

CHAPTER 19
Planning and Development Regulations

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CHAPTER 19

ARTICLE A. GENERAL

Guiding Principles

1. This code is an evolutionary document. As the Town of Brusly has grown and changed, the Code has changed. What was acceptable in previous revisions of the code may/or may not be acceptable in the latest version. It is understood that there will always be non-conforming uses and existing conditions which are not in compliance with the existing code. Each interpretation of the code or decision of the governing authority shall be considered on its own merit with no consideration given for previous revisions of the code, errors, mistakes or previous decisions.
2. The term “grandfathered” is a non-existent term holding no validity or merit. The code addresses non-conforming uses, however, non-conforming uses should not be considered “grandfathered.”
3. Decisions made by the Building Official, Commission and/or Council should be made without regard for potential legal action. All decisions shall be made based on what is in the best interest of the Town of Brusly. The person or persons disagreeing with any decision has/have the right to seek relief, but decisions should never be made solely or partially to avoid such an action.
4. Every attempt has been made to define every term and to clarify every part of the code. There may be, however, interpretations, contradictions and confusing statements made in the code. In addition, situations may arise which are not addressed by the code. In all cases, the decisions should be made with the overall best interest of the Town of Brusly as the overriding consideration.
5. The Town of Brusly is now, and desires to remain, a primarily residential community. The preferred type of residence is single family residence. This preference is based on the desire of the citizens to attract the type of residents who will support the community, the school system, civic organizations, local businesses and the like. Businesses are welcomed, but only if they are compatible and do not disrupt the residential environment. (Ordinance No. 10 of 2005)

Part I SUBDIVISIONS

Sec.19.1. Short title.

This Chapter may be cited and otherwise referred to as the Town of Brusly Subdivision Regulations.

Sec. 19.2. Jurisdiction.

From and after the date of adoption, these regulations, including amendments, shall govern all subdivisions of land within the Town of Brusly. After receiving recommendations of the Planning Commission and hearing from interested parties, final authority for approval of subdivision plats, improvements and variances thereto, shall rest

solely with the Council. Approval of plats under this code shall be the responsibility of the Commission and Council. The administration of geometrics and construction requirements under this code shall be the responsibility of the Mayor or the Mayor's designee. These regulations shall apply to all subdivisions, rearrangements and re-subdivisions except small parcels of land sold to or exchanged between adjoining property owners, where sale or exchange does not create additional lots provided that the Chairman of the Commission certifies upon the plat that such sale or exchange does not create additional or nonconforming lots.

Sec. 19.3. Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them.

Acreage: Those parcels of land of twenty (20) or more acres created for sale, purchase, agreement to purchase, donate, or lease, as long as title to property does not change, any division or subdivision of land either by description or by metes and bounds as defined herein shall constitute a subdivision of land but shall not be subject to development requirements contained herein.

Alley: A dedicated right-of-way not less than twenty (20) feet in width to provide access to the backside of properties also abutting on a street.

Channel: Any stream, swale, ditch, diversion, or watercourse that conveys storm runoff, including manmade facilities. (Ordinance No. 2 of 2007)

Commission: The Planning Commission of the Town of Brusly.

Construction: Any alteration of land for the purpose of achieving its development or changed use, including preparation, building, or erection of a structure, grading, filling, excavation, clearing, or other alteration that physically changes the existing contour or vegetative cover of the site. (Ordinance No. 2 of 2007)

Council: The governing authority of the Town of Brusly.

Design storm: A storm which deposits a stated amount of precipitation within a stated period of time over a defined area and which is used in calculating storm runoff and in designing drainage control, flood control and erosion control measures. (Ordinance No. 2 of 2007)

Detention: A temporary storage of a determined quantity of water for a specified period of time with a release rate that is either fixed or variable. (Ordinance No. 2 of 2007)

Detention coefficient: The ratio of allowable runoff to precipitation and is a measure of the downstream capacity of a basin. (Ordinance No. 2 of 2007)

Downstream capacity: The ability of downstream major facilities to accept and safely convey runoff generated upstream from the design storm. (Ordinance No. 2 of 2007)

Drainage: Storm drainage. (Ordinance No. 2 of 2007)

