction and any staging area.

Limits of Construction: the boundaries defined on a site plan within which all structures, driveways, parking, sidewalks, drainage features, utilities, improved recreational facilities, and designed landscaping will be contained.

Live-work Unit: a dwelling containing up to 2,500 square feet of nonresidential space on the ground floor of the unit in addition to the living quarters for the resident family.

Living Unit: see Dwelling.

Lodging House: see Boarding House.
Lot: a parcel of land that fronts on a public street or approved servitude of access that is intended as a building site. A lot is any parcel of land recorded prior to 1950 or any parcel of land recorded after 1950 approved by the Planning Commission in accordance with the requirements of the Unified Development Code.

Lot, Buildable: see Buildable Lot.

Lot, Corner: a lot abutting on two or more streets at their intersection. The front yard line shall face the shortest street dimension of the lot.

Lot, Flag: a lot designed so that the building site area is set back from a public or private street and access to that street is provided by means of a narrow strip of land between abutting lots.

Lot Frontage: see Frontage, Lot.

Lot Width: the width of a lot at the front setback.

Lowest Floor: the lowest enclosed area (including the basement) of a building. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered the lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program regulations.

Lumen: a unit of luminous flux. One foot-candle is one lumen per square foot. For regulatory purposes, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire: a complete lighting system that includes a lamp or lamps and a fixture.

M

Maintenance: the servicing, repairing, cleaning, or replacing of any premise, appliance, apparatus, equipment, or landscaped area to extend its use or purpose without altering its design or structure.

Mansard Roof: a roof characterized by two slopes on each of its sides with the lower slope, which may be punctured by dormer windows, at a steeper angle than the upper.

Manufactured Home: a structure built to the standards of the U.S. Department of Housing and Urban Development that is transportable in one or more sections designed for use as a dwelling, built on a permanent chassis and designed for use with or without a permanent foundation when connected to required utilities. For floodplain management purposes, the term “manufactured home” includes vacation trailers, travel trailers, and similar vehicles placed on a development for greater than one hundred eighty (180) consecutive days, though such uses are not considered “manufactured homes” for insurance purposes.

Manufactured Home Park or Subdivision, Existing: a development for the placement of manufactured homes in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of the floodplain management regulations.

Manufactured Home Park or Subdivision, New: a development for the placement of manufactured homes in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed after the effective date of the floodplain management regulations.

Manufactured Home Subdivision: a subdivision that is primarily used by manufactured homes or which is designated as such.

Marquee: a permanent roof-like shelter extending from part or all of a building face constructed of some durable material and not supported from the ground.
Material Change in Appearance: a change that will affect either the exterior architectural or environmental features of an historic property that is visible from the public right-of-way, including any one or more of the following:

A. Reconstruction or alteration of the size, shape, or facade of a historic property, including any of its architectural elements or details;

B. Demolition;

C. Excavation for construction purposes;

A. Relocation of advertising:

E. Erection, alteration, restoration, or removal of any building, structure, object or work of art, including walls, fences, steps, and pavements, or other appurtenant features; or,

F. Removal of trees greater than 18 inches DBH.

Mean Sea Level: the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

Median: a landscaped strip of land dividing a thoroughfare, boulevard or street into lanes according to the direction of travel; the area within a traffic circle.

Medical Clinic: an establishment containing offices and facilities where one or more physicians, dentists, other health care professionals, or similar professions for the examination and treatment of human patients solely on an outpatient basis.

Microbrewery: a facility licensed as a “Microbrewery” as defined in Title 26, Section 241, of the Louisiana Revised Statutes. The facilities may include an on-site tasting room with retail sales of alcoholic beverages for consumption on or off the premises. The on-site tasting room sales shall be only those alcoholic beverages produced at that facility shall be a permitted accessory use.

Microdistillery: a facility licensed as a “Microdistiller” as defined in Title 26, Section 2, of the Louisiana Revised Statutes. The facilities may include an on-site tasting room with retail sales of alcoholic beverages for consumption on or off the premises. The on-site tasting room sales shall be only those alcoholic beverages produced at that facility shall be a permitted accessory use.

Mitigation: compensatory action(s) to restore natural functions and values lost through development and human alterations.

Mobile Home: See Manufactured Home.

Mobile Home Park (for purposes of Chapter 15, Floodways, Floodplains, Drainage and Water Quality, only): a plot of ground upon which two or more occupied manufactured homes or a combination of manufactured homes and campers are located on a rental or lease basis.

Modular Housing: a dwelling unit constructed of pre-made parts and unit modules that are transported from the factory to the building site for final assembly on a permanent foundation.

Motor Vehicle Dealer: any business that is licensed by the State to sell motor vehicles.

Multi-family Residential: see Residential, Multi-family.

National Flood Insurance Program: the federal program that enables property owners in participating communities to purchase subsidized insurance protection against losses from flooding, and requires flood insurance for all loans or lines of credit that are secured by existing buildings, manufactured homes, or buildings under construction.

New Construction: structures for which a building permit was issued on or before the effective date of an adopted regulation, provided the actual start of construction or any subsequent improvements to such structures commenced within 180 days of the permit date.
**No Adverse Impact:** an approach by which the action of any community or property owner, public or private, is not allowed to negatively affect or impose a greater burden on the property or rights of others.

**Nonconforming Lot:** any legally established parcel that does not conform to the current area or dimensional requirements of the zoning district in which it is located.

**Nonconforming Structure:** any legally established building or structure that fails to meet current ordinance standards for setback, height, or similar factors.

**Nonconforming Use:** any legally established use of property that does not conform with the requirements of the zoning district in which it is located.

