

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3909

ORDINANCE COUNCIL SERIES NO. 08-

COUNCIL SPONSOR MR. GOULD

PROVIDED BY COUNCIL OFFICE

INTRODUCED BY MR. GOULD

SECONDED BY MR. THOMPSON

ON THE 7<sup>TH</sup> DAY OF AUGUST 2008

ORDINANCE TO AMEND THE PARISH UNIFIED DEVELOPMENT CODE, VOLUME 1 ZONING, ARTICLE 5, ZONING DISTRICTS, TO ADD SECTION 5.36, MIXED USE DISTRICT.

WHEREAS, during the formulation of recommendations for the South Central Study Area of the Comprehensive Rezoning of St. Tammany Parish, it was determined that additional provisions for the creation of mixed use districts were in the best interest of the Parish; and

WHEREAS, the St. Tammany Parish Zoning Commission and Parish Council have held their respective public hearings in accordance with law; and

WHEREAS, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare to adopt the recommendations of the Zoning Commission, as amended, for the creation of a mixed use district within the provisions of the Unified Development Code.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Unified Development Code, Volume 1 Zoning is hereby amended to include the new zoning designation of MUD - Mixed Use District, as per the attached documents.

BE IT FURTHER ORDAINED that, upon the effective date of this ordinance, all land uses within the area bounded by Louisiana Highway 59, Louisiana Highway 36, U.S. Highway 11 and the northern shoreline of Lake Pontchartrain shall be regulated in accordance with the Unified Development Code, as amended.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

## Section 5.36 MUD - Mixed Use District

### 5.3601 PURPOSE

The purpose of the Mixed Use District (District) is to encourage a diversity of compatible land uses, including a mixture of residential with at least one or more of the following: commercial, office, educational and other appropriate uses. The commercial component is required to exceed mere accessory commercial use to an otherwise residential development and offer a diversity of provided services. It may be determined that additional commercial area may be required in order for the project to meet the intent of the Mixed Use District. The District provides a mechanism to encourage new housing and innovative design that is less dependent on automobile transit and can be used to either revitalize older commercial corridors or increase opportunities for infill housing in suburban areas. Mixed use projects are intended to create and sustain pedestrian oriented neighborhoods where local residents have convenient access to jobs, schools, shops, transit and various services. It should encourage flexibility in the development of land, creative design, more orderly development, and to promote and preserve the scenic features of the site. The following criteria represent additional objectives of the MUD:

- A. Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
- B. Diversification and variation in the relationship of residential and commercial uses, open space and the setbacks and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living and working environment for areas characterized by a unified building and site development program.
- F. Rational and economically sound development in relation to public services.
- G. Efficient and effective vehicle and pedestrian traffic circulation, both within and adjacent to the development site.
- H. Creation of a variety of housing and commercial uses compatible with surrounding neighborhoods to provide a greater choice of types of environments for business and living units.

### 5.3602 GENERAL STANDARDS AND CRITERIA

In order for the Zoning Commission and Parish Council to make competent and definitive decisions concerning a Mixed Use District's proper makeup, the following general standards and criteria shall be applicable:

#### A. Physical Characteristics of the Site:

The site shall be One Hundred (100) or more acres in size and suitable for development in the manner proposed without hazard to persons or property adjacent to the site, in conformance with the standards and parameters established in this Section.

#### B. Relation to Major Transit Routes:

MUD's shall be properly located with respect to interstates, major highways and major arterial streets so as not to create major shifts of traffic generation to intermediate collectors and/or minor streets.

C. Mixed Use

MUD's must incorporate non-residential uses subject to the following criteria:

1. Non-residential uses are limited to those permitted in the NC-1, NC-2, NC-3, NC-4, NC-5, PBC, HC-1, HC-2, MD-1, MD-2 and ED-1 Districts.

5.3603 PLAN APPROVAL

- A. Prior to any development of property already zoned MUD - Mixed Use or prior to submission of a MUD - Mixed Use rezoning petition, an informal pre-application conference with designated staff from the Parish Department of Planning shall be required. The purpose of this conference shall be to discuss MUD parameters and to bring the overall petition as nearly as possible into conformity with Parish regulations.