Drainage basin and watershed: The catchments area from which storm water is carried off by a watercourse or storm drainage system; the area served by a drainage system receiving storm and other surface borne water. The definition of drainage basin boundaries is a product of natural topography and drainage system configuration. (Ordinance No. 2 of 2007)

Drainage control: The treatment and/or management of surface runoff from all storms. (Ordinance No. 2 of 2007)

Drainage Plan: A detailed plan prepared in graphical format with or on a detailed grading plan addressing onsite and offsite drainage control, flood control and erosion control issues. (Ordinance No. 2 of 2007)

Drainage report: A comprehensive analysis of the drainage, flood control and erosion control constraints on and impacts resulting from a proposed platting, development or construction project. (Ordinance No. 2 of 2007)

Drainage system: The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, retention facilities, detention facilities, gutters, streets, and storm sewer systems. (Ordinance No. 2 of 2007)

Dwelling: means a building used entirely for residential purposes. A single-family dwelling is a dwelling that contains only one (1) living unit; a two-family dwelling is a dwelling that contains only two (2) living units, and a multiple dwelling is a dwelling that contains more than two (2) living units.

Existing and presently existing: Those conditions which obtain, are in place, or are taking place, as of the date of enactment of this article. (Ordinance No. 2 of 2007)

Facilities: All manmade structures or natural watercourses for the conveyance of storm runoff. Examples are channels, bridges, pipes, ditches, siphons, catch basins and street facilities. (Ordinance No. 2 of 2007)

Gated Community: A development built with the stated intent to deny free public access. Such developments shall require special considerations such as but not limited to police and fire department access.

Grading plan: A plan describing the existing topography and proposed grading, including retaining wall locations and details, interfaces with adjacent properties, streets, alleys and channels, referenced to mean sea level based on a Town benchmark, and showing sufficient contours, spot elevations and cross sections to allow a clear understanding by reviewers, contractors and inspectors. (Ordinance No. 2 of 2007)

Half Street: A street with lots fronting on one side.

Impervious surface: Surfaces on or in a structure, lot or parcel of real property where the infiltration of storm water into the earth has been reduced by the works of man. (Ordinance No. 2 of 2007)

Large tracts: Those parcels of land containing ten (10) or more acres but less than twenty (20) acres to sell or agreement to purchase, lease, or donate any division or subdivision of land either by lot description or by metes and bounds as defined herein shall constitute a subdivision of land, subject to the following development requirements contained in sections 19.18 (f) and (g), Utilities. Further subdivision of any properties approved under this provision shall be subject to the remaining development requirements contained herein.

Lot: A portion of a tract or other parcel of land, containing three (3) acres or less intended as a single building site for transfer of ownership or for development. Every lot must front upon a public street for the minimum distance as herein required by these regulations, except those under section 19.8 and 19.24(b).

Mayor: The Mayor of the Town of Brusly.

Natural drainage: The dispersal of surface waters through ground absorption and by drainage channels formed by the existing surface topography which exists at the time of

adoption of this article or formed by any natural or approved manmade changes in the surface topography. (Ordinance No. 2 of 2007)

Nonconforming: Not meeting the minimum requirements of this Chapter.

One hundred-year design storm: That storm whose precipitation within a 24 –hour period and resulting runoff has a one percent chance of being equaled or exceeded in any given year. (Ordinance No. 2 of 2007)

Parcel: Parcel shall include lots, tracts, large tracts, and acreage as defined herein.

Pervious surface: Land surface where the rate of absorption of storm water is equal to or higher than the rate which existed in the natural and undeveloped state of the land surfaces. (Ordinance No. 2 of 2007)

Plan Change: A change in construction plans not in variance with this code.

Plat: A document presented to the Planning Commission for the purpose of subdividing and developing property.

Right-of-Way: A strip of ground dedicated by the sub-divider for public use, title to which shall rest in the public for the purpose stated in the dedication.

Runoff: That part of the rainfall which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a stream, channel or body of water. (Ordinance No. 2 of 2007)

Runoff coefficient: The actual ratio of runoff to precipitation. (Ordinance No. 2 of 2007)

Servitude: A strip of ground reserved by the sub-divider for public utilities, drainage and other public purposes, the title to which shall remain in the possession of the property owner, subject to the right of use designated or intended to be used for access to subdivided property.