**North American Vertical Datum (NAVD):** the vertical control datum of height above sea level established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988; generally considered the height above sea level.

**Nursing Home:** a facility licensed by the State, housing five or more aged or chronically or incurably ill persons, offering nursing care, rehabilitation, and a full range of other therapies, treatments, and programs. Nursing Homes do not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Office Building:** is a building designed for or used as the offices of professional, commercial, industrial, religious, public or semi-public persons or organizations.

**Office/Warehouse Flex Space:** buildings consisting of combined light warehousing with office space serving primarily to retail customers. Uses are limited to 4 or less loading/unloading bays.

**One Percent Storm:** a storm with a one percent chance of occurring in any given year; the 100-year storm.

**Open Space:** any area retained for resource protection, stormwater management, or for use as active or passive recreation.

**Open Space, Common:** land area, exclusive of required setback areas, that does not contain structures other than those intended for recreational or landscape purposes, or water set aside, dedicated, designated, or reserved for the use and enjoyment of all owners and occupants of a project, which is maintained by those same people.

**Open Space, Green:** land area consisting of green permeable areas, other than sidewalks, exclusive of required setback areas, drainage areas, and servitudes with existing above ground facilities, as well as structures other than those intended for landscape or recreational purposes, that is acceptable for recreation uses, which is maintained by a development or homeowners association.

**Open Space, Usable:** a common outdoor area at grade level or on a roof, deck, porch, court, or balcony or any combination of these locations with a minimum horizontal dimension of ten feet and a minimum area of 100 square feet that is designed for outdoor living or recreation.

**Ordinary Repair or Maintenance:** work done on a building in order to correct any deterioration, decay, or damage in order to restore it as nearly as practical to its condition prior to such deterioration, decay or damage.

**Outparcel:** a parcel of land associated with a shopping center or multi-tenant property development that is designated on an approved site plan as a location for a freestanding structure.

**Overlay District:** an area where additional zoning requirements are superimposed or typical zoning requirements are relaxed.
Parapet: the extension of the exterior walls of a building wall above any portion of the roof level.

Parkway: a street, intended to be used primarily by passenger vehicles, that may have a varying width of right-of-way and which right-of-way is, or is intended to be, developed with a park-like character.

Pedestrian Way: a right-of-way or servitude dedicated for public pedestrian access.

Pennant: a sign, with or without a logo or words, made of flexible material that is suspended from one or two corners and typically used in combination with other such signs to attract attention.

Personal Service Shop: an establishment providing non-medically related services involving the care of a person or their apparel, such as a barber shop, beauty shop, laundromat, nail salon, shoe repair shop, or spas, and accessory retail sales of products directly related to the service provided.

Pervious Surface: a surface that presents an opportunity for precipitation to infiltrate into the ground.

Planned Development: land under single, corporation, partnership, or association ownership, planned and developed as a single development or programmed series of development and according to a unified plan.

Planting Area: an area with a pervious surface that is designed for landscape material installation and growth.

Plaza: an open space at ground level that is continuously accessible to the public with openings to the sky and is wholly or partly enclosed by buildings.

Portable Storage Container: a unit used for temporary on-site storage.

Porte-cochere: a structure attached to a building and erected over a driveway, not exceeding one story in height, and open on two or more sides.

Public Utility: any business providing any utility service, including but not limited to, water, sewerage, gas, electricity, telecommunications, or cable television to the residents of the City of Baton Rouge and the Parish of East Baton Rouge.

Q

R

Reasonable Accommodation: a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. Reasonable accommodation may be granted for all provisions within the Unified Development Code that are reasonable and necessary according to the Fair Housing Act, Americans with Disabilities Act, and current case law interpreting their application.

A. In determining whether a request for a reasonable accommodation is reasonable, the City-Parish will consider the following:

1. Whether the proposed group home for people with a disability would cause a fundamental change in the City-Parish's zoning;
2. Whether the proposed facility would cause any undue financial or administrative burden on the City-Parish; or,
3. Any other reason constituting "reasonableness" under the federal Fair Housing Act.

B. In determining whether a request for a reasonable accommodation is necessary, the City-Parish will consider whether the proposed group home's violation of otherwise applicable zoning rules is necessary because of:

1. The economics of its operation;
2. The need for residential opportunities for handicapped persons; or,
3. Any other reason constituting "necessity" under the federal Fair Housing Act.

Reclamation: the reasonable rehabilitation of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Reclamation Plan: a written proposal for reclamation of the affected areas including land use objectives, maps, or other documents as required to describe reclamation, and where relevant, grading specifications and manner and type of revegetation.

Record Inundation: the highest flood level, excluding the flood in August 2016, recorded by the City-Parish in an applicable area.

Recreation, Active: leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term “active recreation” includes but is not limited to baseball and other field sports, golf, playground activities, quidditch, swimming, tennis, and other court games.

Recreation, Passive: leisure activities that generally do not require a developed site, activities such as birdwatching, fishing, hiking, horseback riding, and picnicking.

Recreation Facility: a facility designed and equipped for the conduct of sports, leisure time and recreational activities where fees are collected, limited to indoor or outdoor camping, horseback riding, non-combustion engine water touring boats in contained bodies of water, canoe rentals, or non-motorized outdoor bike trails. Guests are limited to a maximum stay of 14 consecutive days.

Recreation Facility, Commercial: any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold and fees collected for the activity. Includes, but not limited to skating rinks, water slides, miniature golf, arcades, bowling alleys and billiard halls, but not movie theatres.

