

T. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4010 ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR MR. BINDER PROVIDED BY COUNCIL ATTORNEY

INTRODUCED BY MR. STEFANCIK SECONDED BY MR. BELLISARIO

ON THE 5<sup>TH</sup> DAY OF FEBRUARY 2009

ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE SECTIONS GOVERNING TND-1 AND TND-2 TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICTS.

WHEREAS, during the ongoing comprehensive rezoning process, it became apparent that certain amendments to the regulations governing Traditional Neighborhood Development Zoning Districts were necessary in order to further define and clarify the designations of property for development as a TND and the associated application process and procedures.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends those Sections of the Traditional Neighborhood Development Zoning Districts of the Unified Development Code as set forth in the previously adopted sections of the Code that are attached hereto as Exhibit A and Exhibit B, which are identified herein below and incorporated herein by reference thereto.

EXHIBIT A: Section 5.35 TND-1

EXHIBIT B: Section 5.35A TND-2

REPEAL: To the extent that any other provision of the Unified Development Code may be inconsistent with, or in conflict with, the provisions of this Ordinance and amended Sections, the provisions of this Ordinance and amended Sections shall govern.

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 fifteen (15) days after adoption.

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

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

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction: JANUARY 29, 2009

Published adoption on: \_\_\_\_\_, 2009

Delivered to Parish President: \_\_\_\_\_, 2009 @ \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2009 @ \_\_\_\_\_

office, governmental offices, churches, community centers, and attached residential Dwellings.

- D. A "Mixed Residential Area" includes a variety of residential land Uses, including single-family residential, duplex, Townhome, and multi-family. Residential scale retail and commercial Uses are permitted within a Mixed Residential Area with strict architectural and land Use controls. Retail and commercial Uses in a Mixed Residential Area are required to blend into the residential character of the neighborhood. A Mixed Residential Area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A Mixed Residential Area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed Residential Area Uses include single-family homes, condominiums, Townhomes, apartments, offices, restaurants, neighborhood scale retail, and civic Uses. Mixed Residential areas often utilize Alleys.
- E. A "Neighborhood Edge Area" is the least dense portion of a TND District, with larger Lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular Access to Streets is permitted. Only single family residential Dwellings (attached or detached) are permitted. A Neighborhood Edge Area is appropriate along the perimeter of the neighborhood. A portion of a TND District that adjoins existing or platted conventional low Density housing must be designated as a Neighborhood Edge Area.
- F. Large office, low-impact manufacturing Uses and industrial Uses that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area but which serve the local residents may be located in a specified district.
- G. Civic Uses that are oriented to the general public are permitted in a Neighborhood Center Area and a Mixed Residential Area. These Uses are essential components of the social and physical fabric of a TND District. Civic space shall be integrated in residential and commercial areas in the TND. TND's shall incorporate civic Common Open Spaces to be maintained by the municipality and/or private open spaces to be maintained by the community or landowners within the TND. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public Buildings to create focal points and landmarks for the community. The locations of these major public civic Uses are designated on the Development Plan at the time of Commission approval of a particular Development.
- H. Open space is a significant part of a TND District design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, and greenbelts.
- I. A TND District is designed to be pedestrian oriented. To accomplish this goal, pattern and design of the various Thoroughfare Types are used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of Streets, and other Thoroughfare Types, is required. Streets may be smaller than in conventional Development and more varied in size and form to control traffic and give character to the neighborhood.
- J. Thoroughfares and utilities in TND Districts shall connect to existing Thoroughfares and utilities, or dead-end as stubs intended for connection to future Thoroughfares, unless otherwise prohibited by topography, environmental constraints or other considerations, as further described in **Section 5.3504(H) h.**

#### Section 5.3503 TND District Definitions.

For the purposes of this Section only, the following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular.

**Abutting** - Having a border with, or being separated from such common border by, an Alley or Easement.

**Access** - An entry to or exit from a property, Lot, Building, parking Lot, or other area within the TND.

**Accessory Building** - a Building which is (1) subordinate to and serves a principal Structure or Principal Use; (2) is subordinate in area, extent and purpose to the principal Structure or Principal Use; (3) is located on the same Lot as the principal Structure or Principal Use; and (4) is customarily

Density – A measure of the intensity of Development. In this ordinance, Density for residential Development is calculated in terms of units per Acre.

Developer - the legal or beneficial Owner(s) of a Lot or Parcel of any land proposed for inclusion in a Development, including the holder of an option or contract to purchase.

Development - the division of a Parcel of land into two (2) or more Parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any Buildings or Structures; any Use or change in Use of any Buildings or land; or any extension of any Use of land or any clearing, grading, or other movement of land.

Development Code – the St. Tammany Parish Unified Development Code and Subdivision Regulations.

Drainage – the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after Development and includes the means necessary for water supply preservation or the prevention or alleviation of Flooding.

Drive or Driveway – for the purposes of this section only a driveway is defined as a vehicular Access way within a Lot.

Dwelling – any Building or portion of a Building which is designated or used for residential purposes.

Dwelling, Multi- or Multi-Family – a Building that contains more than one (1) Dwelling unit.

Dwelling, Single- or Single-Family – a Building that contains only one (1) living unit, including attached Buildings in the case of Townhomes when said living units are each on a separate legal lot or parcel.

Flood, or Flooding – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floor Area – the sum of the gross floor area for each of a Building's or Structure's Stories measured from the exterior limits of the faces of the Building or Structure. The Floor Areas of the Building include the basement Floor Area. The Floor Area includes the attic only if it is habitable Floor Area.

General Implementation Plan – the initial plan of Development for a TND which an applicant/Developer submits to the Commissions containing all those items described in the General Implementation Plan Checklist, including written and graphic documents, which represents a **conceptual general** plan of the proposed land Uses and their overall impact on the land and surrounding land for **rezoning redesignation** of the land to TND Concept: **“TND-1 PLANNED”**.

General Implementation Plan Checklist – a list containing items which must be included in a General Implementation Plan submitted to the Commissions for TND approval.

Highway – a long-distance, speed-movement Thoroughfare designed for vehicle use, traversing open countryside. A Highway should be relatively free of intersections, Driveways and adjacent Buildings, otherwise it becomes strip Development which interferes with traffic flow and human comfort. Variants include freeways, expressways and parkways.

Live/Work Unit – those dwelling structures or units that combine a residence and a workplace, as permitted in this ordinance.

Lot - a Parcel of land undivided by any Street or private Road and occupied or intended for occupancy by, or designated to be developed for, one (1) Building or Principal Use and the Accessory Buildings or Accessory Uses customarily incidental to such Building, Use or Development, including such open spaces and yards as are designed and arranged or required by this ordinance for such Building Use or Development.

Lot Area – the area contained within the boundary lines of Lot.

Lot Line - a line bounding a Lot which divides one (1) Lot from another or from a Street or any public or private space.

**Lot Width** - the horizontal distance between Side Lot Lines measured at the front setback. Where there is only one Side Lot Line, Lot Width shall be measured between such Lot Line and the opposite Lot Line or future Right of Way line.

**Major Change** - a change to an approved Traditional Neighborhood Development as set forth in Section 5.3514, **A, B, and C** ~~a, b, and c~~.

**Minor Change** - a change to an approved Traditional Neighborhood Development as set forth in Section 5.3514, **D** ~~d~~.

**Net Acre** - an Acre of land excluding Street rights-of-way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

**Owner** - The Person or Persons having the right of legal title to, or beneficial interest in, a Lot or Parcel of land.

**Parcel** - The area within the boundary lines of a Development.

**Parish** - The Parish of St. Tammany, State of Louisiana.

**Passage** - a pedestrian connector passing between Buildings. Passages provide shortcuts through long blocks and connect rear parking areas with Street frontages. Passages may be roofed over and lined by shopfronts. Variants include Courts, a Passage that is wide enough to be landscaped, being the frontage for Buildings which are otherwise provided with vehicular Access only by Rear Alleys.

**Path** - a pedestrian way traversing a park or the countryside. Paths should connect directly with the sidewalk network at the urban edge.

**Person** - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, and assignee, or a similar representative of any of them.

**Planning Commission** - : The body duly appointed by the St. Tammany Government and charged with the responsibility of formulating a comprehensive plan, to keep it up to date, and to prescribe and administer necessary rules and regulations for the successful implementation of the comprehensive plan, a part of which being the subdivision regulations in accord with LA Revised Statutes 33: 101-120.1.

**Planning Staff or Commissions Staff** - Professional and non-professional personnel employed by the St. Tammany Parish Government to carry out and fulfill the directives and responsibilities of the Commissions. Staff functions may be conducted by private or public consultants.

**Principal Building** - a Building in which the Principal Use of the Lot on which the Building is located is conducted or intended to be conducted.

**Principal Use** - The specific primary purpose for which land is used.

**Public Improvement** - Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as vehicular and pedestrian circulation systems, storm sewers, Flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

**Queuing** - the Use of one travel lane on local Streets with parking, usually an intermittent parking pattern, on both sides.

**Rear Alley** - a narrow service access way to the rear of more urban buildings providing service areas, parking access, and utility easements. Alleys, as they are used by trucks and must accommodate dumpsters, should be paved from Building face to Building face, with drainage by inverted crown at the center. Buildings facing the Alley must have windows.

**Rear Lane** - a vehicular Access way located to the rear of a Lot providing Access to parking and outbuildings as well as Easements for utilities. Rear Lanes are paved as lightly as possible to Driveway standards or with gravel. Rear Lanes should be as rural as possible in character. Buildings facing the Rear Lane must have windows. Posted speed should equal design speed.

Traditional Neighborhood or Traditional Neighborhood Development - a compact, walkable, mixed-Use neighborhood where residential, commercial and civic Buildings are within close proximity to each other as contemplated under this ordinance.