Storm drain: An improved storm drain as a closed conduit or paved open ditch for conducting collected storm water. An unimproved storm drain is an unpaved open ditch, natural or specifically constructed for conveying collected storm water. (Ordinance No. 2 of 2007)

Street: Means property dedicated for and accepted for primary public access to lots.

- (a) **Local Streets** means those streets which are used primarily for access to the abutting properties but do not provide for through traffic. (All streets not designated collector or arterial shall be defined as local).
- (b) **Collector Streets** mean those streets that carry traffic from local streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development. (i.e. St. Francis, LaBauve, Vaughan).
- (c) **Arterial Streets** means those streets and highways that are used primarily for fast, heavy traffic. They are generally several miles long and connect points of major traffic generation such as through highways. (i.e. LA Hwy. 1, Kirkland Dr., Main St.)

Subdivision or re-subdivision: For the purpose for these regulations “subdivision” or “re-subdivision” means the division of a lot, tract or parcel of land, regardless of size, into two (2) or more lots, plots, parcels or building sites for any purpose; sale; retention; or donation, or of building development, either immediate or future.

Ten-year design storm: That storm whose precipitation within a 24-hour period and resulting runoff has a ten percent chance of being equaled or exceeded in any given year. (Ordinance No. 2 of 2007)

Twenty-five year design storm: That storm whose precipitation within a 24-hour period and resulting runoff has a four percent chance of being equaled or exceeded in any given year. (Ordinance No. 2 of 2007)

Tracts: Those parcels of more than three (3) but less than ten (10) acres created for sale, purchase, or agreement to purchase, lease or donation any lot or division of land either by lot description or by metes and bounds as defined above shall constitute a subdivision of land, subject to the following development requirements contained in sections 19.18 (f) and (g), Utilities. Further subdivision of any properties approved under this provision shall be subject to the remaining development requirements contained herein.

Variance: Any deviation from this code.

Watercourse: A stream, usually flowing in a particular direction (through it need not flow continuously in a defined channel), having a bed or banks and usually discharging into some other stream or body of water. (Ordinance No. 2 of 2007)

Watershed: See definition of drainage basin. (Ordinance No. 2 of 2007)

Part II General requirements and minimum standards of design.

Sec. 19.4. General requirements.

- (a) Any owner of land wishing to subdivide, or resubdivide, partition or otherwise divide land shall submit to the Commission a plat of the subdivision which shall conform to the minimum requirements set forth in this chapter.
- (b) Prior to any sale, lease, transfer or donation, and before the delivery of a deed or signature of such lease, approval of a plat must be obtained.
- (c) No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the Office of the Clerk and Recorder of the Parish of West Baton Rouge, State of Louisiana, and no sub-divider may proceed with improvement or transfer of lots, tracts, large tracts, or acreage until such subdivision plat shall have been approved by the Council on the recommendation of the Commission and such approval entered in writing on the plat by the Chairman of the Commission and the Mayor, except as herein defined in Part III, subsection 19.19. (Ordinance #1 of 2010)
- (d) Each sub-divider developing land shall confer with the Mayor or the Mayor's designee in order to become thoroughly familiar with the subdivision requirements.
- (e) These regulations shall apply to all developments of land where the sub-divider intends or shall intend at some future date to connect with the utility systems owned and maintained by the Town. The sub-divider shall contact the Mayor to determine the accessibility, availability and feasibility of connecting with those utility systems.
- (f) A maintenance bond as stipulated in Part III, subsection 19.18(a), shall be provided by the sub-divider to the municipality for the maintenance of the improvements that shall be constructed in accordance with these regulations. (Ordinance #1 of 2010)

Sec. 19.5. Public hearing by Commission.

Excepting section 19.19 (f)(1) and (2), all subdivisions, re-subdivisions, or rearrangements shall be submitted to the Commission and shall contain the name and address of a person to whom notice of a hearing shall be sent; and no preliminary plat shall be acted on by such Commission without affording a hearing. Unless there are substantial changes to the preliminary plat, as determined by the Mayor, no public hearing on the final plat shall be required.