Recreational Vehicle: a vehicle that is:

A. Built on a single chassis;
B. 400 square feet or less when measured at the largest horizontal projections;
C. Designed to be self-propelled or permanently towable by a light duty truck; and,
D. Designed primarily, not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Research and Development Facility: A business that engages in research, or research and development, of innovative ideas in technology-intensive fields such as computer software and hardware, information systems, communications systems, transportation, geographic information systems, and multimedia and video technology, and including the development and construction of prototypes of such things.

Residential, Multi-family: a type of housing consisting of three or more separate dwelling units on one lot for residential inhabitants.

Respite Care Center: a facility designed to provide short term relief to primary care givers from providing continuous care of people suffering from debilitative conditions.

Restaurant: an establishment in which the principal use is the preparation and sale of food.

Retention Basin: a wet or dry stormwater holding area, either natural or manmade, that does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.

Right-of-Way: a strip of ground taken or dedicated to a public entity for public use.

Riverine: relating to, formed by, or resembling a river, stream, creek, or brook.

Road: see Street.
Roof Line: the highest point of a structure including parapets but not including spires, chimneys, or heating or cooling mechanical devices.

5

Self Storage: a building or group of buildings containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis. May include outdoor storage spaces for vehicles, boats or other recreation vehicles.

Semi-Detached: a single family dwelling house that shares one common wall with the abutting house with each house located on a separate lot.

Servitude: an area designated for private access, utilities, drainage, and/or other public or private purposes; the title to which remains with the property owner, subject to the right of use designated.

Setback: the minimum distance any building or structure must be separated from a street right-of-way or lot line.

Setback, Wireless Tower: the minimum distance a wireless tower structure must be separated from a street right-of-way or lot line, or, in the case of a waiver, from the wall of a residentially used building.

Sheet Flow: water, usually stormwater runoff, flowing in a thin layer over a surface.

Shielded: provided with internal and/or external shields, top and side visors, hoods, and internal louvers to limit glare and light trespass caused by emission from luminaires.

Shrub: a woody plant that produces shoots or trunks from its base and generally obtains a height less than eight feet.

Sight Triangle: a triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway).

Sign: any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trademarks by which anything is made known, used to designate, or used to attract attention to an individual, firm, association, corporation, profession, business, commodity, or product that is legible from any public right-of-way or adjacent property, including the structure (other than a wall) on which the sign message is displayed.

This definition does not include flags or trade dress, architectural features identified with a product or business.

Sign, Abandoned: a sign or sign structure that remains in a state of disrepair or on which the sign face remains without content for a period of six months. Such signs shall be removed or repaired within 90 days of being issued a citation.

Sign Area: the entire area within a single, continuous perimeter of regular geometric form enclosing the extreme limits of sign display together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding poles, supports or uprights.

Sign, Awning: a sign that is painted, sewn, or affixed on an awning.

Sign, Changeable Copy: a sign that is permanently affixed to a site and is designed to allow the changing of copy through manual, mechanical, or electrical means.

Sign, Directional: a sign that serves to guide people to the location of facilities intended to serve the public, such as restrooms, public telephones, public walkways, parking areas, and other similar facilities.

Sign Face: the entire area of a sign upon, against, or through which copy is placed.
Sign, Marquee: a sign attached to or painted on a marquee.

Sign, Monument: a free-standing sign, generally having a low profile where the base of the sign structure is no more than 12 inches above the lowest point of the ground adjacent to the sign, creating the appearance of a solid base.

Sign, Portable: any sign designed or intended to be readily relocated and not permanently affixed to the ground or to a building, including “A-” or “T-” frame signs, signs on wheels, trailers, truck beds, or any other device intended to be moved from one location to another.

Sign, Projecting: a sign attached to a building and extending away from the building face by more than 12 inches.

Sign, Pylon: a sign that is supported by uprights, braces, columns, poles or other vertical members that are not an integral part of a building or structure.

Sign, Roof is a sign that is wholly or partially fastened to and supported by or on the roof of a structure and which extends above the highest point of the roof line or parapet.

Sign Setback: the horizontal distance between any property line and the outermost point of a sign or sign structure situated on premises.

Sign Structure: any structure that supports, has supported or is capable of supporting a sign, including any decorative cover for the sign structure.

Sign, Subdivision: any sign designed to identify a subdivision, neighborhood, or multi-family developments.

Sign, Suspended: a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary: a sign that is not permanently installed in the ground or affixed to any structure or building, and which is erected for a limited period of time.

Sign, Wall: a sign applied to or mounted on the wall, window or door of a building or a structure, the display surface of which is approximately parallel to the wall; a sign mounted on the roof of a building that does not project above the highest point of the roofline.

Site: a contiguous area of land, including all lots and portions of lots, upon which a project is developed or proposed for development.

Slope: the degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Soil Stabilization: measures that protect soil from the erosive forces of raindrop impact and flowing water. Including, but not limited to, vegetative establishment, mulching, and the early application of gravel base on areas to be paved.

Special Flood Hazard Area: the land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-30, A99, AR, AR/A1-30, AR/SE, AR/OA, AR/AH, AR/A, VO, VI-30, VE, or V.

Storefront: the first floor facade of a building with display windows that faces the street and connects with the sidewalk.

Stormwater Treatment Train: a strategy that incorporates at least two processes to maximize the control of pollutants from the runoff.

Story: the part of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between the floor and the ceiling above.

Street: a thoroughfare providing primary private or public access to lots.
Street Frontage: see Frontage, Street.
Street, Local: a roadway that provides access to adjacent residential, commercial or industrial properties that is not intended generally to carry through traffic.

Street, Major: a street that serves or is intended to serve as a major traffic way that is shown on the Major Street Plan.