**a) "TND-1 CONCEPT" - The designation of property for development as a Traditional Neighborhood Development through the comprehensive rezoning process.**

**b) "TND-1 PLANNED" - The designation of property for development as a Traditional Neighborhood Development following approval of the General Implementation Plan.**

**c) "TND-1" - The redesignation of property from "TND PLANNED" on the official zoning map, upon approval of a Specific Implementation Plan and the Final Plat.**

Transit Stop – a location where passengers board and alight. Transit Stops can serve one or more routes and include various levels of amenities depending on the level of actual or anticipated riders. Amenities can include Transit Stop sign pole, benches, trash receptacles, shelters and lighting. Transit Stops can be placed within the public right-of-way or on private property depending on service needs and passenger comfort.

Tree - Any self-supporting perennial woody plant that is at least four (4) inches in diameter.

Urban Street – a typical urban condition which comprises a Street with raised curbs drained by inlets. A narrower, continuous planter separates wide sidewalks along both sides from the Thoroughfare. Trees along Urban Streets consist of a single species aligned in a row or rows.

Use - The purpose or activity for which land or any Building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance - Permission to depart from the literal requirements of this ordinance granted by the Council.

Zoning Commission - That body of appointed officials granted the authority to administer land use regulations in accordance with under Title 33, Sections 101 through 119, Louisiana Revised Statutes Annotated, as amended, and under Title 33, Sections 4776.40 through 4776.50, Louisiana Revised Statutes Annotated, as amended, the St. Tammany Parish Home Rule Charter Commission, adopted under the authority of Article VI, Section 5, of the Constitution of Louisiana and LSA-R.S. 33:1395, as amended and Article 1 of these regulations.

#### Section 5.3504 TND District Design Requirements.

##### A. Association.

1. Conditions, covenants, and restrictions for all the property within a TND District must be filed in the Parish records by the Owner before a Lot is sold and/or a Building permit is issued.
2. In addition to other terms and conditions acceptable to the applicant, the conditions, covenants, and restrictions must create one (1) or more property owners Associations with mandatory membership for each property Owner, governed by Articles of Incorporation and Bylaws, which shall:
  - a. be organized by the applicant and operated with a financial subsidy from the applicant before the sale of any Lots within the TND District;
  - b. provide for the conditions and timing of transferring control of the Association from the applicant to the property Owners;
  - c. be responsible for maintenance of insurance and taxes on all Common Open Space, enforceable by liens placed on the Association by the Parish, as provided in the Association Bylaws;
  - d. at all times, cause all Owners to have Access to the Common Open Space within the TND District;
  - e. establish architectural standards that are in conformity with the requirements of this ordinance which shall be subject to review and approval by the Board of Directors of the Association or the Architectural Control Committee, as described below;

- salon; dry cleaning, health or fitness, dry cleaners, tailor shops, repair and service shops, and postal);
  - 4. Accommodations (bed and breakfast establishments, small hotels or inns); and
  - 5. Clubs and organizations, including fraternal organizations.
- b. Residential Uses may include the following, for sale or rent:
- 1. Single-family attached Dwellings, including duplexes, Townhomes, row houses;
  - 2. Multi-family Dwellings, including senior housing;
  - 3. Residential units located on upper floors above commercial Uses or to the rear of storefronts;
  - 4. Live/Work Units that combine a residence and the resident's workplace; and
  - 5. "Special needs" housing, such as community living arrangements and assisted living facilities.
- c. Civic or institutional Uses may include the following:
- 1. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
  - 2. Places of worship;
  - 3. Transit shelters;
  - 4. Philanthropic institutions; and
  - 5. Educational facilities.
- d. Office which may include the following:
- 1. Art galleries and studios;
  - 2. Banks;
  - 3. Child care centers;
  - 4. Clubs;
  - 5. Offices;
  - 6. Medical clinics.
- e. Open space Uses may include the following:
- 1. Central square;
  - 2. Neighborhood parks;
  - 3. Recreational facilities; and
  - 4. Playgrounds.
3. Open space. Uses identified below should be incorporated in the TND District as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations. Common Open Space is more particularly described in Section 5.3504, E e. below.
- a. Environmental corridors;

Section 5.3507 Unified Control. All land included in any TND District shall be under the complete, unified and legal control of the applicant, whether the applicant be an individual, partnership, limited liability company, corporation and/or other Person. Upon request by the Parish, the applicant shall furnish the Parish sufficient evidence to the satisfaction of the Parish that the applicant is in the complete, legal and unified control of the entire area of the proposed Traditional Neighborhood Development. Upon request by the Parish, the applicant shall provide the Parish all agreements, contracts, guarantees and other necessary documents and information that may be required by the Parish to assure the Parish that the Development project may be lawfully completed according to the plans sought to be approved.

Section 5.3508 Application Procedure and Approval Process; General. Prior to the issuance of any permits for Development **within of a Traditional Neighborhood Development TND District**, the following three (3) steps shall be completed according to the procedures outlined in this Section:

- A. Pre-Application Conference;
- B. Approval of a General Implementation Plan by the Commissions and the Council for the entire Traditional Neighborhood Development; and
- C. Approval of a Specific Implementation Plan by the Planning Commission; and
- D. Approval of a Final Plat by the Planning Commission.

If the Development includes the division of property into Lots, the Specific Implementation Plan shall be approved concurrently with a preliminary plat.

Subdivisions of property within a TND District after General Implementation Plan approval, but prior to Specific Implementation Plan approval, shall meet the zoning requirements of the most Restrictive zoning district allowed for each designated Use for that portion of the General Implementation Plan. These Subdivisions shall require Planning Commission approval and will not allow Development or Building permit approval until a Specific Implementation Plan is approved.

Where the Development is to be developed in phases, the General Implementation Plan that is presented for review and approval shall be the General Implementation Plan for the entire Development and shall identify the proposed phasing. Each phase of a Development shall have an individual Specific Implementation Plan.

Independent Consultants may be retained by the Commissions and/or the Council to seek assistance to properly review the General Implementation Plans and Specific Implementation Plans. The reasonable cost of such review shall be reimbursed by the applicant. The applicant shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed plans are approved, amended, rejected or withdrawn.

Section 5.3509 Pre-Application Conference.

- A. The pre-Application conference shall be held with the Director of Planning or the Director of Planning's designee for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a Traditional Neighborhood Development.
- B. A request for a pre-Application conference shall be made to the Director of Planning. As part of the pre-Application conference, the applicant shall submit five (5) copies of a **conceptual plan proposed General Implementation Plan**, at least ten (10) days in advance of the pre-Application conference, which shows the property location, boundaries, significant natural features, Thoroughfare network (vehicular and pedestrian circulation), land Use(s) for the entire site, and a statement indicating financial responsibility sufficient to complete the Public Improvements shown on the conceptual plan.
- C. The Director of Planning or the Director of Planning's designee shall advise the applicant of the conformance of the **proposed General Implementation Plan for the** Traditional Neighborhood Development concept with the intent and objectives of a Traditional Neighborhood Development, whether it appears to qualify under the minimum requirements of **Sections 5.3501, 5.3502, and 5.3504 Sections 1.01, 1.02 and 1.04**, and whether the general **concept plan** appears to be substantially consistent with the St. Tammany Parish Master Plan and the St. Tammany Parish Land Use Plan. No formal action will be taken at a pre-Application conference, nor will statements made at the pre-Application conference be considered legally binding commitments.

Section 5.3510 General Implementation Plan. Following the pre-Application conference, the applicant shall submit a completed Application (General Implementation Plan) to the Director of Planning. When the Director of Planning determines the Application to be complete, the Application shall be sent to the Commission for a public workshop session if deemed necessary by the Director of Planning, followed at

a later date by a public hearing. The General Implementation Plan shall contain all information required in the General Implementation Plan Checklist, including architectural design guidelines as described in Section 5.3504, ~~l~~ j. herein.

- A. Procedures for General Implementation Plan approval. All Applications for Traditional Neighborhood Developments shall be processed in the following manner:
1. The General Implementation Plan shall follow the procedures for approval of planning items before the Planning Commission and zoning cases before the Zoning Commission and the Council which are not in conflict with this Section 5.3510.
  2. At least fourteen (14) days prior to review and determination by the Commissions, all Abutting property Owners shall be notified by regular mail of the Traditional Neighborhood Development and given an opportunity to submit written comments. Notice shall also be published in the Parish's official journal at least ten (10) days prior to the review.
  3. Following required public notice, the Commissions shall hold a public hearing on the proposed Traditional Neighborhood Development. Following the hearing, the Commissions shall review Traditional Neighborhood Development request and General Implementation Plan and any comments submitted by any adjoining property Owners and shall make a recommendation to the Council to approve, approve with conditions, or deny the ~~Traditional Neighborhood Development rezoning request~~ **General Implementation Plan**. In its recommendation to the Council, the Commissions shall include the reasons for such recommendation.
- B. Approval of a General Implementation Plan. After receiving the recommendation of the Commissions, the Council shall review the Application, including the General Implementation Plan, the record of the Commissions' proceedings and the recommendation, and shall approve, approve with conditions, or deny the Application in accordance with the standards and purposes set forth in **Sections 5.3501, 5.3502, and 5.3504** ~~Sections 1.01, 1.02 and 1.04~~. An approval with conditions shall not be considered final (and the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the General Implementation Plan to the Council.

If approved by the Council, the General Implementation Plan and all other information and material formally submitted with the Application shall be adopted as an amendment to this Development Code and shall become the standards of Development for the Traditional Neighborhood Development. All future Development shall conform to the standards adopted for the Traditional Neighborhood Development regardless of changes in ownership.