Sec. 19.6. One Single Family Residence per Lot.

Every single-family residence shall be erected on a lot or tract of record, and in no case shall there be more than one single-family residence per lot. Accessory structures such as utility sheds, carports, boat ports, or workshops may be constructed on the same lot with a residence when not in violations of deed restrictions, or other local codes, and shall conform to all set back requirements of the regulations. The residence and accessory structures shall not infringe on any right-of-way, drainage or utility servitude, or servitude of passage.

Sec. 19.7. Penalties.

Whoever, being the owner or agent for, including the professional land surveyor, and attorney of the owner of any land located within a subdivision, transfers, or sells or agrees to sell any parcel of land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Commission and the Council and recorded or filed in the office of the clerk of court of the Parish, shall forfeit and pay a penalty of five hundred dollars (\$500.00) for each parcel so transferred or sold or agreed to be sold. The description of such lot or parcel by metes and bounds or other written description in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties herein provided.

Sec. 19.8. Subdivision not fronting on a public street.

- (a) The Commission and the Council shall have the authority to approve lot subdivisions after the following requirements have been met.
 - (1) A public hearing having been held on the subject plat as required by section 19.5 of this Code.
 - (2) The applicant for the subdivision processing has paid the applicable fees.
 - (3) The plat has been submitted showing the agreed covenants, on the plat, and signed by the property owner or owners.
 - (4) It shall be so stated on the plat and signed by the property owner or owners, the purpose of the subdivision, re-subdivision, or rearrangement of said subdivision.
 - (5) Subdivisions qualifying under this section shall be required to meet the following requirements.

- a. A fifteen –foot (15) minimum width and height private utility servitude and servitude of access shall be required to access all lots in lieu of normal roadway construction required by the code. The roadway materials and construction shall be the responsibility of the property owners.
- b. Street lighting requirements shall not be required for subdivisions qualifying under this section.
- c. Drainage ditches along private servitudes of access shall not be required to meet normal Town standards for public streets.
- d. The penalties for violation of this or any other section of this code shall be outlined under the penalties outlined in section 19.7.
- e. A statement shall be made on the plat and signed by the property owners that private access and utility servitude to these lots shall always be granted to all future owners and further, are not subject to maintenance, repair, or improvement by the local governing authority and the signatures shall bind all future holders of title to this provision. Further, it is understood that no municipal services are required to be made available to said lots by the municipality. It shall be the responsibility of the property owner to bring utilities to the public right-of-way.
- f. The determination of front property lines shall be shown on the plat.
- g. No resultant land from the subdivision shall be left without access to the public streets or left land locked.
- h. The municipality shall assign house numbers.
- i. The private servitude of access and utility servitude shall traverse the entire length of the subdivision.
- j. All resultant lots shall meet the minimum width, length, and area requirements of the appropriate zoning classification.
- k. The maximum distance from the edge of the street right-of-way to the end of the private servitude of access shall be no more than 500 feet, but in no case shall contain more than four (4) residential lots, including the lot fronting on the street.

Sec. 19.9. Conformity to the Town plan.

All proposed subdivisions shall conform to any Town major street plan or any other master plan for the Town, which may be officially adopted by the Commission. Whenever a parcel to be subdivided embraces any part of the major street plan so designated on any such Town plan which has been officially adopted by the Commission, such proposed public way shall be platted by the sub-divider in the same location and at the same width as indicated on such Town plan.

Sec. 19.10. Streets.

(a) *Relation to adjoining street system.* Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width unless variations are deemed necessary for reasons of topography or design. Where it is desirable to provide street access to adjoining property,

proposed streets shall extend to the boundary of such property and shall be built to the same construction standards and specifications as all other streets in this ordinance. Half streets along the boundary of land proposed for subdivision shall not be permitted.

(b) Street width. The minimum width of proposed streets measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan, not less than eighty (80) feet for arterial streets, sixty (60) feet for other streets and fifty (50) feet for streets with subsurface or enclosed drainage.

(c) Street intersections. Insofar as practical, acute angles at street intersections shall be avoided. When an acute angle of less than seventy-five (75) degrees occurs between streets at their intersection, the Commission and Council may require the property lines to be rounded or otherwise setback to permit construction of desirable turning radii without curtailing the sidewalk at the street corner to less than normal width.