Street, Private: a privately-owned and maintained street, road, lane or any improved surface, not dedicated to East Baton Rouge Parish as a public street, which provides the primary means of vehicular ingress or egress to dwelling units, lots, parcels or principal buildings.

Street, Public: a public right-of-way that has been improved to the standards of and dedicated to East Baton Rouge Parish for public vehicular use and maintenance.

Street, Residential: a local street where the primary land use of lots with frontage on both sides of the street within the block is residential.

Street, Thoroughfare: a multilane street providing connections between regional centers and major highways.

Structural Alteration: any change in the supporting members of a building, such as bearing walls or bearing partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

Structure: anything constructed or erected by man that requires location on the ground (other than swimming pools, fences, and walls used as fences) or is attached to something having location on the ground.

Subdivision: the division of a lot, tract, or parcel of land into two or more lots, plots, sites or a division of land, for the purpose, whether immediate or future, of sale or of building development; or the dedication, granting of construction of a road, highway, street, alley, or servitude through a tract of land regardless of area, except where the dedication, granting or construction of a road, highway, street, alley, or servitude is done by the Parish of East Baton Rouge, the East Baton Rouge Sewerage Commission or the State of Louisiana.

Subdivision, Major: any subdivision of six or more lots and/or any subdivision requiring the construction of a public or private street.

Subdivision, Minor: any subdivision of five or fewer lots that does not require the construction of a public or private street is constructed.

Subdivision, Recognized: a named subdivision approved, filed and recorded that contains more than five lots and includes streets, sewers and drainage improvements which have been accepted for public or private maintenance.

Substantial Damage: damage of any origin sustained by a structure that would result in spending 50 percent or more than the market value of the structure before the damage occurred to restore the house to its condition before the damage occurred.

Substantial Improvement: any repair, reconstruction, or improvement of a structure in which the cost equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of an historic structure.

Subwatershed: the land area or topographic region that drains into a particular stream that subsequently drains into another river or waterbody.
Telecommunications: the transmission, between or among points specified by the user, of information for the user’s choosing, without change in the form or content of the information as sent and received.

Ten Percent Storm: a storm with a ten percent chance of occurring in any given year; the ten-year storm.

Timber Harvesting: the cutting and removal of trees from their growing site, including the accompanying operation of cutting and skidding machinery, so long as the cutting is not associated with the clearing of land for the construction of roads or for development.

Total Maximum Daily Load: the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

Townhouse: a single family dwelling unit that is part of a structure containing more than two such units with common or party walls with no openings between units, designed so that each unit is located on a separate lot.

Tract: see Site.

Travel Lane: that portion of a street that is designed for moving traffic.

Treat (for purposes of Chapter 15, Floodways, Floodplains, Drainage and Water Quality, only): to filter stormwater through plants, soil, gravel, and/or other media to remove pollutants.

Tree: a woody perennial plant with a main stem or trunk that, at maturity, is at least four inches in diameter at breast height.

Tree, Class "A": a tree of a species that normally grows to an overall height of at least 50 feet, usually with one main stem or trunk and many branches, such as several varieties of oak trees.

Tree, Class "B": a tree of a species that normally grows to an overall height of at least 25 feet, with either one main stem or trunk with many branches, or several stems or trunks, such as Crepe myrtles.

Tree, Class "C": a tree of a species that normally grows to an overall height of at least 12 feet, with either one main stem or trunk with many branches, or several stems or trunks, such as Wax myrtles.

Twenty Percent Storm: a storm with a twenty percent chance of occurring in any given year; the five-year storm.

Two-tenths Percent Storm: a storm with a 0.2% chance of occurring in any given year; the 500 year storm.

U

Uplighting: any light source that distributes illumination above a 90-degree horizontal plane.

Usable Open Space: see Open Space, Usable.

Utilities, Major: facilities serving a larger area, such as community waste water treatment plants, electrical substations, power plants, and similar facilities.

Utilities, Minor: small-scale facilities serving a local area, including transformers, pump stations, wireless communication towers, and similar structures designed or intended to serve adjacent properties.

V

Variance: a grant of relief to a person from the requirements of this code when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical zoning.
Vehicular Use Area: that area of private development subject to vehicular traffic, including accessways, parking aisles, loading and service areas, areas used for parking and storage of vehicles, boats, or portable construction equipment and all land which vehicles cross over as a function of primary use.

Veterinary Clinic: see Animal Clinic.

Violation: the failure of a structure or other development to be fully compliant with this code. For example, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Vision Clearance: the area between three and ten feet above grade that must be kept free from obstructions in any sight triangle.

Vision Triangle: see Sight Triangle.

W

Waiver: an exemption expressly allowed within this ordinance from some regulations.

Waiver of Local Freeboard: a grant of relief to a person from the freeboard requirements of Section 15.21 that are in excess of the minimum requirements established in Section 60.6 of the National Flood Insurance Program Regulations.

Wastewater Suburban Transportation Network: the existing gravity and pressurized sanitary sewerage collection system operated by the City of Baton Rouge and the Parish of East Baton Rouge.

Warehouse: a facility for the storage and wholesale distribution of manufactured products, supplies, and equipment.

Water Surface Elevation: the height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed: a land area that collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

Wetlands: areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil; wetlands include swamps, marshes, bogs, and similar areas.

Wireless Facility: the tower, antennae, relay equipment, perimeter fences and any other equipment or building necessary for the operation of wireless reception and transmission.

X

Y

Yard: an open space on the same lot or tract as a building that is unobstructed by encroachments and projections except as may be specifically allowed.

Yard Depth: the shortest horizontal distance from a lot line to the principle building on the lot.