Upon approval of the General Implementation Plan, the property shall be designated ~~"TND CONCEPT"~~ **"TND-1 PLANNED"** on the official zoning map.

#### Section 5.3511 Specific Implementation Plan and Final Plat.

- A. Submittal. Within thirty-six (36) months of the Council's approval of the General Implementation Plan, and except as permitted under General Implementation Plan approval, the applicant shall submit a Specific Implementation Plan to the Director of Planning prior to commencing construction on property ~~zoned "TND CONCEPT"~~ **designated "TND-1 PLANNED"**. The applicant may request an extension of up to twelve (12) additional months from the Council if the Specific Implementation Plan has not been approved. If the applicant fails to submit a Specific Implementation Plan within the time allowed, then the General Implementation Plan (not the **"TND-1 CONCEPT" designation rezoning**) shall be ~~determined to be~~ invalid. If the Traditional Neighborhood Development is to be developed in phases, the applicant must submit a Specific Implementation Plan for the first phase within thirty-six (36) months of the Council's approval of the General Implementation Plan, and within consecutive twelve (12) month periods thereafter for each subsequent phase. If the applicant fails to submit a Specific Implementation Plan, then the General Implementation Plan incorporating all phases not already approved as a Specific Implementation Plan shall be ~~determined to be~~ invalid. The Specific Implementation Plan shall contain all information required in the Specific Implementation Plan Checklist.
- B. Certification. The following design professionals shall certify direct involvement in the preparation of the Specific Implementation Plan. A Final Plat shall be certified by a:
1. Architect or civil engineer; and



2. Landscape architect.

- C. Final Plat. A Final Plat shall be submitted with the Specific Implementation Plan, drawn in ink to a scale of one (1") inch equals one hundred (100') feet in one (1) or more sheets whose dimensions are twenty-four (24") inches by thirty-six (36") inches, and contain the information required by the Subdivision Ordinance under the Development Code.

The title of the Final Plat shall read "Final Plat of [Name of Traditional Neighborhood Development], [Section, Township, and Range"].

Where the Traditional Neighborhood Development is of unusual size or shape, the Commission may permit a variation in the scale or size of the Final Plat.

- D. Landscape Plan. A Landscape Plan is required for all Traditional Neighborhood Development Specific Implementation Plans.

- E. Substantial Compliance of Specific Implementation Plan. The Specific Implementation Plan shall be in substantial compliance with the General Implementation Plan. It is not intended that the Traditional Neighborhood Development so approved shall be inflexibly applied, but rather, the Traditional Neighborhood Development shall be in conformance with the General Implementation Plan subject to modification due to changed economic, social, market or demographic conditions. The burden shall be upon the applicant to show the Planning Commission good cause for Major Change (as defined below) between the General Implementation Plan and the Specific Implementation Plan as submitted for final approval. If the Specific Implementation Plan, as submitted, contains substantial variations from the General Implementation Plan, or Major Changes as defined in Section 5.3514 herein, the Planning Commission may, after a meeting with the applicant, within five (5) days of such meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved Traditional Neighborhood Development as set forth in Section 5.3514 herein.

- F. Procedure for approval. The Specific Implementation Plan and Final Plat shall follow the procedure for planning items going to the Planning Commission with a public hearing. Procedure for approval of a Specific Implementation Plan and Final Plat for a Traditional Neighborhood Development shall be processed in the following manner:

1. The Department of Engineering shall review and approve the construction plans for any Public Improvements shown on the Specific Implementation Plan prior to any construction. Improvements may be completed or bonded for final approval in the same manner as required under the Subdivision Ordinance of the Development Code.
2. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Commission as part of the applicant's permanent record.
3. Following required public notice, the Planning Commission shall hold a public hearing on the proposed Specific Implementation Plan and Final Plat. Following the hearing, the Planning Commission shall review the Specific Implementation Plan and Final Plat request and any comments submitted by any adjoining property Owners and shall approve, approve with conditions, or deny the request.
4. Upon such approval and subsequent amendment of the Specific Implementation Plan, construction may proceed for public and/or approved private Thoroughfares, utility installations, Common Open Space, recreational facilities, governmental Structures, and similar Uses provided that a preliminary Subdivision plat has also been approved for the Development in accordance with the Development Code.
5. Any other proposed modifications, including yard Variances and/or setback waivers, affecting the Traditional Neighborhood Development's legal description shall require a review and approval of the Traditional Neighborhood Development Specific Implementation Plan and/or the Final Plat by the Commissions staff. The burden shall be upon the applicant to demonstrate to the Planning Commission justification for any variation from the approved Specific Implementation Plan.
6. Upon approval of a Specific Implementation Plan and the Final Plat, the property shall be redesignated from "~~TND CONCEPT~~" "TND-1 PLANNED" to "TND-1" on the

official zoning map. Once land is rezoned to designated "TND-1" on the official zoning map, the provisions of this ordinance are mandatory.

Section 5.3512 Consolidated General Implementation Plan and Specific Implementation Plan. The applicant may file a General Implementation Plan, Specific Implementation Plan and Final Plat simultaneously with the Specific Implementation Plan conforming in all respects to the requirements of the General Implementation Plan.

Section 5.3513 Additional Regulations for Phased Developments. A Traditional Neighborhood Development may be developed in phases or stages in accordance with the following requirements:

- A. Boundaries. The boundaries of all proposed Traditional Neighborhood Development phases shall be shown on the General Implementation Plan.
- B. Data. All data required for the project, as a whole, shall be given for each phase shown on the General Implementation Plan.
- C. Improvements. The phasing plan shall be consistent with the traffic circulation, Drainage, Common Open Space, and utilities plans for the entire Traditional Neighborhood Development. Traditional Neighborhood Developments that are to be developed in phases or stages shall be required to provide Public Improvements, Common Open Space, and other amenities attributed to such phase at the same time as or before the construction of Principal Buildings and Structures associated with individual phases. The nature, type, and amount of Public Improvements, Common Open Space, and other project amenities provided during an individual phase of the project shall be commensurate with and proportionate to the overall Development of the phase.

Section 5.3514 Changes to an Approved Specific Implementation Plan.

- A. Types of Changes. There are three (3) types of changes: Major Use Change, Major Site Change, and Minor Change. A Major Use Change and a Major Site Change are collectively referred to herein as a "Major Change". Any measurement used to establish a "percentage of change" shall utilize the original Specific Implementation Plan as the baseline.
- B. Major Use Change. A major Use change ("Major Use Change") is one that will have significant impacts on the approved Uses within the Traditional Neighborhood Development, or on the site surrounding the Traditional Neighborhood Development. Major Use Changes include, but are not limited to:
  - 1. An increase in the Development site area of more than five (5%) percent;
  - 2. An increase in Density of any permitted land Use, including the number of housing units, by more than five (5%) percent;
  - 3. In residential areas, a change in the mix of Single-Dwelling and Multi-Dwelling Structures by more than five (5%) percent;
  - 4. An increase in the amount of land in nonresidential Uses by more than five (5%) percent;
  - 5. Involve any land Use not specified on the approved General Implementation Plan or the list of permitted Uses;
  - 6. Substantial and material reduction in the amenities proffered by the applicant; and/or
  - 7. Material changes in the permitted land Use authorized in the Traditional Neighborhood Development which in the opinion of the Zoning Officer will have a material adverse change with the Traditional Neighborhood Development or on the site surrounding the Traditional Neighborhood Development.
- C. Major Site Change. A major site change ("Major Site Change") is a major change (other than a Major Use Change) that will have significant impact on the site and layout of the Development in the Traditional Neighborhood Development which is not a Major Use Change, or on the site surrounding the Traditional Neighborhood Development. Major Site Changes include, but are not limited to:
  - 1. Changes that vary the individual Lot Area requirement as submitted in the General Implementation Plan by more than ten (10) percent;

8. Change in the location or description of a major private open space improvement, if the Director of Planning determines that the revised improvement is as beneficial to the residents as the previous improvement;
  9. Change in a construction phasing plan for major private open space improvements if the change extends a deadline by not more than twenty-four (24) months;
  10. Change in the location or type of a Drainage or water quality control, if the Director of Planning determines that (a) the basic layout of the TND District remains the same, and (b) the revised location or type of control functions as well as the previous location or type of control;
  11. Change in the location of a 100-year floodplain, if the Director of Planning determines that the revision more accurately describes the location of the floodplain;
  12. Change in the locations of major utility facilities and Easements, if the Director of Planning determines that the revised locations are more appropriate or functional;
  13. Change in a preliminary architectural standard, if the Director of Planning determines that the revised standard is consistent with the architectural character of the TND District;
  14. Reduction of the size of any Building;
  15. Movement of Buildings and/or Signs by no more than ten (10') feet, but in no event in required Buffers and/or setbacks;
  16. Landscaping approved in the Specific Implementation Plan that is replaced by similar landscaping to an equal or greater extent;
  17. Changes in non-residential floor plans, of up to five (5%) percent of the total Floor Area, which do not alter the character of the Use or increase the amount of required parking;
  18. Internal rearrangement of a parking Lot that does not affect the number of parking spaces or alter Access locations or design;
  19. Changes required or requested by the Parish and other State or Federal authorities in order to conform to other laws or regulations;
  20. On balance, compared to the approved Traditional Neighborhood Development, the change will equally or better meet the purposes and approval criteria set forth in Sections 5.3501, 5.3502, and 5.3504 ~~Sections 1.01, 1.02 and 1.04~~ above in the opinion of the Director of Planning; and/or
  21. Any adverse impacts caused by the change are mitigated to the satisfaction of the Director of Planning.
- E. Permitted Uses. Any changes to the permitted Uses within the TND District must be approved by the Council.
- F. Review Procedures. Requests for changes to an approved Traditional Neighborhood Development are processed as follows:
1. Major Use Changes.
    - a. Application for Major Use Changes. The Owner(s) of record of the property shall file an application with the Director of Planning, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Use Change, as described in Section 5.3514, ~~B b.~~, and the resulting impacts from the Major Use Change on the Development.
    - b. Public Hearing. Upon receipt and verification of the completion of the application by the Director of Planning, the Director of Planning shall forward the application to the Commissions. The Commissions shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials

presented at the public hearing shall be kept and maintained by the Commissions as part of the applicant's permanent record.