(d) Dead-end streets. Streets designed to have one end permanently closed (cul-de-sac) shall be provided at the closed end with a turnaround with a minimum right-of-way radius of sixty-two (62) feet, and a minimum driving surface radius of forty-seven (47) feet or minimum travel lane of thirty (30) feet with the same radii requirements. A “cul-de-sac” (or turnaround) shall not be more than five hundred (500) feet in length unless approved by the Commission for specific reasons of topography or design.

(e) Street names. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the name for the proposed streets duplicate existing street names regardless of the suffix used.

(f) Street improvements. Street improvements shall be required as set forth in article III, subsection 19.18c.

Sec. 19.11. Blocks.

Blocks shall not be more than eight hundred (800) feet in length, unless it is determined that such longer blocks shall not lessen the accessibility to existing or future adjoining subdivisions or that such longer blocks will not increase the response time for emergency vehicles. The Commission shall state reasons for recommending to the Council all blocks longer than eight hundred (800) feet in length.

Sec. 19.12. Lots.

(a) Arrangement. Insofar as practical, side property lines shall be at right angles to straight street lines or radial to curved street lines. Each lot or tract must front upon a public street, except as provided for in section 19.8, Subdivisions Not Fronting on a Public Street. For lots at the end of a street, where no turnaround is required by the Commission and Council, if the street extends at least 50% of the lot's front dimension, the lot shall be considered as fronting on that street. (Ordinance No. 10 of 2005)

(b) Minimum size. Within the subdivision jurisdiction limits of the Town, the size and shape of residential lots or tracts shall be such as the Commission and Council deems appropriate for the type of development contemplated.

Corner lots shall have extra width sufficient to permit establishment of a building line at least ten (10) feet from the side street property line. The distance from the side street

property line shall be measured from the street right-of-way paralleling the long dimension of the lot.

No fractional portion of any parcel may be sold unless sold to the owner of an adjoining parcel having the minimum dimensions herein prescribed or unless sold together with the fractional portion of an adjoining lot, which fractional portions are sold as a single unit and such unit and remaining parcels each contain the minimum dimensions herein above-described.

Sec. 19.13. Public use and service areas.

(a) **Public uses.** Special consideration shall be given to schools and parks in subdivisions of twenty-five (25) acres or more, or one hundred (100) lots or more.

(b) **Servitudes for utilities.** Except where alleys are provided for the purpose, the Commission will require servitudes not less than fifteen (15) feet in width or seven and one-half (7½) feet at common lot lines for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utility lines on front, rear, and/or along side lot lines unless the utility company certifies this to be impractical or unless it is not feasible in the opinion of the Commission and Council.

(c) **Storm drainage.** Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the sub-divider shall dedicate an adequate servitude, as determined by the Town, along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream, or for drainage maintenance. For all drainage courses having a bottom width of five (5) feet or more, the sub-divider shall dedicate a right-of-way having a width of four (4) feet for every one (1) foot of bottom width. (For example, a twenty-foot right-of-way shall be dedicated for all drainage courses having a bottom width of five (5) feet; a forty-foot right-of-way shall be dedicated for all courses having a bottom width of ten (10) feet, etc.).

(d) **Dedication to public use.** There shall be no dedications except those which are conveyed to the government having jurisdiction.

(e) **Minimum standards.** Prior to accepting private roads and servitudes into the Town road system for maintenance, all such roads shall meet the minimum Town standards.

Sec. 19.14. Building restrictions and building setback lines.

No final plat of land shall be approved unless building restrictions embodying at least the minimum restrictions established in the Town zoning ordinance for the district in which the land is located are established as covenants to run with the land. Each subdivision may carry restrictive covenants that may exceed the pertinent minimum requirements.

Sec. 19.15. Variances.

Whenever a sub-divider certifies that strict compliance with any provision of this code would not further the general welfare, safety, health or economic benefit of the residents of the Town and further that the sub-divider can and will comply in an alternative manner within the intent of this chapter and related regulations, the Planning Commission may recommend that a variance be granted. Any variance so recommended is required to be

entered in writing in the minutes of the Commission and the reason which justified the departure to be set forth and recorded on the final plat. The Council has final authority to grant variances as per section 19.2, Jurisdiction.