Following the MUD pre-application conference, a Conceptual Plan shall be submitted with the development or rezoning application. This plan shall provide the following information:

1. The title of the project and the names of the project planner and developer.
2. A legal description of the property including Township, Section and Range.
3. Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 500 feet of all boundaries of the proposed MUD shall be designated. This plat shall include all existing physical features such as existing streets, buildings, water courses, easements, soil conditions, vegetative cover and topography.
4. Net Density shall be set by utilizing one of the following options:
  - a. The total number of lots/units may be established in accordance with the maximum net density per acre permitted for each proposed use according to its corresponding individual zoning classification applied to the following formula; however, in no instance may the net density of residential lots/units within the MUD exceed one and one-half units per acre(1.5 : 1):

Each Non-Residential Use Area (NRUA) x .75 = \_\_\_\_\_ x maximum net density = \_\_\_\_\_ lots/units

Residential Use Area (RUA) x .75 = \_\_\_\_\_ x 1.5 = \_\_\_\_\_ lots/units

NRUA(s) + RUA = \_\_\_\_\_ Total lots/units

- b. The number of lots/units may be established by a yield plan consisting of conventional street layouts including but not limited to basic topography, soil conditions, drainage, vegetative cover, locations of wetlands, and 100 year flood plains. Said yield plan shall be based upon the standards of the individual zoning district for each type of proposed use and comply with and meet all applicable mixed use development standards; however, in no instance may the net density of residential lots/units within the MUD exceed one and one-half units per acre(1.5 : 1).

- c. The number of residential dwelling units, excluding open spaces, shall account for at least 60% of the total number of units in the MUD. Multi-family units shall comprise less than 40% of the total number of residential units.
  - d. Sites participating in the Parish Transfer of Development Rights (TDR) program in conjunction with seeking MUD approval may be eligible to increase the permitted residential net density by up to 167%, or up to four units per acre, based upon the eligibility and requirements of the program.
  - e. Sites participating in the TDR program may also be eligible to reduce the Green space requirement by up to 80%, or reduced to a requirement of no less than .15 of total use area in the formula above, based upon the eligibility and requirements of the program.
5. Site information including the following criteria shall be provided:
- a. Boundaries of the property involved,
  - b. Average size and maximum number of lots,
  - c. Parcels or sites to be developed or occupied by buildings,
  - d. The general location and maximum amount of area to be developed for parking,
  - e. The general location of areas to be devoted to open space, including those areas to be dedicated or conveyed for parks or playgrounds,
  - f. Public building(s) and other common use areas,
  - g. The approximate location of ingress, egress and access streets,
  - h. The approximate location of pedestrian and vehicular ways,
  - i. The extent of landscaping and planting,
  - j. Location and/or source of water and sewer facilities, and
  - k. Front, side and rear yard setback lines.
6. Tabulation of the maximum square footage of each use.
7. The proposed maximum height of any building or structure.
8. Maximum total land area, Minimum public and private open space, streets, off-street parking and loading areas.

Breakdown by percent of total land area devoted to each use such as:

- a. Residential uses
- b. Commercial/Institutional uses limited to those permitted in the NC-1, NC-2, NC-3, NC-4, NC-5, PBC, HC-1, HC-2, MD-1, MD-2 and ED-1 Districts.
- c. Green space (as defined in Article 2 – Definitions)
  - 1. A minimum of 25% of open space is required for all MUD's unless participating in the Parish Transfer of Development Rights program.
  - 2. In no case shall required open space along the existing road frontage be less than 1/4 acre in area and less than 100 feet in width.
  - 3. In no case shall required open space along other boundary lines (without road frontage) be less than 1/4 acre in area and less than 50 feet in width.
  - 4. Active recreation shall include such comparable uses as playgrounds, ball fields, swimming pools, tennis courts, etc.
  - 5. Passive recreational uses shall include comparable uses such as picnic areas, permeable nature trails, undisturbed habitat, etc.
- d. access parking and loading areas
- e. location of the existing and proposed easements to the extent they are

reasonably ascertainable with the understanding that the future easements may be needed based on more complete engineering studies.

9. Restrictive Covenants including the assurance of maintenance of common areas and the continued protection of the MUD. The Department of Planning must review and approve the Restrictive Covenants prior to recordation thereof with the Clerk of Court.
  10. Circulation element indicating the proposed principal movement of vehicles, goods and pedestrians.
  11. Environmental Assessment Data Form (signed and dated).
  12. Initial wetland delineation as determined by a qualified wetlands consultant.
  13. Flood Zone demarcation lines (indicate FIRM Map and panel number).
  14. Documents indicating ultimate disposal of surface drainage.
  15. The Zoning Commission or the Parish Council may require additional material such as plans, maps, aerial photographs, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable Parish standards and guidelines have been achieved.
- B. The Planning Staff shall hold a formal review of the MUD submission two (2) weeks prior to the Public Hearing by the Zoning Commission and note areas of concern to the applicant in writing within one week of the review. The purpose of this review is to provide constructive feedback to the developer on compliance with the MUD requirements.
- C. The Zoning Commission shall hold the formal public hearing on the development or rezoning request and forward a recommendation to approve or deny the MUD to the St. Tammany Parish Council after the required public hearing. The Zoning Commission reserves the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the MUD parameters including:
1. The tract for the proposed MUD is suitable in terms of its relationships to the Parish Comprehensive Plan and that the areas surrounding the proposed MUD can continue to be developed in coordination and substantial compatibility with the MUD proposed.
  2. That the desirable modifications of general zoning regulations as applied to the particular case justify such modifications of regulations and, at least to an equivalent degree, the regulations are modified based upon the design and amenities incorporated in the site development plat.
  3. That increased open space over conventional development is provided for the occupants of the proposed MUD and the general public, and desirable natural features indigenous to the site in accordance with the Open Space Parameters as follows:
    - a. Open spaces shall be required within the MUD and should be devoted to active and/or passive recreational purposes.
    - b. Protects all flood plains and wetlands in accordance with Parish Regulation pertaining to fill.
    - c. Preserves and maintain to the extent possible mature woodlands and buffers.
    - d. Protects rural roadside character and improves public safety by