Yard, Front: a yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the street right-of-way on which the lot faces and the location of a principle building. On corner lots, the yard with the narrowest width facing a street is considered the front yard.

Yard, Rear: a yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the property line opposite the front yard and the location of a principle building.
Yard Sale: see Garage Sale.

Yard, Side: a yard extending from the front yard line to the rear yard line and from the principle building to a side lot line.

Z

Zero Lot Line Development: single family dwellings arranged on individual lots with one side wall on a side property line.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Wicker and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:


Nays: None

Abstains: None

Did Not Vote: None

Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17837


WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Rural District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a General Office Low Rise (GOL), which shall include the following described property, to wit:
A CERTAIN TRACT OR PARCEL OF LAND, together with all buildings and improvements thereon, containing 18,802 square feet (0.432 ACRES), being designated as a portion of Lot 48-B-1 of Woodlawn Terrace Subdivision, located in Section 61, Township 7 South, Range 2 East, Greensburg Land District, East Baton Rouge Parish, State of Louisiana and being more
COMMENCE AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF TIGER BEND ROAD AND THE EASTERN RIGHT-OF-WAY LINE OF ANTIOCH ROAD, SAID POINT
HEREINAFTER REFERRED TO AS THE POINT-OF-BEGINNING; THENCE, FROM THE POINT-OF-BEGINNING, PROCEED SOUTH 76°49'57" EAST, ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF TIGER BEND ROAD, A DISTANCE OF 172.58 FEET, TO A POINT AND CORNER;
THENCE, PROCEED SOUTH 07°54'26" WEST, A DISTANCE OF 79.72 FEET, TO A POINT AND CORNER; THENCE, PROCEED NORTH 82°05'34" WEST, A DISTANCE OF 71.92 FEET, TO A POINT AND CORNER; THENCE, PROCEED SOUTH 07°54'26" WEST, A DISTANCE OF 31.82 FEET, TO A POINT AND CORNER;
THENCE, PROCEED NORTH 85°41'26" WEST, A DISTANCE OF 5.00 FEET, TO A POINT AND CORNER;
THENCE, PROCEED SOUTH 04°18'34" WEST, A DISTANCE OF 26.40 FEET, TO A POINT AND CORNER;
THENCE, PROCEED NORTH 76°49'57" WEST, A DISTANCE OF 63.36 FEET, TO A POINT AND CORNER;
THENCE, PROCEED NORTH 00°50'00" EAST, A DISTANCE OF 17.66 FEET, TO A POINT AND CORNER;
THENCE, PROCEED NORTH 89°10'00" WEST, A DISTANCE OF 15.00 FEET, TO A POINT AND CORNER, FALLING ON THE EASTERN RIGHT-OF-WAY LINE OF ANTIOCH ROAD;
THENCE, PROCEED NORTH 00°50'00" EAST, ALONG THE EASTERN RIGHT-OF-WAY LINE OF ANTIOCH ROAD, A DISTANCE OF 133.55 FEET, TO A POINT AND CORNER, SAID POINT ALSO KNOWN AS THE POINT-OF-BEGINNING.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
May 20, 2020

The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Hudson and seconded by Ms. Wicker to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

**Yea:** Amoroso, Banks, Cole, Collins-Lewis, Hudson, Loupe, Racca, Watson, Welch, Wicker, Wilson

**Nay:** None

**Absent:** Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

**ORDINANCE 17838**

**CASE 11-20** AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON THE EAST SIDE OF AIRLINE HIGHWAY, SOUTH OF STUMBERG LANE, ON TRACT X-1-D-2, EOLA MCCALL ANDERSON TRACT. SECTION 5, T8S, R2E, GLD, EBRP, LA, TO REZONE FROM PLANNED UNIT DEVELOPMENT (PUD) TO HEAVY COMMERCIAL (HC1), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Planned Unit Development (PUD) District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon;

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Heavy Commercial (HC1), which shall include the following described property, to wit:

Property located on the east side of Airline Highway, south of Stumberg Lane, on Tract X-1-D-2, Eola McCall Anderson Tract. Section 5, T8S, R2E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Hudson and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17839

CASE 12-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON THE SOUTH SIDE OF GOVERNMENT STREET, WEST OF SOUTH EUGENE STREET, ON A PORTION OF LOTS 1 AND 2, BLOCK 8 OR 337 OF MCGRATH HEIGHTS SUBDIVISION, SECTION 74, T7S, R1W, GLD, EBRP, LA, TO REZONE FROM LIGHT COMMERCIAL (C1) TO COMMERCIAL ALCOHOLIC BEVERAGE (BAR AND LOUNGES)(C-AB-2), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Light Commercial (C1) District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Commercial Alcoholic Beverage (Bar and Lounges)(C-AB-2), which shall include the following described property, to wit:
A certain tract or parcel of land being a portion of Lots 1 and 2, Block 8 or 337, McGrath Heights, having a municipal address of 2678 Government Street, located in Section 74, T-7-S, R-1-W, Greensburg Land District, East Baton Rouge Parish, Louisiana, and being more particularly described as follows: Commencing at the northwest corner of Lot 1, Block 8 or 337, McGrath Heights, on the south right-of-way of Government Street, proceed S 0° 00' 00" W a distance of 47.80 feet to a point and corner; thence, proceed S 0° 00' 00" East distance of 16.20 feet to a point and corner; this being the Point of Beginning; thence, proceed N 0° 00' 00" W a distance of 10.80 feet to a point and corner; thence, proceed N 0° 00' 00" W a distance of 7.80 feet to a point and corner; thence, proceed S 0° 00' 00" East distance of 16.20 feet to a point and corner; thence proceed N 0° 00' 00" W a distance of 7.40 feet to a point and corner; thence, proceed S 0° 00' 00" W a distance of 46.80 feet to a point and corner; thence, proceed N 0° 00' 00" W a distance of 1.15 feet to a point and corner; thence, proceed N 0° 00' 00" East distance of 73.80 feet to a point and corner; thence, proceed S 0° 00' 00" East distance of 34.35 feet to the Point of Beginning.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Cole and seconded by Mr. Wilson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17840