PART III. PROCEDURE FOR PLAT APPROVAL

Sec. 19.16. Preliminary plat approval.

(a) To prevent undue hardship on the sub-divider through possible required plat revisions, the sub-divider shall first submit a minimum of twelve (12) copies of the preliminary plat to the Commission and shall give the following information:

- (1) The subdivision name, the names and addresses of the owners and the name of the plat designer who shall be a design professional licensed by the State of Louisiana.
- (2) Date, approximate north point, and graphic scale; the scale shall not be smaller than one hundred (100) feet to the inch.
- (3) The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, existing servitudes and rights-of-ways, both on the land subdivided and on the adjoining land as applicable; the names of adjacent subdivisions and/or the names and addresses of record owners of adjoining parcels of land as they appear on the current tax records.
- (4) The names, locations, widths, and other dimensions of proposed streets, alleys, easements, servitudes, parks and other open spaces, reservations, lot lines, and building lines.
- (5) Statement of proposed street improvements, including contour map where terrain might affect the location of streets.
- (6) Preliminary sketch plans of proposed utility layouts (sewer, water and electricity) showing feasible connections, where possible to existing and proposed utility systems.
- (7) Where deemed appropriate by the Commission, an impact study may be required to assess the effect of the proposed subdivision on the community. Where deemed appropriate by the Commission and the Council, an impact fee may be assessed to the sub-divider.
- (8) No preliminary plat shall be issued for construction on any lot greater than one acre in size and no construction shall be started on any lot greater than one acre in size that will result in the pervious surface being changed to an impervious surface unless plans for construction include provisions for storm water detention in accordance with the requirements of this article. (Ordinance No. 2 of 2007)

(b) Upon receipt of this preliminary plat, the secretary of the Commission shall transmit said plat to the Mayor, Fire Chief and Water Board for review and recommendations in relation to specific service problems. The approval of the preliminary plat by the Planning Commission and Council shall not be deemed final acceptance of the final plat but rather an expression of approval of the layout as submitted on the preliminary plat; such approval shall not be noted on the preliminary plat. Any major changes to the

preliminary plat, as determined by the mayor, shall require resubmittal of a preliminary plat. All costs associated with resubmittal of a preliminary plat shall be borne by the developer and paid before final plat approval. One (1) copy of the preliminary plat shall be retained in the files of the Commission, and one (1) retained in the Brusly Town Hall.(Ordinance 8 of 2012)

(c) If within one hundred eighty (180) days from preliminary plat approval, construction plans are not presented, then said preliminary plat approval shall expire and must be resubmitted for approval, unless a written request for extension has been submitted and approved by the Mayor. In no case shall an extension be valid beyond nine (9) months from the original preliminary plat approval date. (Ordinance No. 10 of 2005; Ordinance 8 of 2012)

PRELIMINARY PLAT CHECKLIST:

- (1) Subdivision name.
- (2) Description of property.
- (3) Owner's and /or developer's name, address(es), and telephone number(s).
- (4) Name of licensed design professional(s).
- (5) Existing property lines.
- (6) Municipal Corporate boundaries (if applicable).
- (7) Section and /or Township lines.
- (8) Existing drainage (ditches and canals with directions of flow).
- (9) Existing bodies of water.
- (10) Sewer district designation.
- (11) Names and addresses of adjoining property owners.
- (12) Servitudes and rights-of-way with dimensions.
- (13) Streets, street names, and street widths, including street rights-of-way.
- (14) Lots---Total number of lots, each numbered with dimensions.
- (15) Proposed method of water supply.
- (16) Proposed method of sewage disposal.
- (17) Vicinity map.
- (18) North point, scales (not smaller than one hundred (100) feet to the inch), and date.
- (19) Streetlight standards.
- (20) Fire hydrants.
- (21) Existing structures, building lines, name of adjacent subdivisions, existing bridges and culverts, and type of proposed street improvements.

Sec. 19.17. Construction plans.