minimizing development fronting and accessing directly onto the public road.

- e. Provides for pedestrian circulation between properties and features of the site and continuity of open spaces where possible.

4. Internal Mixed Use Development Parameters:

- a. The density of the proposal shall not exceed the density permitted in accordance with the requirements of these regulations.
- b. The diversity and mixture of non-residential uses in the proposal is consistent with the purposes and criteria for the District.
- c. Every dwelling unit or other use within the MUD shall have direct access to a public or private street via pedestrian ways, courts or other access related easements. It should not be construed that access for permitted uses must front on a dedicated street.
- d. If lots and or parcels are created within the boundaries of the MUD, no minimum size or yards shall be required, except as approved as part of the individual MUD proposal.

- 5. Central sewerage and water systems shall be provided to all uses within this District. Septic tanks and individual water wells are prohibited in MUD developments.

D. Binding Nature of approval for the MUD - Mixed Use District

All terms, conditions, safeguards, and stipulations made at the time of approval for the MUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.

- 1. Tentative-Preliminary-Final Development Plans  
Plans for development of land approved for a MUD shall be processed in accordance with the procedures established by the St. Tammany Parish Subdivision Regulations Ordinance No. 499) - if required. The MUD approval may be substituted for the Tentative Plat Approval required by Ordinance No. 499.
- 2. Final Development Plan  
After approval of the Conceptual Development Plan by the Parish Council, the applicant shall submit a Final Plan to the Department of Planning indicating all terms, conditions, safeguards and stipulations required by the Zoning Commission and the Parish Council.
- 3. Review and approval of a MUD development is a multi-step process, requiring Zoning Commission and Planning Commission approval (except in those cases where an exemption applies). Approval of a MUD does not authorize development or change the zoning classification of the property until approval of the Preliminary Plat. MUD approvals that have been granted by the Parish Council, after consideration by the Zoning Commission, shall remain in effect for a period of not more than two (2) years from the date of approval by the Parish Council, unless a portion or phase of the proposed development has been granted Preliminary Plat Approval by the Planning Commission in accordance with the St. Tammany Parish Subdivision Regulatory Ordinance No. 499.
- 4. If no portion or phase of the original MUD, which has been granted development or zoning approval by the Parish Council, is granted preliminary approval within two (2) years of the date of the Parish Council's original

approval of the MUD, the owner/developer shall be required to submit an application for a new MUD review and approval by the Zoning Commission and Parish Council, and pay all applicable fees.

#### 5.3604 AMENDMENT TO APPROVED MIXED USE DISTRICT DEVELOPMENT

Amendments to the approved MUD shall be classified as either major or minor in character.

- A. Major amendments to the MUD shall require the developer to submit revised plans to the Department of Planning. Upon review of the proposed amendments to the MUD by the staff, a public hearing shall be established for the review of the changes by the Zoning Commission. The Zoning Commission shall have the authority to review and approve all major changes to the MUD.

Public advertisement shall be required at least fifteen (15) days prior to the meeting date and shall run in the official journal of the Parish at least twice during that time period.

Furthermore, the developer shall pay additional fees for procurement of his proposed MUD changes. The additional fees shall be established by the Department of Planning upon initial review of the proposed amendments.

Major changes to the MUD plan include changes to:

1. The use of the land,
2. The use, bulk and location of significant buildings and structures,
3. The location of open spaces;
4. A reduction in the quantity or quality of open space and
5. An increase in the intensity of use and/or the density of a development.

- B. Minor amendments to the MUD shall be construed as all other changes not considered major amendments. Minor amendments change shall be submitted for review and approval of the Director of the Department of Planning.