- c. Findings and Recommendations. The Commissions shall make their findings on the Major Use Change based on the information set forth in the application and the approval criteria set forth in Section 5.3514B-1.14, b., and submit recommendations to the Council within fifteen (15) days from the hearing date. The Commissions shall forward a copy of their findings and recommendations to the applicant.
- d. Adoption of Major Use Change. The Council shall adopt or reject the proposed Major Use Change within fifteen (15) days from receipt of the recommendations from the Commissions. The Council shall submit reasons for its decision to the applicant.

2. Major Site Changes.

- a. Application for Major Site Changes. The Owner(s) of record of the property shall file an application with the Director of Planning, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Site Change, as described in Section 5.3514, C e., and the resulting impacts from the Major Site Change on the Development.
- b. Public Hearing. Upon receipt and verification of the completion of the application by the Director of Planning, the Director of Planning shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
- c. Findings and Recommendations. The Planning Commission shall make its findings on the Major Site Change based on the information set forth in the application and the approval criteria set forth in Section 5.3514, C e. The Planning Commission shall forward a copy of its findings and recommendations to the applicant.
- d. Appeal. The applicant may appeal the decision by the Planning Commission pursuant to Section 5.3520 herein.

3. Minor Changes.

- a. Application. The Owner(s) of record of the property shall file an application with the Director of Planning, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Minor Change, as described in Section 5.3514, D d., and the resulting immaterial impacts from the change on the Development, if any.
- b. Findings and Recommendations. Upon receipt and verification of the completion of the application by the Director of Planning, the Director of Planning shall make its findings based on the information set forth in the application and the approval criteria set forth in Section 5.3514, D d., and notify the applicant of its decision. If the Director of Planning determines the change to be a Minor Change, the Director of Planning's decision shall be final and no Appeal shall be available.

4. Appeal of Classification as Major Use Change or Major Site Change. If the Director of Planning determines the change to be a Major Use Change or a Major Site Change, the applicant may appeal the decision by the Director of Planning pursuant to Section 5.3520 herein.

- G. Subdivision of Land. If the TND District involves the Subdivision of land as defined in the Parish's Subdivision ordinance, the applicant shall submit all required land division documents in accordance with the requirements of the Subdivision ordinance. If there is a conflict between the design standards of the Subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply. It being understood that the size and configuration of Lots within a TND District may otherwise be disallowed under the Parish's Subdivision regulations, but encouraged and permitted within a TND District.

1. The Planning Commission shall cease to approve any additional Specific Implementation Plans for subsequent phases; and/or
2. The Building Official shall discontinue issuance of Building permits.

In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between the construction of Dwellings or other Structures of a commercial nature and the provision of Common Open Spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.

- F. Permits. No Building permit for a Structure other than a temporary contractor's office or temporary storage Building shall be issued for a Lot or Parcel within an approved Traditional Neighborhood Development prior to a determination by the fire marshal or designee that adequate fire protection and Access for construction needs exists. No occupancy permit for a Structure other than a temporary contractor's office or other approved temporary Building shall be issued for a Structure on a Lot or Parcel within an approved Traditional Neighborhood Development prior to final inspection and approval of all required improvements which will serve such Lot or Parcel to the satisfaction of the Director of the Department of Public Works and the Building Official.

Section 5.3516 Expiration and Lapse of Specific Implementation Plans. Specific Implementation Plan approval shall expire three (3) years from the date of Planning Commission approval of a Specific Implementation Plan. The applicant may request an extension from the Planning Commission for not more than one (1) year if the project is not complete after three (3) years. Nothing herein shall be construed to limit the time limitations for phased Developments as set forth in Section 5.3511, ~~A~~.

Section 5.3517 The Approved Final Development Plan. Development restrictions and/or conditions, as required by the Commissions and/or the Council, shall be recorded by the applicant with the Clerk of Court of St. Tammany Parish within fifteen (15) days of the date of the final approval of the General Implementation Plan and/or the Specific Implementation Plan by the Commissions or Council, as the case may be. Certified copies of these documents shall also be filed with the Office of the Commissions. The applicant shall record Development restrictions and other required documents, which pertain to a Subdivision within the approved Specific Implementation Plan, with the Clerk of Court of St. Tammany Parish within fifteen (15) days of the signing of the Final Plat, as provided in this Section 5.3517.

Section 5.3518 Filing and Distribution of Specific Implementation Plan Final Plat. The applicant shall have a total of ten (10) blackline prints of the approved Final Plat to be disbursed as required by the Commissions staff.

Section 5.3519 Violations. Any violation of the General Implementation Plan and/or Specific Implementation Plan or any other phase or plan adopted as part of the amendment to the Development Code shall constitute a violation of the Development Code. Any Person or legal entity violating any provision of this ordinance, or who shall violate or fail to comply with any order made hereunder; or who shall continue to work upon any Structure after having received written notice from the Director of Planning to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed five hundred (\$500) dollars per violation. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such Owner, the agent of the Owner, or the contractor and/or left at his known place of residence or place of business.

Section 5.3520 Appeal. An applicant may appeal the findings and recommendations of the Commissions or Director of Planning, as applicable, by filing an objection in writing to the Council within five (5) days of receipt of the Commissions' or Director of Planning's recommendations. The Council shall grant or deny the Appeal, and the Council's decision shall be final. If the Council grants the Appeal, the Council shall submit a notice to the Commissions or Director of Planning stating reasons for its grant of the Appeal.

Section 5.3521 Rezoning ~~from of property designated "TND-1 PLANNED" District to Prior Zoning District.~~ The Director of Planning shall request that the Council initiate the rezoning of the property ~~designated "TND-1 PLANNED" back to the zoning district existing immediately preceding the "TND CONCEPT" and/or "TND" zoning within a Traditional Neighborhood Development,~~ only as to that portion of the property which has not been developed, if:

- A. Upon final review, ~~A an application for approval of a~~ Specific Implementation Plan for a portion of the property ~~is not approved within three (3) years after the effective date of the ordinance approving "TND CONCEPT" for the property unless extended by the Council for up to one (1) additional year has been denied; or~~

- B. A Specific Implementation Plan was not timely submitted in accordance with the provisions of Section 5.3511; or
- BC. An approved Specific Implementation Plan expires or lapses, pursuant to the provisions of Section 5.3516, as stipulated in the Specific Implementation Plan.

Section 5.3522 Relation to Zoning Districts. An approved Traditional Neighborhood Development shall be considered to be a separate zoning district in which the Development plan, as approved, establishes the restrictions and regulations according to which Development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and Subdivision regulations to the extent provided herein. Upon approval of the General Implementation Plan, the official zoning map will be changed to indicate the area as "TND-CONCEPT" "TND-1 PLANNED", or if final approval granted then as "TND-1". Every approval of a Traditional Neighborhood Development shall be considered an amendment to the zoning ordinance.

Section 5.3523 Comprehensive Rezoning. Any property designated as Traditional Neighborhood Development as part of the comprehensive rezoning process shall be designated as "TND-1 CONCEPT", until said property has undergone the Application Procedure and Approval Process as outlined in Section 5.3508 of these regulations., except that in such cases, the Commission decision relative to the General Implementation Plan will be considered the final determination, subject to Appeal to the Parish Council in accordance with Section 5.3520 of these regulations.

Table 1: Street Design Guidelines in a TND District  
(Each subject to Modification by the Commissions)

	Collector or Avenue	Subcollector or Drive	Local Street or Road	Alley
Average Daily Trips	750 or more	<del>750-1500</del> <u>250-750</u>	Less than 250	Not Applicable
Right-of-Way	76-88 feet	58-72 feet	35-50 feet	15-30 feet
Auto travel lanes	two or three 12 foot lanes	Two 10 foot lanes	Two 10 foot lanes, or one 14 foot (Queuing) lane	Two 8 foot lanes for two-way traffic, or one 12 foot lane for yield traffic
Bicycle lanes	Two 6 foot lanes combined with parking lanes	4 foot lanes with no parking, or 6 foot lanes combined with parking lanes	None	None
Parking	Both sides, 8 feet	None, one, or both sides, 8 feet	None or one both side, 8 feet	None (Access to individual Drives & garages outside Right of Way)
Curb and Gutter	Required	Required	Not Required	Not Required
Planting Strips	Minimum 6 feet	Minimum 6 feet	Minimum 3 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	Both sides, 3-5 feet	None

are permitted within a Mixed Residential Area with strict architectural and land Use controls. Retail and commercial Uses in a Mixed Residential Area are required to blend into the residential character of the neighborhood. A Mixed Residential Area includes open spaces including small squares, pocket parks, community parks, and greenbelts. A Mixed Residential Area promotes pedestrian activity through well designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Mixed Residential Area Uses include single-family homes, condominiums, Townhomes, apartments, offices, restaurants, neighborhood scale retail, and civic Uses. Mixed Residential areas often utilize Alleys.