Upon approval of preliminary plat, the developer may proceed with preparation of construction plans. Preparation of the construction plans shall be done in concert with the Town Engineer. The construction plans shall be submitted to the Mayor to determine that the proposed improvements meet the requirements. Copies of the construction drawings

shall be provided for review to the Town engineer, WBR Natural Gas, Water Works District #2 and Fire Sub District #2 by the developer. The Mayor may recommend additions and/or deletions to the construction plans. After review by the Town Engineer, the construction plans, with proposed changes, shall be submitted to the Council for approval. After the Council has approved construction plans, the sub-divider may proceed with the improvements. The Mayor shall be notified in advance of the date that construction will begin and all work shall be performed under the Town's oversight.(Ordinance 8 of 2012)

CONSTRUCTION PLAN CHECKLIST:

- (1) Contour map at one-foot intervals.
- (2) Layout of storm drainage system.
- (3) Layout of sanitary sewer system.
- (4) Layout of water and natural gas distribution systems, including fire hydrants.
- (5) Plan-profile of all streets, showing center line of streets and each property line, proposed curb grade, grade of storm sewers and/or drainage ditches, grade of sanitary sewers, and details of all subdivision improvements.
- (6) Layouts and type of street lighting.
- (7) Grass and/or landscaping in street and drainage rights-of-way and servitudes.
- (8) Location and data relative to benchmark used.

Sec. 19.18. Improvements.

The improvements listed hereinafter in this section shall be installed prior to approval of the final plat. The sub-divider shall warrant all of these improvements and maintain same for a period of one (1) year after the final plat approval and acceptance by the Council. A maintenance bond shall become effective after the acceptance of these improvements by the Council.

(a) **Maintenance bond.** On all improvements constructed in the Town under the provisions contained herein and other pertinent ordinances or regulations of Town and covering a period of one (1) year from date of acceptance by the Council of the completed work and submitted prior to approval of final plat. The Council will grant no final plat approval until a bond is posted. The maintenance bond shall expire only on release in writing by the Mayor.

(b) **Permanent markers.** Wherever improvements are constructed under this section, all subdivision boundary corners and the four (4) corners of all street intersections shall be marked with permanent monuments. A permanent marker shall be deemed to be a steel pipe which extends a minimum of two (2) feet below the ground line. Should conditions prohibit the placing of monuments on line, offset marking will be permitted provided that exact offset courses and distances are shown on the subdivision plat.

(c) **Street improvements.**

(1) **Surface**

All streets shall consist of a minimum thickness of two (2) inches of asphalt concrete wearing surface with a minimum width of twenty-two (22) feet constructed on a base as required in Appendix A. Road right-of-way dedication shall be for a minimum of fifty (50) feet in width excluding servitude dedications for utilities. Where the street

is of the boulevard type, that is, two (2) lanes of traffic, and these separated by neutral ground or strip, with a minimum of eighteen (18) feet in width, the paving on each traffic lane shall not be less than sixteen (16) feet in width.

(2) **Grading.** The full right-of-way shall be graded.

(3) **Street Drainage.** All drainage along streets shall be subsurface in accordance with the requirements of the municipality.

(4) **Street markers.** Approved street markers bearing the names of the streets and block numbers shall be provided and installed at each intersection in the subdivision.

(5) **Required Materials, etc.** Refer to Appendix A for required materials, testing, and construction control for roads and streets in The Town of Brusly.

(6) **Rights-of-way.** The rights-of-way of all streets shall be seeded sufficient to assure grass growth is adequate to prevent the erosion of topsoil onto adjacent streets and into drainage ditches as required by Appendix B.

(7) **Streetlights.** Streetlights standards shall be located in all subdivisions and may be located on either side of the street or in the center of the median on boulevards as required by Appendix C. Streetlight design shall be per the latest recommended design of the local utility. The Sub-divider shall arrange with the utility franchisee for the monthly utility cost with the bills rendered to the customers within the subdivision.