CASE 13-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON THE EAST SIDE OF PASADENA DRIVE, SOUTH OF GREENWELL SPRINGS ROAD, ON LOT Y-1-A, GLADNEY TRACT. SECTION 66, T6S, R1E, GLD, EBRP, LA, TO REZONE FROM HEAVY COMMERCIAL (HC1) AND LIGHT COMMERCIAL (C1) TO NEIGHBORHOOD COMMERCIAL (NC), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Heavy Commercial (HC1) and Light Commercial (C1) Districts hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Neighborhood Commercial (NC), which shall include the following described property, to wit:

Property located on the east side of Pasadena Dive, south of Greenwell Springs Road, on Lot Y-1-A, Gladney Tract. Section 66, T6S, R1E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. An interested citizen in favor of the proposed ordinance was Ruth Devall.

A motion was made by Ms. Collins-Lewis and seconded by Ms. Wicker to adopt the proposed ordinance. A "Yeas" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17841

CASE 14-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON THE EAST SIDE OF NORTH FLANNERY ROAD, NORTH OF FLORIDA BOULEVARD, ON LOT 2 OF THE J.D. SHARP SUBDIVISION, SECTION 5, T7S, R2E, GLD, EBRP, LA, TO REZONE FROM RURAL TO HEAVY COMMERCIAL (HC1), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Rural District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Heavy Commercial (HC1), which shall include the following described property, to wit:

Property located on the east side of North Flannery Road, north of Florida Boulevard, on Lot 2 of the J.D. Sharp Subdivision. Section 5, T7S, R2E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Wilson and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:


Nays: None

Abstains: None

Did Not Vote: None

Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

PROPOSED ORDINANCE

Case 16-20 12200 – 12300 UND Parkknoll Avenue
To rezone from Rural to Zero Lot Line Residential (A2.6) on property located at the street end of Parkknoll Avenue, to the west of Parkhill Court, on Lot 8 of Stokes Place Subdivision. Section 58, T7S, R2E, GLD, EBRP, LA (Council District 8 - Amoroso)

The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Amoroso and seconded by Ms. Wicker to delete the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:


Nays: None

Abstains: None

Did Not Vote: None

Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.
The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17842

CASE 18-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON BATON ROUGE AVENUE AND TUSCARORA STREET, TO THE SOUTH SIDE OF MOHICAN STREET, ON LOTS A, B, C, D, 1 THRU 5, 20, AND 24, BLOCK 205 OF SUBURB ISTROUMA SUBDIVISION. SECTION 44, T6S, R1E, GLD, EBRP, LA, TO REZONE FROM TRANSITION (B1) AND HEAVY COMMERCIAL (HC1) TO LIMITED RESIDENTIAL (A3.1), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Transition (B1) and Heavy Commercial (HC1) Districts hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Limited Residential (A3.1), which shall include the following described property, to wit:

Property located on Baton Rouge Avenue and Tuscarora Street, to the south side of Mohican Street, on Lots A, B, C, D, 1 thru 5, 20, and 24, Block 205 of Suburb Istrouma Subdivision. Section 44, T6S, R1E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Wicker and seconded by Mr. Watson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17843

CASE 20-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED ON THE WEST SIDE OF KOLIN DRIVE, SOUTH OF CHERRY HILL AVENUE AND NORTH OF ALCO AVENUE, ON LOTS 65 THRU 69, 85, AND 86, 1ST FILING OF SOUTHPARK SUBDIVISION, SECTION 76, T7S, R1E, GLD, EBRP, LA, TO REZONE FROM GENERAL RESIDENTIAL (A4) TO LIGHT COMMERCIAL (LC1), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the General Residential (A4) District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create a Light Commercial (LC1), which shall include the following described property, to wit:
Property located on the west side of Kolin Drive, south of Cherry Hill Avenue and north of Alco Avenue, on Lots 65 thru 69, 85, and 86, 1st Filing of Southpark Subdivision. Section 76, T7S, R1E, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Amoroso and seconded by Mr. Wilson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Yeas:  
Nays:  None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17844

PORTION OF LOT C-1

ONE CERTAIN TRACT OF LAND PROPOSED TO BE REZONED TO PUD BEING A PORTION OF LOT C-1 OF MONTAN ESTATES LOCATED IN SECTION 49, T-8-S, R2-E, GREENSBURG LAND DISTRICT, EAST BATON PARISH, LOUISIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT COMMON TO TRACT X-1-D-1 AND LOT C-1 SAID POINT ALSO BEING ON THE EASTERN RIGHT OF WAY OF US 61, AND SAID POINT BEING THE POINT OF BEGINNING;

THENCE PROCEED DEPARTING THE US 61 RIGHT OF WAY, SOUTH 60 DEGREES 19 MINUTES 56 SECONDS EAST A DISTANCE OF 160.22’ TO A POINT AND CORNER;

THENCE PROCEED SOUTH 54 DEGREES 06 MINUTES 00 SECONDS WEST A DISTANCE OF 66.27 FEET TO A POINT AND CORNER ON THE EASTERN RIGHT OF WAY OF US 61;