- E. A "Neighborhood Edge Area" is the least dense portion of a TND District, with larger Lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular Access to Streets is permitted. Only single family residential Dwellings (attached or detached) are permitted. A Neighborhood Edge Area is appropriate along the perimeter of the neighborhood. A portion of a TND District that adjoins existing or platted conventional low Density housing must be designated as a Neighborhood Edge Area.
- F. Large office, low-impact manufacturing Uses and industrial Uses that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area but which serve the local residents may be located in a specified district.
- G. Civic Uses that are oriented to the general public are permitted in a Neighborhood Center Area and a Mixed Residential Area. These Uses are essential components of the social and physical fabric of a TND District. Civic space shall be integrated in residential and commercial areas in the TND. TND's shall incorporate civic Common Open Spaces to be maintained by the municipality and/or private open spaces to be maintained by the community or landowners within the TND. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public Buildings to create focal points and landmarks for the community. The locations of these major public civic Uses are designated on the Development Plan at the time of Commission approval of a particular Development.
- H. Open space is a significant part of a TND District design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, and greenbelts.
- I. A TND District is designed to be pedestrian oriented. To accomplish this goal, pattern and design of the various Thoroughfare Types are used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of Streets, and other Thoroughfare Types, is required. Streets may be smaller than in conventional Development and more varied in size and form to control traffic and give character to the neighborhood.
- J. Thoroughfares and utilities in TND Districts shall connect to existing Thoroughfares and utilities, or dead-end as stubs intended for connection to future Thoroughfares, unless otherwise prohibited by topography, environmental constraints or other considerations, as further described in Section 5.3504, H h.

#### Section 5.3503A TND District Definitions.

For the purposes of this Section only, the following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular.

**Abutting** - Having a border with, or being separated from such common border by, an Alley or Easement.

**Access** - An entry to or exit from a property, Lot, Building, parking Lot, or other area within the TND.

**Accessory Building** - a Building which is (1) subordinate to and serves a principal Structure or Principal Use; (2) is subordinate in area, extent and purpose to the principal Structure or Principal Use; (3) is located on the same Lot as the principal Structure or Principal Use; and (4) is customarily incidental to the principal Structure or Principal Use. Any portion of a Principal Building which is devoted to an Accessory Use is not an Accessory Building.

**Accessory Use** - A Use which (1) is subordinate to and serves a principal Structure or Principal Use, (2) is subordinate in area, extent, and purpose to the principal Structure or Principal Use served, (3) is located on the same Lot as the principal Structure or Principal Use served except as

otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principal Structure or Principal Use.

**Acre** – Forty-three thousand five hundred sixty (43,560) square feet.

**Alley** - a public or private way permanently reserved as a secondary means of Access to Abutting property. (See standards in Table 1)

**Appeal** - A means for obtaining review of a decision, determination, order, or failure to act under the terms of this ordinance.

**Application** - an application filed by a Developer/applicant for TND District zoning.

**Association, or Associations** – the association or associations of all the Owners of property in the TND charged with the ownership and maintenance of Common Open Space and associated facilities and operated pursuant to articles of incorporation and bylaws. Initially, the Developer shall maintain control of the Association until such time as two-thirds (2/3) of Lots in the TND have been sold, or as otherwise set forth in its Articles or Bylaws. A TND may have a residential Association and a commercial Association.

**Block** - a unit of land bounded by Thoroughfares or by a combination of Thoroughfare Types, public land, railroad rights-of-way, waterways, or any other barrier to the continuity of Development.

**Boulevard** - a major Thoroughfare for carrying a large volume of through traffic in the area, normally controlled by traffic Signs and signals with relatively few intersections and/or Drives.

**Buffer, or Buffer Yard** - a unit of land, together with a specified type and amount of planting and any fencing which may be required between land Uses to minimize conflicts between them.

**Building** - a Structure built, maintained, or intended for Use as a shelter or enclosure of Persons, animals, or property. The term includes any part of the Structure. Where independent units with separate entrances are divided by party walls, each unit is a Building.

**Building Height, or Height** - the vertical distance measured from the lowest ground elevation to the highest point of the Building or Structure. The Building Height may be prescribed as a maximum number of Stories or as a dimension from sidewalk grade to the eave. The Height limit shall not apply to chimneys.

**Building Setback** - the distance from the Street Right of Way line to the closest point of the foundation of a Building or projection thereof.

**Collector** - a Street designed to carry moderate volumes of traffic from local Streets to Boulevards or from Boulevard to Boulevard. Collectors are also referred to as Avenues. (See standards in Table 1)

**Commercial Street** – a very urban condition which comprises a Street with raised curbs drained by inlets. Wide sidewalks along both sides are separated from the Thoroughfare by small separate Tree wells. Trees along the Commercial Street consist of a single species aligned in a row or rows. Tree spacing may be irregular to stay clear of shop entrances. Commercial Streets have the highest pedestrian Use.

**Commissions** – the Planning Commission and the Zoning Commission, individually and collectively.

**Common Open Space** - a Parcel or Parcels of land and/or an area of water within a Development that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the occupants of the Development. It may contain such complementary Structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such Development as set forth in Section 5.3504, E e. herein, including those Uses set forth in Section 10.1.1, III., B of the Development Code.

**Council** – the St. Tammany Parish Council.

**Density** – A measure of the intensity of Development. In this ordinance, Density for residential Development is calculated in terms of units per Acre.

**Developer** - the legal or beneficial Owner(s) of a Lot or Parcel of any land proposed for inclusion in a



Development, including the holder of an option or contract to purchase.

Development - the division of a Parcel of land into two (2) or more Parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any Buildings or Structures; any Use or change in Use of any Buildings or land; or any extension of any Use of land or any clearing, grading, or other movement of land.

Development Code – the St. Tammany Parish Unified Development Code and Subdivision Regulations.

Drainage – the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after Development and includes the means necessary for water supply preservation or the prevention or alleviation of Flooding.

Drive or Driveway – for the purposes of this section only a driveway is defined as a vehicular Access way within a Lot.

Dwelling – any Building or portion of a Building which is designated or used for residential purposes.

Dwelling, Multi- or Multi-Family – a Building that contains more than one (1) Dwelling unit.

Dwelling, Single- or Single-Family – a Building that contains only one (1) living unit, including attached Buildings in the case of Townhomes when said living units are each on a separate legal lot or parcel.

Flood, or Flooding – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floor Area – the sum of the gross floor area for each of a Building's or Structure's Stories measured from the exterior limits of the faces of the Building or Structure. The Floor Areas of the Building include the basement Floor Area. The Floor Area includes the attic only if it is habitable Floor Area.

General Implementation Plan – the initial plan of Development for a TND which an applicant/Developer submits to the Commissions containing all those items described in the General Implementation Plan Checklist, including written and graphic documents, which represents a **conceptual general** plan of the proposed land Uses and their overall impact on the land and surrounding land for **rezoning redesignation** of the land to **TND-Concept "TND-2 PLANNED"**.

General Implementation Plan Checklist – a list containing items which must be included in a General Implementation Plan submitted to the Commissions for TND approval.

Highway – a long-distance, speed-movement Thoroughfare designed for vehicle use, traversing open countryside. A Highway should be relatively free of intersections, Driveways and adjacent Buildings, otherwise it becomes strip Development which interferes with traffic flow and human comfort. Variants include freeways, expressways and parkways.

Live/Work Unit – those dwelling structures or units that combine a residence and a workplace, as permitted in this ordinance.

Lot - a Parcel of land undivided by any Street or private Road and occupied or intended for occupancy by, or designated to be developed for, one (1) Building or Principal Use and the Accessory Buildings or Accessory Uses customarily incidental to such Building, Use or Development, including such open spaces and yards as are designed and arranged or required by this ordinance for such Building Use or Development.

Lot Area – the area contained within the boundary lines of Lot.

Lot Line - a line bounding a Lot which divides one (1) Lot from another or from a Street or any public or private space.

Lot Width - the horizontal distance between Side Lot Lines measured at the front setback. Where there is only one Side Lot Line, Lot Width shall be measured between such Lot Line and the opposite Lot Line or future Right of Way line.

Major Change – a change to an approved Traditional Neighborhood Development as set forth in Section 5.3514A, A, B, and C a., b., and c.

Minor Change – a change to an approved Traditional Neighborhood Development as set forth in Section 5.3514, D d.

Net Acre - an Acre of land excluding Street rights-of-way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

Owner - The Person or Persons having the right of legal title to, or beneficial interest in, a Lot or Parcel of land.

Parcel - The area within the boundary lines of a Development.

Parish - The Parish of St. Tammany, State of Louisiana.

Passage – a pedestrian connector passing between Buildings. Passages provide shortcuts through long blocks and connect rear parking areas with Street frontages. Passages may be roofed over and lined by shop fronts. Variants include Courts, a Passage that is wide enough to be landscaped, being the frontage for Buildings which are otherwise provided with vehicular Access only by Rear Alleys.

Path – a pedestrian way traversing a park or the countryside. Paths should connect directly with the sidewalk network at the urban edge.

Person - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, and assignee, or a similar representative of any of them.

Planning Commission - : The body duly appointed by the St. Tammany Government and charged with the responsibility of formulating a comprehensive plan, to keep it up to date, and to prescribe and administer necessary rules and regulations for the successful implementation of the comprehensive plan, a part of which being the subdivision regulations in accord with LA Revised Statutes 33: 101-120.1.

Planning Staff or Commissions Staff - Professional and non-professional personnel employed by the St. Tammany Parish Government to carry out and fulfill the directives and responsibilities of the Commissions. Staff functions may be conducted by private or public consultants.

Principal Building - a Building in which the Principal Use of the Lot on which the Building is located is conducted or intended to be conducted.

Principal Use - The specific primary purpose for which land is used.

Public Improvement - Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for such public needs as vehicular and pedestrian circulation systems, storm sewers, Flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

Queuing - the Use of one travel lane on local Streets with parking, usually an intermittent parking pattern, on both sides.

