

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

Delivered to Parish President: \_\_\_\_\_, 2009 @ \_\_\_\_\_  
Returned to Council Clerk: \_\_\_\_\_, 2009 @ \_\_\_\_\_

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.

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

Story, or Stories - a space in a Building between the surface of any floor and the surface of the next floor above, or if there is no such floor above, then the space between such floor and the ceiling or roof above.

Street - a strip of land, including the entire Right of Way, publicly or privately owned, serving as a means of slow vehicular travel, and furnishing Access to Abutting properties, which may also be used to provide space for sewers, public utilities, shade Trees, and sidewalks. A Street may be public or private.

Structure - An object, including a mobile object, constructed or installed by man, including but without limitation, Buildings, towers, cranes, and overhead transmission lines.

Subdivision - Any division, subdivision or re-division of a subdivision, tract, Parcel, or Lot of land into two (2) or more Lots, plots, sites, parts, or other division of land by means of mapping, platting, conveyance, or change of rearrangement of boundaries for the purpose of sale, lease or Development, whether immediate or future. All Subdivisions are also Developments.

Thoroughfare - A paved vehicular way with moving lanes and parking lanes accompanied by streetscapes at the sides, both within and outside of a public right-of-way, and including all of the Thoroughfare Types as set forth and described herein.

Thoroughfare Types - Boulevards, Roads, Rural Roads, Streets, Commercial Streets, Collectors, Driveways, Highways, Passages, Paths, Rear Alleys, and Rear Lanes.

Townhome - Two (2) or more attached living units with common or party sidewalls between units, designated so that each unit may be sold independently as a Lot with its own yards and parking spaces.

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.

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 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, 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 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"~~ **"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"~~ **"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"].

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.

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, ~~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.**

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	750-1500	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	Both sides, 3-5	Both sides, 3-5	None

	feet minimum	feet	feet	
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Section 5.35A **TND-2** TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICT

Section 5.3501A PURPOSE

The purpose of a **TND-2** Traditional Neighborhood Development Zoning District ("TND District") is to encourage mixed-Use, compact Development and facilitate the efficient use of services. A TND District diversifies and integrates land Uses within close proximity to each other, and it provides for the daily recreational and shopping needs of the residents. A TND District is a sustainable, long-term community that provides economic opportunity and environmental and social equity for the residents. This ordinance's intent is to encourage its use by providing incentives, rather than prohibiting conventional Development.

A Traditional Neighborhood Development:

- A. Is designed for the human scale;
- B. Provides a mix of Uses, including residential, commercial, civic, and open space Uses in close proximity to one another within the neighborhood;
- C. Provides a variety of housing types, and sizes to accommodate households of all ages, sizes, and incomes;
- D. Includes residences, shops, workplaces and civic Buildings interwoven within the neighborhood, all within close proximity;
- E. Incorporates a system of relatively narrow, interconnected Streets, Roads, Drives, and other Thoroughfare Types with sidewalks and bikeways, that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those Thoroughfare Types to existing and future Developments;
- F. Includes compatibility of Buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable, harmonious and diverse environment;
- G. Incorporates environmental features into the design;
- H. Coordinates transportation systems with a hierarchy of appropriately designed facilities for pedestrians, bicycles, and vehicles;
- I. Provides well-configured squares, plazas, greens, landscaped Streets, preserves, greenbelts and parks woven into the pattern of the neighborhood;
- J. Incorporates architecture, landscape, lighting and signage standards integrated with the zoning provisions that respond to the unique character of the region; and
- K. Provides an increased range of options than are allowed by conventional zoning.

- A. A TND District consists of an area of not less than 50 contiguous Acres. In this Article, property is considered contiguous even if separated by a public roadway.
- B. A TND District is divided into at least two types of areas, and each type of area has different land Use and site Development regulations. A TND District must have one Neighborhood Center Area (also sometimes referred to as Town Center or Village Center) and at least one Mixed Residential Area. A TND District may also have a Neighborhood Edge Area, Civic Spaces and Green Spaces.
- C. A "Neighborhood Center Area" serves as the focal point of a TND District, containing retail, commercial, civic, and/or public services to meet the daily needs of community residents. A "Neighborhood Center" is pedestrian-oriented, and it is designed to encourage pedestrian movement. A square may be located in a Neighborhood Center Area. Retail and commercial Uses should generally be located adjacent to a square. The Neighborhood Center Uses include retail shops, restaurants, offices, banks, hotels, post 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.

Section 5.3503 **A** 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

**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 5.3514, a., b., and c.

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

Street - a strip of land, including the entire Right of Way, publicly or privately owned, serving as a means of slow vehicular travel, and furnishing Access to Abutting properties, which may also be used to provide space for sewers, public utilities, shade Trees, and sidewalks. A Street may be public or private.

Structure - An object, including a mobile object, constructed or installed by man, including but without limitation, Buildings, towers, cranes, and overhead transmission lines.

Subdivision - Any division, subdivision or re-division of a subdivision, tract, Parcel, or Lot of land into two (2) or more Lots, plots, sites, parts, or other division of land by means of mapping, platting, conveyance, or change of rearrangement of boundaries for the purpose of sale, lease or Development, whether immediate or future. All Subdivisions are also Developments.

Thoroughfare - A paved vehicular way with moving lanes and parking lanes accompanied by streetscapes at the sides, both within and outside of a public right-of-way, and including all of the Thoroughfare Types as set forth and described herein.

Thoroughfare Types - Boulevards, Roads, Rural Roads, Streets, Commercial Streets, Collectors, Driveways, Highways, Passages, Paths, Rear Alleys, and Rear Lanes.

Townhome - Two (2) or more attached living units with common or party sidewalls between units, designated so that each unit may be sold independently as a Lot with its own yards and parking spaces.

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-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 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;



- c. For all parking Lots with more than six (6) spaces, the landscaped area shall be comprised of a minimum of twenty (20%) percent of the total parking Lot area.
  - d. In large parking Lots containing more than 200 parking spaces, an additional landscaped area of at least 200' square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, containing one (1) native shade Tree or canopy Tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
5. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two (2) years.
- O. Environmental Standards. All Uses in the Traditional Neighborhood Development shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.

Section 5.3505 A Fees. The Council may, by resolution, establish fees for the administration of this ordinance.

Section 5.3506 A Other Code and Ordinances Applicability.

- 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 5.3507 A 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 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 5.3504, 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 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.

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:

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.

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 5.3517.

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, ~~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 5.3522A 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 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	750-1500	Less than 250	Not Applicable
Right-of-Way	66-88 feet	68-77 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