THENCE PROCEED ALONG SAID EASTERN RIGHT OF WAY OF US 61 NORTH 35 DEGREES 54 MINUTES 00 SECONDS WEST A DISTANCE OF 145.87 FEET TO A POINT AND CORNER; SAID POINT BEING THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION IS BASED ON “MAP SHOWING RESUBDIVISION OF TRACTS X-1-C & X-1-D INTO TRACTS X-1-C-1, X-1-C-2, X-1-D-1 & X-1-D-2 BEING A PORTION OF THE EOLA MCCALL ANDERSON TRACT LOCATED IN SECTION 5, T-8-S, R-2-E, GREENSBURG LAND DISTRICT, EAST BATON ROUGE PARISH, LOUISIANA

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Mr. Hudson and seconded by Mr. Wilson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17845

ISPUD 2-20 AMENDING THE COMPREHENSIVE ZONING MAP OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE OF 2018, AS CONTAINED IN AND MADE A PART OF THE "COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE", AS AMENDED, SO AS TO CHANGE THE ZONING ON THE PROPERTY LOCATED SOUTH OF OKLAHOMA STREET AND WEST OF NICHOLSON DRIVE, ON LOT RH-1-C-1 OF THE MAGNOLIA PLANTATION PROPERTY. SECTION 51, T7S, R1W, GLD, EBRP, LA, TO REZONE FROM HEAVY COMMERCIAL (C2) TO INFILL/MIXED USE SMALL PLANNED UNIT DEVELOPMENT (ISPUD), AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED

WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Heavy Commercial (C2) District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create an Infill/Mixed Use Small Planned Unit Development (ISPUD), which shall include the following described property, to wit:
Property located south of Oklahoma Street and west of Nicholson Drive, on Lot RH-1-C-1 of the Magnolia Plantation property. Section 51, T7S, R1W, GLD, EBRP, LA, as shown on a sketch prepared by the Planning Commission, a copy of which is attached.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Wicker and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17846


WHEREAS, at its meeting of April 20, 2020, the Planning Commission approved an amendment to the Single Family Residential (A2) District hereinafter described, after due advertisement and the conduct of a public hearing, pursuant to law, and;

WHEREAS, public notice must be given of the intention of this Council to conduct a public hearing on this recommendation by the Zoning Commission, which public notice shall be advertised according to law, in The Advocate, Official Journal of the Parish of East Baton Rouge, a public hearing called thereon:

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge:

Section 1. That the Comprehensive Zoning Ordinance of the City of Baton Rouge and Parish of East Baton Rouge, as amended, and its accompanying Comprehensive Zoning Map of 2018, and the same is hereby amended so as to create an Infill/Mixed Use Small Planned Unit Development (ISPUD), which shall include the following described property, to wit:
LOCATED IN SECTION 51, T6S-R1E, GREENSBURG LAND DISTRICT, CITY OF BATON ROUGE, EAST BATON ROUGE PARISH, LOUISIANA. COMMENCING FROM THE INTERSECTION OF THE WEST MARGIN OF SATINWOOD DRIVE AND THE NORTH MARGIN MERRYDALE AVENUE, SAID POINT BEING THE POINT OF BEGINNING. THENCE PROCEED SOUTH 89 DEGREES 07 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 748.82 FEET TO A POINT AND CORNER; THENCE PROCEED NORTH 00 DEGREES 10 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 142.10 FEET TO A POINT AND CORNER; THENCE PROCEED NORTH 89 DEGREES 14 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 227.99 FEET TO A POINT AND CORNER; THENCE PROCEED NORTH 88 DEGREES 57 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 377.07 FEET TO A POINT AND CORNER; THENCE PROCEED SOUTH 01 DEGREES 56 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 85.61 FEET TO A POINT AND CORNER; THENCE PROCEED NORTH 89 DEGREES 07 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 140.00 FEET TO A POINT AND CORNER; THENCE PROCEED ALONG THE WEST MARGIN OF SATINWOOD DRIVE SOUTH 01 DEGREES 56 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 33.86 FEET TO A POINT AND CORNER; THENCE PROCEED ALONG AN ARC TO THE RIGHT ALONG THE WEST MARGIN OF SATINWOOD DRIVE FOR A DISTANCE OF 23.20 FEET WITH A RADIUS OF 140.00 FEET AND LONG CHORD OF 23.17 FEET WHICH BEARS SOUTH 01 DEGREES 44 MINUTES 53 SECONDS WEST BACK TO THE POINT OF BEGINNING. SAID PROPERTY CONTAINS 2.164 ACRES MORE OR LESS.

Section 2. That a public hearing on the above proposed amendment be held at the Regular Zoning Meeting of the Metropolitan Council on May 20, 2020, after public notice thereof, according to the provisions of L.R.S. 33:4721-4730.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Collins-Lewis and seconded by Mr. Watson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Green

With 11 yeas, 0 nays, 0 abstains, 0 not voting, and 1 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17847

HL-1-20 CONSIDERATION OF DESIGNATING THE DR. LEO S. BUTLER AND ESTELLE DEVALL BUTLER HOUSE AS A LOCAL HISTORIC LANDMARK.

WHEREAS, the Butler House serves as an outstanding example of a cultural historic landmark in the historic Old South neighborhood, and;

WHEREAS, Dr. Butler and his wife, Estelle, used the house as a physician’s office for many years to serve the community during the era of Jim Crow restrictions, and;

WHEREAS, due to his service to the community, Dr. Butler was known as the “Dean of Black Physicians”; and

WHEREAS, long after the house served as a physician’s office, is was a place of refuge for people of color, including visiting dignitaries, politicians, entertainers, civil rights activists, and many others.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that the Leo S. Butler House, located at 963 Terrace Avenue, being more particularly described as follows: bordered on the north by Julia Street, on the south by Terrace Avenue, on the east by Thomas H. Delpit Drive, and on the west by South 10th Street, and on lot 9 of the Suburb Swart subdivision, is hereby designated a Local Historic Landmark under the provisions of Title 7, Chapter 3, Section 3.7 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. Interested citizens in favor of the proposed ordinance were Farleigh Jackson and Heidi Butler.