Rear Alley – a narrow service Access way to the rear of more urban Buildings providing service areas, parking Access, and utility Easements. Alleys, as they are used by trucks and must accommodate dumpsters, should be paved from Building face to Building face, with drainage by inverted crown at the center. Buildings facing the Alley must have windows.

Rear Lane – a vehicular Access way located to the rear of a Lot providing Access to parking and outbuildings as well as Easements for utilities. Rear Lanes are paved as lightly as possible to Driveway standards or with gravel. Rear Lanes should be as rural as possible in character. Buildings facing the Rear Lane must have windows. Posted speed should equal design speed.

Rear Lot Line - that Lot Line which is parallel to and most distant from the front Lot Line of the Lot; in the case of an irregular or triangular Lot, a line twenty (20) feet in length, entirely within the Lot, parallel to and at the maximum possible distance from the front line, shall be considered to

**a) "TND-2 CONCEPT" - The designation of property for development as a Traditional Neighborhood Development through the comprehensive rezoning process.**

**b) "TND-2 PLANNED" - The designation of property for development as a Traditional Neighborhood Development following approval of the General Implementation Plan.**

**c) "TND-2" - The redesignation of property from "TND PLANNED" on the official zoning map, upon approval of a Specific Implementation Plan and the Final Plat.**

Transit Stop – a location where passengers board and alight. Transit Stops can serve one or more routes and include various levels of amenities depending on the level of actual or anticipated riders. Amenities can include Transit Stop sign pole, benches, trash receptacles, shelters and lighting. Transit Stops can be placed within the public right-of-way or on private property depending on service needs and passenger comfort.

Tree - Any self-supporting perennial woody plant that is at least four (4) inches in diameter.

Urban Street – a typical urban condition which comprises a Street with raised curbs drained by inlets. A narrower, continuous planter separates wide sidewalks along both sides from the Thoroughfare. Trees along Urban Streets consist of a single species aligned in a row or rows.

Use - The purpose or activity for which land or any Building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance - Permission to depart from the literal requirements of this ordinance granted by the Council.

Zoning Commission - That body of appointed officials granted the authority to administer land use regulations in accordance with under Title 33, Sections 101 through 119, Louisiana Revised Statutes Annotated, as amended, and under Title 33, Sections 4776.40 through 4776.50, Louisiana Revised Statutes Annotated, as amended, the St. Tammany Parish Home Rule Charter Commission, adopted under the authority of Article VI, Section 5, of the Constitution of Louisiana and LSA-R.S. 33:1395, as amended and Article 1 of these regulations.

#### Section 5.3504A TND-2 District Design Requirements.

##### A. Association.

1. Conditions, covenants, and restrictions for all the property within a TND District must be filed in the Parish records by the Owner before a Lot is sold and/or a Building permit is issued.
2. In addition to other terms and conditions acceptable to the applicant, the conditions, covenants, and restrictions must create one (1) or more property owners Associations with mandatory membership for each property Owner, governed by Articles of Incorporation and Bylaws, which shall:
  - a. be organized by the applicant and operated with a financial subsidy from the applicant before the sale of any Lots within the TND District;
  - b. provide for the conditions and timing of transferring control of the Association from the applicant to the property Owners;
  - c. be responsible for maintenance of insurance and taxes on all Common Open Space, enforceable by liens placed on the Association by the Parish, as provided in the Association Bylaws;
  - d. at all times, cause all Owners to have Access to the Common Open Space within the TND District;
  - e. establish architectural standards that are in conformity with the requirements of this ordinance which shall be subject to review and approval by the Board of Directors of the Association or the Architectural Control Committee, as described below;
  - f. create an Architectural Control Committee to review Development for compliance with the architectural standards, to issue certificates of approval,

- A. The St. Tammany Parish Unified Development Code and Subdivision Regulations ("Other Codes and Ordinances") for the Parish applies to a TND District unless:
  - 1. this ordinance expressly provides otherwise; and
  - 2. only as long as such Other Codes and Ordinances do not impede the accomplishment of the stated purpose of the TND District as described in this ordinance.
- B. The requirements of this Article supersede any inconsistent provision of any Other Codes and Ordinances.
- C. A TND District is a separate and distinct zoning district which shall allow the permitted Uses as provided in the General Implementation Plan, notwithstanding any other zoning classification provided in Other Codes and Ordinances.

Section 5.3507A Unified Control. All land included in any TND District shall be under the complete, unified and legal control of the applicant, whether the applicant be an individual, partnership, limited liability company, corporation and/or other Person. Upon request by the Parish, the applicant shall furnish the Parish sufficient evidence to the satisfaction of the Parish that the applicant is in the complete, legal and unified control of the entire area of the proposed Traditional Neighborhood Development. Upon request by the Parish, the applicant shall provide the Parish all agreements, contracts, guarantees and other necessary documents and information that may be required by the Parish to assure the Parish that the Development project may be lawfully completed according to the plans sought to be approved.

Section 5.3508A Application Procedure and Approval Process; General. Prior to the issuance of any permits for Development **within of a Traditional Neighborhood Development TND District**, the following three (3) steps shall be completed according to the procedures outlined in this Section:

- A. Pre-Application Conference;
- B. Approval of a General Implementation Plan by the Commissions and the Council for the entire Traditional Neighborhood Development; and
- C. Approval of a Specific Implementation Plan by the Planning Commission; and
- D. Approval of a Final Plat by the Planning Commission.

If the Development includes the division of property into Lots, the Specific Implementation Plan shall be approved concurrently with a preliminary plat.

Subdivisions of property within a TND District after General Implementation Plan approval, but prior to Specific Implementation Plan approval, shall meet the zoning requirements of the most Restrictive zoning district allowed for each designated Use for that portion of the General Implementation Plan. These Subdivisions shall require Planning Commission approval and will not allow Development or Building permit approval until a Specific Implementation Plan is approved.

Where the Development is to be developed in phases, the General Implementation Plan that is presented for review and approval shall be the General Implementation Plan for the entire Development and shall identify the proposed phasing. Each phase of a Development shall have an individual Specific Implementation Plan.

Independent Consultants may be retained by the Commissions and/or the Council to seek assistance to properly review the General Implementation Plans and Specific Implementation Plans. The reasonable cost of such review shall be reimbursed by the applicant. The applicant shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed plans are approved, amended, rejected or withdrawn.

Section 5.3509A Pre-Application Conference.

- A. The pre-Application conference shall be held with the Director of Planning or the Director of Planning's designee for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a Traditional Neighborhood Development.
- B. A request for a pre-Application conference shall be made to the Director of Planning. As part of the pre-Application conference, the applicant shall submit five (5) copies of a **conceptual plan proposed General Implementation Plan**, at least ten (10) days in advance of the pre-Application conference, which shows the property location, boundaries, significant natural

features, Thoroughfare network (vehicular and pedestrian circulation), land Use(s) for the entire site, and a statement indicating financial responsibility sufficient to complete the Public Improvements shown on the conceptual plan.

- C. The Director of Planning or the Director of Planning's designee shall advise the applicant of the conformance of the **proposed General Implementation Plan for the** Traditional Neighborhood Development ~~concept~~ with the intent and objectives of a Traditional Neighborhood Development, whether it appears to qualify under the minimum requirements of Sections **5.301A, 5.3502A, and 5.3504A**, ~~1.01, 1.02 and 1.04~~, and whether the general ~~concept~~ **plan** appears to be substantially consistent with the St. Tammany Parish Master Plan and the St. Tammany Parish Land Use Plan. No formal action will be taken at a pre-Application conference, nor will statements made at the pre-Application conference be considered legally binding commitments.

Section 5.3510A General Implementation Plan. Following the pre-Application conference, the applicant shall submit a completed Application (General Implementation Plan) to the Director of Planning. When the Director of Planning determines the Application to be complete, the Application shall be sent to the Commission for a public workshop session if deemed necessary by the Director of Planning, followed at a later date by a public hearing. The General Implementation Plan shall contain all information required in the General Implementation Plan Checklist, including architectural design guidelines as described in Section 5.3504A, ~~1 j~~ herein.

- A. Procedures for General Implementation Plan approval. All Applications for Traditional Neighborhood Developments shall be processed in the following manner:
1. The General Implementation Plan shall follow the procedures for approval of planning items before the Planning Commission and zoning cases before the Zoning Commission and the Council which are not in conflict with this Section 5.3510A.
  2. At least fourteen (14) days prior to review and determination by the Commissions, all Abutting property Owners shall be notified by regular mail of the Traditional Neighborhood Development and given an opportunity to submit written comments. Notice shall also be published in the Parish's official journal at least ten (10) days prior to the review.
  3. Following required public notice, the Commissions shall hold a public hearing on the proposed Traditional Neighborhood Development. Following the hearing, the Commissions shall review Traditional Neighborhood Development request and General Implementation Plan and any comments submitted by any adjoining property Owners and shall make a recommendation to the Council to approve, approve with conditions, or deny the ~~Traditional Neighborhood Development rezoning request~~ **General Implementation Plan**. In its recommendation to the Council, the Commissions shall include the reasons for such recommendation.
- B. Approval of a General Implementation Plan. After receiving the recommendation of the Commissions, the Council shall review the Application, including the General Implementation Plan, the record of the Commissions' proceedings and the recommendation, and shall approve, approve with conditions, or deny the Application in accordance with the standards and purposes set forth in Sections **5.301A, 5.3502A, and 5.3504A**, ~~1.01, 1.02 and 1.04~~. An approval with conditions shall not be considered final (and the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the General Implementation Plan to the Council.

If approved by the Council, the General Implementation Plan and all other information and material formally submitted with the Application shall be adopted as an amendment to this Development Code and shall become the standards of Development for the Traditional Neighborhood Development. All future Development shall conform to the standards adopted for the Traditional Neighborhood Development regardless of changes in ownership.

Upon approval of the General Implementation Plan, the property shall be designated "~~TND CONCEPT~~" "**TND-2 PLANNED**" on the official zoning map.

#### Section 5.3511A Specific Implementation Plan and Final Plat.

- A. Submittal. Within thirty-six (36) months of the Council's approval of the General Implementation Plan, and except as permitted under General Implementation Plan approval, the

applicant shall submit a Specific Implementation Plan to the Director of Planning prior to commencing construction on property zoned ~~“TND-CONCEPT”~~ **designated “TND-2 PLANNED”**. The applicant may request an extension of up to twelve (12) additional months from the Council if the Specific Implementation Plan has not been approved. If the applicant fails to submit a Specific Implementation Plan **within the time allowed**, then the General Implementation Plan (not the **“TND-2 CONCEPT” designation rezoning**) shall be **determined to be** invalid. If the Traditional Neighborhood Development is to be developed in phases, the applicant must submit a Specific Implementation Plan for the first phase within thirty-six (36) months of the Council’s approval of the General Implementation Plan, and within consecutive twelve (12) month periods thereafter for each subsequent phase. If the applicant fails to submit a Specific Implementation Plan, then the General Implementation Plan incorporating all phases not already approved as a Specific Implementation Plan shall be **determined to be** invalid. The Specific Implementation Plan shall contain all information required in the Specific Implementation Plan Checklist.

- B. Certification. The following design professionals shall certify direct involvement in the preparation of the Specific Implementation Plan. A Final Plat shall be certified by a:
1. Architect or civil engineer; and
  2. Landscape architect.
- C. Final Plat. A Final Plat shall be submitted with the Specific Implementation Plan, drawn in ink to a scale of one (1”) inch equals one hundred (100’) feet in one (1) or more sheets whose dimensions are twenty-four (24”) inches by thirty-six (36”) inches, and contain the information required by the Subdivision Ordinance under the Development Code.

The title of the Final Plat shall read “Final Plat of [Name of Traditional Neighborhood Development], [Section, Township, and Range”].

Where the Traditional Neighborhood Development is of unusual size or shape, the Commission may permit a variation in the scale or size of the Final Plat.

- D. Landscape Plan. A Landscape Plan is required for all Traditional Neighborhood Development Specific Implementation Plans.
- E. Substantial Compliance of Specific Implementation Plan. The Specific Implementation Plan shall be in substantial compliance with the General Implementation Plan. It is not intended that the Traditional Neighborhood Development so approved shall be inflexibly applied, but rather, the Traditional Neighborhood Development shall be in conformance with the General Implementation Plan subject to modification due to changed economic, social, market or demographic conditions. The burden shall be upon the applicant to show the Planning Commission good cause for Major Change (as defined below) between the General Implementation Plan and the Specific Implementation Plan as submitted for final approval. If the Specific Implementation Plan, as submitted, contains substantial variations from the General Implementation Plan, or Major Changes as defined in Section 5.3514A herein, the Planning Commission may, after a meeting with the applicant, within five (5) days of such meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved Traditional Neighborhood Development as set forth in Section 5.3514A herein.
- F. Procedure for approval. The Specific Implementation Plan and Final Plat shall follow the procedure for planning items going to the Planning Commission with a public hearing. Procedure for approval of a Specific Implementation Plan and Final Plat for a Traditional Neighborhood Development shall be processed in the following manner:
1. The Department of Engineering shall review and approve the construction plans for any Public Improvements shown on the Specific Implementation Plan prior to any construction. Improvements may be completed or bonded for final approval in the same manner as required under the Subdivision Ordinance of the Development Code.
  2. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Commission as part of the applicant’s permanent record.

3. Following required public notice, the Planning Commission shall hold a public hearing on the proposed Specific Implementation Plan and Final Plat. Following the hearing, the Planning Commission shall review the Specific Implementation Plan and Final Plat request and any comments submitted by any adjoining property Owners and shall approve, approve with conditions, or deny the request.
4. Upon such approval and subsequent amendment of the Specific Implementation Plan, construction may proceed for public and/or approved private Thoroughfares, utility installations, Common Open Space, recreational facilities, governmental Structures, and similar Uses provided that a preliminary Subdivision plat has also been approved for the Development in accordance with the Development Code.
5. Any other proposed modifications, including yard Variances and/or setback waivers, affecting the Traditional Neighborhood Development's legal description shall require a review and approval of the Traditional Neighborhood Development Specific Implementation Plan and/or the Final Plat by the Commissions staff. The burden shall be upon the applicant to demonstrate to the Planning Commission justification for any variation from the approved Specific Implementation Plan.
6. Upon approval of a Specific Implementation Plan and the Final Plat, the property shall be redesignated from ~~"TND CONCEPT"~~ **"TND-2 PLANNED"** to **"TND-2"** on the official zoning map. Once land is rezoned to **designated "TND-2" on the official zoning map**, the provisions of this ordinance are mandatory.

Section 5.3512 Consolidated General Implementation Plan and Specific Implementation Plan. The applicant may file a General Implementation Plan, Specific Implementation Plan and Final Plat simultaneously with the Specific Implementation Plan conforming in all respects to the requirements of the General Implementation Plan.

Section 5.3513 Additional Regulations for Phased Developments. A Traditional Neighborhood Development may be developed in phases or stages in accordance with the following requirements:

- A. Boundaries. The boundaries of all proposed Traditional Neighborhood Development phases shall be shown on the General Implementation Plan.
- B. Data. All data required for the project, as a whole, shall be given for each phase shown on the General Implementation Plan.
- C. Improvements. The phasing plan shall be consistent with the traffic circulation, Drainage, Common Open Space, and utilities plans for the entire Traditional Neighborhood Development. Traditional Neighborhood Developments that are to be developed in phases or stages shall be required to provide Public Improvements, Common Open Space, and other amenities attributed to such phase at the same time as or before the construction of Principal Buildings and Structures associated with individual phases. The nature, type, and amount of Public Improvements, Common Open Space, and other project amenities provided during an individual phase of the project shall be commensurate with and proportionate to the overall Development of the phase.

Section 5.3514 Changes to an Approved Specific Implementation Plan.

- A. Types of Changes. There are three (3) types of changes: Major Use Change, Major Site Change, and Minor Change. A Major Use Change and a Major Site Change are collectively referred to herein as a "Major Change". Any measurement used to establish a "percentage of change" shall utilize the original Specific Implementation Plan as the baseline.
- B. Major Use Change. A major Use change ("Major Use Change") is one that will have significant impacts on the approved Uses within the Traditional Neighborhood Development, or on the site surrounding the Traditional Neighborhood Development. Major Use Changes include, but are not limited to:
  1. An increase in the Development site area of more than five (5%) percent;
  2. An increase in Density of any permitted land Use, including the number of housing units, by more than five (5%) percent;

20. On balance, compared to the approved Traditional Neighborhood Development, the change will equally or better meet the purposes and approval criteria set forth in Sections 5.301A, 5.3502A, and 5.3504A, ~~1.01, 1.02 and 1.04~~ above in the opinion of the Director of Planning; and/or
  21. Any adverse impacts caused by the change are mitigated to the satisfaction of the Director of Planning.
- E. Permitted Uses. Any changes to the permitted Uses within the TND District must be approved by the Council.
- F. Review Procedures. Requests for changes to an approved Traditional Neighborhood Development are processed as follows:
1. Major Use Changes.
    - a. Application for Major Use Changes. The Owner(s) of record of the property shall file an application with the Director of Planning, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Use Change, as described in Section 5.3514A, B ~~b.~~, and the resulting impacts from the Major Use Change on the Development.
    - b. Public Hearing. Upon receipt and verification of the completion of the application by the Director of Planning, the Director of Planning shall forward the application to the Commissions. The Commissions shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Commissions as part of the applicant's permanent record.
    - c. Findings and Recommendations. The Commissions shall make their findings on the Major Use Change based on the information set forth in the application and the approval criteria set forth in Section 5.3514A ~~1.14, b.~~, and submit recommendations to the Council within fifteen (15) days from the hearing date. The Commissions shall forward a copy of their findings and recommendations to the applicant.
    - d. Adoption of Major Use Change. The Council shall adopt or reject the proposed Major Use Change within fifteen (15) days from receipt of the recommendations from the Commissions. The Council shall submit reasons for its decision to the applicant.
  2. Major Site Changes.
    - a. Application for Major Site Changes. The Owner(s) of record of the property shall file an application with the Director of Planning, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Major Site Change, as described in Section 5.3514A, C ~~e.~~, and the resulting impacts from the Major Site Change on the Development.
    - b. Public Hearing. Upon receipt and verification of the completion of the application by the Director of Planning, the Director of Planning shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
    - c. Findings and Recommendations. The Planning Commission shall make its findings on the Major Site Change based on the information set forth in the application and the approval criteria set forth in Section 5.3514A, C ~~e.~~—The Planning Commission shall forward a copy of its findings and recommendations to the applicant.