A motion was made by Ms. Wicker and seconded by Ms. Racca to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Nays: None
Abstains: None
Did Not Vote: None
Absent: Cole, Green, Welch

With 9 yeas, 0 nays, 0 abstains, 0 not voting, and 3 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17848

**RV-3-20 REVOKING THE RIGHTS-OF-WAY FOR BOURGEOIS STREET AND WEST AIRLINE SERVICE ROAD, LOCATED NORTH OF MASON AVENUE AND EAST OF CASPER STREET, WITHIN BLOCKS 26 AND 27 OF MONTE SANO HIGHLAND FARMS, SECTION 37, T6S, R1W, GLD, EBRP, LA, PROVIDED CERTAIN STIPULATIONS ARE MET.**

WHEREAS, the owner of the properties located adjacent to Bourgeois Street and West Airline Service Road, located north of Mason Avenue and east of Casper Street, in the Parish of East Baton Rouge, Louisiana, has requested the approval of rights-of-way for Bourgeois Street and West Airline Service Road, as shown on the attached map, be revoked and set aside;

WHEREAS, said rights-of-way are not needed for public use and the public would not be inconvenienced by the revocation of the said rights-of-way; and

WHEREAS, this Council believes that it would be in the public interest to grant the mentioned request:

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

Section 1. The dedication of rights-of-way for Bourgeois Street and West Airline Service Road, located north of Mason Avenue and east of Casper Street, within Blocks 26 and 27 of Monte Sano Highland Farms, as shown on the attached map, located in the Parish of East Baton Rouge, Louisiana, is hereby revoked and set aside, pursuant to the provisions of L.R.S. 48:701, et seq., subject to the following stipulations:
1.) The multiple lots abutting the existing rights-of-way shall be combined so that each lot has its required frontage along a public right-of-way or access servitude.

2.) Prior to the issuance of any building permits on the affected properties, a map indicating the revoked portion of right-of-way (referencing the Metro Council Ordinance) and combination of properties ensuring street frontage for all lots shall be prepared, approved and recorded.

3.) Entergy requires reservation or dedication of a ten foot utility servitude where existing facilities are located.

Section 2. This Council does not warrant its authority to act pursuant to the above cited provision of the Revised Statutes, nor does it warrant title to any of the property contained in the area abandoned herein.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Green and seconded by Mr. Watson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

Yeas: Amoroso, Banks, Collins-Lewis, Green, Hudson, Loupe, Racca, Watson, Wicker, Wilson
Nays: None
Abstains: None
Did Not Vote: None
Absent: Cole, Welch

With 10 yeas, 0 nays, 0 abstains, 0 not voting, and 2 absent, the motion was adopted.

The following proposed ordinance was introduced by Mr. Wilson and read in full at the meeting of the Metropolitan Council on April 22, 2020. With a public hearing called thereon for this meeting, the proposed ordinance was read in full for a second time.

ORDINANCE 17849

SNC-1-20  CHANGING THE STREET NAME OF HENRY ADAMS ROAD TO BURROW ROAD, LOCATED SOUTHEAST OF THE INTERSECTION OF HIGHLAND ROAD AND DELGADO DRIVE, SECTIONS 66 AND 68, T7S, R1W, GLD, EBRP, LA, AS SHOWN ON A SKETCH PREPARED BY THE PLANNING COMMISSION, A COPY OF WHICH IS ATTACHED.

WHEREAS, a request has been received by the Planning Commission for Henry Adams Road, located southeast of the intersection of Highland Road and Delgado Drive, in the Parish of East Baton Rouge, Louisiana, as shown on the attached map, be changed to Burrow Road;

WHEREAS, the public would not be inconvenienced by the street name change; and

WHEREAS, this Council believes that it would be in the public interest to grant the mentioned request:

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

Section 1. The name of Henry Adams Road, located southeast of the intersection of Highland Road and Delgado Drive, as shown on the attached map, located in the Parish of East Baton Rouge, Louisiana, is hereby changed to Burrow Road.

Section 2. A copy of this ordinance shall be forwarded to the Clerk of Recorder of the Parish of East Baton Rouge for recordation in the Conveyance Records of said office.
The Presiding Officer announced that a public hearing on the above ordinance was in order at this time. No interested citizens spoke either for or against the proposed ordinance.

A motion was made by Ms. Racca and seconded by Mr. Watson to adopt the proposed ordinance. A "Yea" and "Nay" vote was called for and resulted as follows:

- Nays: None
- Abstains: None
- Did Not Vote: None
- Absent: Cole, Welch

With 10 yeas, 0 nays, 0 abstains, 0 not voting, and 2 absent, the motion was adopted.

**ADJOURN**

A motion was made by Mr. Wilson and seconded by Ms. Wicker to adjourn. A "Yea" and "Nay" vote was called for and resulted as follows:

- Nays: None
- Abstains: None
- Did Not Vote: None
- Absent: Cole, Welch

With 10 yeas, 0 nays, 0 abstains, 0 not voting, and 2 absent, the motion was adopted. The Presiding Officer declared the meeting adjourned.

______________________________  ______________________________
Council Administrator/Treasurer  Mayor-President Pro-Tempore