- d. **Appeal.** The applicant may appeal the decision by the Planning Commission pursuant to Section 5.3520A herein.
3. **Minor Changes.**
    - a. **Application.** The Owner(s) of record of the property shall file an application with the Director of Planning, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a Minor Change, as described in Section 5.3514A, D ~~+~~, and the resulting immaterial impacts from the change on the Development, if any.
    - b. **Findings and Recommendations.** Upon receipt and verification of the completion of the application by the Director of Planning, the Director of Planning shall make its findings based on the information set forth in the application and the approval criteria set forth in Section 5.3514A, D ~~+~~, and notify the applicant of its decision. If the Director of Planning determines the change to be a Minor Change, the Director of Planning's decision shall be final and no Appeal shall be available.
  4. **Appeal of Classification as Major Use Change or Major Site Change.** If the Director of Planning determines the change to be a Major Use Change or a Major Site Change, the applicant may appeal the decision by the Director of Planning pursuant to Section 5.3520A herein.
- G. **Subdivision of Land.** If the TND District involves the Subdivision of land as defined in the Parish's Subdivision ordinance, the applicant shall submit all required land division documents in accordance with the requirements of the Subdivision ordinance. If there is a conflict between the design standards of the Subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply. It being understood that the size and configuration of Lots within a TND District may otherwise be disallowed under the Parish's Subdivision regulations, but encouraged and permitted within a TND District.

Section 5.3515A Maintaining a Specific Implementation Plan.

- A. **Ownership and Maintenance of Public Space.** Provision shall be made for the ownership and maintenance of public Thoroughfares, squares, parks, open space, and other public spaces in a TND District by dedication to the Parish and/or Association(s).
- B. **Construction.** Construction may take place only within such portion(s) of a Traditional Neighborhood Development for which a current Specific Implementation Plan is in effect.
- C. **Development Agreement.** All "TND" zoning granted on the basis of Specific Implementation Plan approval shall be subject to a Parish/Applicant Agreement prior to or contemporaneous with Final Plat approval. Prior to final approval, the applicant shall be required to enter into a Parish/Applicant Agreement with the Parish. This Agreement is designed and intended to reflect the agreement of the Parish and the applicant as to the phasing of construction to insure the timely and adequate provisions of public works facilities and public type improvements. This Parish/Applicant Agreement is also intended to insure balanced intensity of Development to avoid overloading existing public facilities during the construction phase. This Parish/Applicant Agreement will be individually negotiated for each project, but should address the following issues:
  1. Any agreement on cost sharing for the installation or oversizing of major utility systems, lines or facilities.
  2. Any agreement on cost sharing for the installation of interior or perimeter roadways or Thoroughfare network.
  3. Any agreement as to a mandatory construction or dedication schedule for Common Open Space area or improvements, school site(s), landscaping or greenbelt Development or other comparable items to be dedicated or constructed for each Acre of property within the Traditional Neighborhood Development released for construction by Specific Implementation Plan approval. This requirement is intended to allow the Parish to insure that pre-planned public type facilities, improvements or amenities are installed concurrently with other Development on the basis of a negotiated formula.

4. Any agreement as to the establishment of a maximum residential Density or commercial intensity of Use during the construction process. This requirement is intended to allow the Parish to establish a maximum Development intensity that cannot be exceeded while each phase of the project is being completed. Under this provision, the Parish may establish a maximum overall Density for each phase of the project to be applicable only during the construction phase of the Traditional Neighborhood Development. This restriction would require concurrent Development of lower Density or intensity of Use activities with higher Density or intensity of Use activities.
  5. Any agreement by the applicant or Association to maintain all Common Open Space at no cost to the Parish.
- D. Development Schedule. The Development schedule shall contain the following information:
1. The order of construction of the proposed stages delineated in the Specific Implementation Plan.
  2. The proposed date for the beginning of construction of each stage.
  3. The proposed date for the completion of construction of each stage.
  4. The proposed schedule for the construction and improvement of common area within each stage including any Accessory Buildings.
- E. Enforcement of the Development Schedule. The construction and provision of all Common Open Spaces and public facilities and infrastructure which are shown on the Specific Implementation Plan must proceed at no slower a rate than the construction of Dwelling units or other Structures of a commercial nature. The Planning Commission may, at any time, compare the actual Development accomplished with the approved Development schedule. If the Planning Commission finds that the rate of construction of Dwelling units or other commercial Structures is substantially greater than the rate at which Common Open Spaces and public facilities and infrastructure have been constructed and provided, then either or both of the following actions may be taken:
1. The Planning Commission shall cease to approve any additional Specific Implementation Plans for subsequent phases; and/or
  2. The Building Official shall discontinue issuance of Building permits.
- In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between the construction of Dwellings or other Structures of a commercial nature and the provision of Common Open Spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.
- F. Permits. No Building permit for a Structure other than a temporary contractor's office or temporary storage Building shall be issued for a Lot or Parcel within an approved Traditional Neighborhood Development prior to a determination by the fire marshal or designee that adequate fire protection and Access for construction needs exists. No occupancy permit for a Structure other than a temporary contractor's office or other approved temporary Building shall be issued for a Structure on a Lot or Parcel within an approved Traditional Neighborhood Development prior to final inspection and approval of all required improvements which will serve such Lot or Parcel to the satisfaction of the Director of the Department of Public Works and the Building Official.

Section 5.3516A Expiration and Lapse of Specific Implementation Plans. Specific Implementation Plan approval shall expire three (3) years from the date of Planning Commission approval of a Specific Implementation Plan. The applicant may request an extension from the Planning Commission for not more than one (1) year if the project is not complete after three (3) years. Nothing herein shall be construed to limit the time limitations for phased Developments as set forth in Section 5.3511 A. A. a.

Section 5.3517A The Approved Final Development Plan. Development restrictions and/or conditions, as required by the Commissions and/or the Council, shall be recorded by the applicant with the Clerk of Court of St. Tammany Parish within fifteen (15) days of the date of the final approval of the General Implementation Plan and/or the Specific Implementation Plan by the Commissions or Council, as the case may be. Certified copies of these documents shall also be filed with the Office of the Commissions. The applicant shall record Development restrictions and other required documents, which pertain to a Subdivision within the approved

Specific Implementation Plan, with the Clerk of Court of St. Tammany Parish within fifteen (15) days of the signing of the Final Plat, as provided in this Section 5.3517A.

Section 5.3518A Filing and Distribution of Specific Implementation Plan Final Plat. The applicant shall have a total of ten (10) blackline prints of the approved Final Plat to be disbursed as required by the Commissions staff.

Section 5.3519A Violations. Any violation of the General Implementation Plan and/or Specific Implementation Plan or any other phase or plan adopted as part of the amendment to the Development Code shall constitute a violation of the Development Code. Any Person or legal entity violating any provision of this ordinance, or who shall violate or fail to comply with any order made hereunder; or who shall continue to work upon any Structure after having received written notice from the Director of Planning to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed five hundred (\$500) dollars per violation. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such Owner, the agent of the Owner, or the contractor and/or left at his known place of residence or place of business.

Section 5.3520A Appeal. An applicant may appeal the findings and recommendations of the Commissions or Director of Planning, as applicable, by filing an objection in writing to the Council within five (5) days of receipt of the Commissions' or Director of Planning's recommendations. The Council shall grant or deny the Appeal, and the Council's decision shall be final. If the Council grants the Appeal, the Council shall submit a notice to the Commissions or Director of Planning stating reasons for its grant of the Appeal.

Section 5.3521A Rezoning from of property designated "TND-2PLANNED" District to Prior Zoning District. The Director of Planning shall request that the Council initiate the rezoning of the property designated "TND-2 PLANNED" back to the zoning district existing immediately preceding the "TND-CONCEPT" and/or "TND" zoning within a Traditional Neighborhood Development, only as to that portion of the property which has not been developed, if:

- A. Upon final review, A an application for approval of a Specific Implementation Plan for a portion of the property is not approved within three (3) years after the effective date of the ordinance approving "TND-CONCEPT" for the property unless extended by the Council for up to one (1) additional year has been denied; or
- B. A Specific Implementation Plan was not timely submitted in accordance with the provisions of Section 5.3511A; or
- BC. An approved Specific Implementation Plan expires or lapses, pursuant to the provisions of Section 5.3516A. as stipulated in the Specific Implementation Plan.

Section 5.3522A Relation to Zoning Districts. An approved Traditional Neighborhood Development shall be considered to be a separate zoning district in which the Development plan, as approved, establishes the restrictions and regulations according to which Development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and Subdivision regulations to the extent provided herein. Upon approval of the General Implementation Plan, the official zoning map will be changed to indicate the area as "~~TND-CONCEPT~~" "TND-2 PLANNED", or if final approval granted then as "TND-2". Every approval of a Traditional Neighborhood Development shall be considered an amendment to the zoning ordinance.

Section 5.3523A Comprehensive Rezoning. Any property designated as Traditional Neighborhood Development as part of the comprehensive rezoning process shall be designated as "TND-2 CONCEPT", until said property has undergone the Application Procedure and Approval Process as outlined in Section 5.3508 A of these regulations., except that in such cases, the Commission decision relative to the General Implementation Plan will be considered the final determination , subject to Appeal to the Parish Council in accordance with Section 5.3520 of these regulations.

Table 1: Street Design Guidelines in a TND District  
(Each subject to Modification by the Commissions)

	Collector or Avenue	Subcollector or Drive	Local Street or Road	Alley
Average Daily Trips	50 or more	750-1500 <u>250-750</u>	Less than 250	Not Applicable

Right-of-Way	76-88 feet	58-72 feet	35-50 feet	15-30 feet
Auto travel lanes	Two or three 12 foot lanes	Two 10 foot lanes	Two 10 foot lanes, or one 14 foot (Queuing) lane	Two 8 foot lanes for two-way traffic, or one 12 foot lane for yield traffic
Bicycle lanes	Two 6 foot lanes combined with parking lanes	4 foot lanes with no parking, or 6 foot lanes combined with parking lanes	None	None
Parking	Both sides, 8 feet	None, one, or both sides, 8 feet	None or one both side, 8 feet	None (Access to individual Drives & garages outside Right of Way)
Curb and Gutter	Required	Required	Not Required	Not Required
Planting Strips	Minimum 6 feet	Minimum 6 feet	Minimum 3 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	Both sides, 3-5 feet	None