(d) **Sewers.** The sub-divider shall connect with the Town of Brusly sanitary sewer system and provide adequate sewer lines to each lot. A sewer connection fee of two hundred fifty dollars (\$250.00) per lot shall be charged for all new connections. The fee shall be collected when final acceptance is made by the Council. Sewer connections and subdivision sewage collection and disposal systems shall comply with the regulations of the L.D.H.H.R. or O.H.S.E.Q. The Council will review and approve the engineering calculations for these systems prior to any construction. The Town shall inspect sewage collection lines, etc., and written approval of these improvements shall be obtained from the Town. (Ordinance 6 of 2013)

(e) **Storm drainage.** All surface drainage courses (open ditches not along public street right-of-way), shall have at least 1.5:1 side slopes (slope having at least one and one-half (1½) feet of horizontal distance for each one (1) foot of vertical drop). The grade along the bottom of a surface drainage course shall be the slope as required by the designated representative of the Town. The slope for each drainage course shall be shown on the plans. The plat or subdivision deed restrictions shall carry the notation or provision that the Mayor or his/her authorized representative shall approve the size and grade of culverts for driveways and other pipe in roadside ditches. Cross pipes under streets shall be reinforced concrete or as approved by the Town or their authorized representative. It is required that a contour map be furnished showing the area comprising the subdivision and all additional areas necessary to include all watersheds which drain into and out of the property to be developed. In the design of the drainage for the subdivision, provisions shall be made to adequately take care of adjacent watershed areas after they have been developed. All drainage structures shall be sufficient for the drainage of the watershed after complete development of the area, and where ditches and canals are used, adequate servitudes shall be provided for future needs.

The flow line elevation of each drainage structure to be constructed or incorporated into the overall drainage plans shall be shown on the plans. The overall plan shall show the point at which the effluent from the new drainage facilities enters into a publicly maintained canal or stream of sufficient capacity to absorb the volume of flow. The flow line elevation of this point shall be shown on the plans.

(1) Regional Storm Water Detention Program (Ordinance 2 of 2007)

(a) The growth in and around the Town of Brusly and the associated development and construction of buildings, paved surfaces, roads and other improvements has altered in the past and continues to alter the natural flow of surface waters on the land, which together with the construction of gutters, culverts, drains and channels for the carrying off of surface waters has both increased the quantity of storm water and amplified the peak flow rates of runoff, thus leading to present and potential flooding of property and homes, dangerous flows within and over public roadways and streets, and soil and channel erosion.

(b) It is the intention of the Town Council to protect the health and safety of the citizens and visitors of the community and to prevent damage to private property and public facilities through the proper design and construction of both on-site and regional storm water detention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion.

(c) It is the intention of the Town Council, through this Ordinance, to establish a regional storm water detention pond program for the design and construction of regional storm water detention facilities so that, where practical, the most cost-effective protection from flooding may be accomplished.

(d) It is the intention of the Town Council to protect the health and safety of the citizens and visitors of the community and to prevent damage to private property and public facilities through the installation and use of temporary and permanent erosion control practices that prevent or adequately reduce increases in erosion and silting that may otherwise increase the risk of flooding and the associated risk of public endangerment and property damage by clogging and/or partial filling of constructed or natural drainage-ways as well as drainage structures and detention ponds.

(e) This Ordinance shall apply to all property within the corporate Town limits.

(f) The volume of water to be detained and the rate at which water may be gradually released from detention shall be calculated in a manner consistent with sound engineering practices and shall be based on the characteristics of the drainage basin in which the proposed construction is located. All detention

basins shall be dry basins, i.e. the bottom elevation of each basin shall be the same elevation as the discharge conduit. Detention basin slopes shall be designed to accommodate maintenance of the basins. The slopes shall be maintained during construction to assure the slopes are smooth and conducive for grass growth. No detention basin will be accepted by the Town until grass slopes are smooth and are fully developed to accommodate maintenance using available Town equipment.(Ordinance 8 of 2012)

(g)The volume of water to be detained from all subdivisions exceeding one-half acre shall be the amount of storm water generated by a twenty-five year design storm on an impervious surface and the rate at which such water may be gradually released shall be the amount of storm water generated by a ten-year design storm on a pervious surface.

(h)No owner of any lot for which any facilities for storm water detention are required or constructed in accordance with the requirements of this article must keep such facilities in working order and in good repair and must take no steps to cause such facilities to malfunction or to cease to function. The Town shall inspect storm water detention facilities ensure that the provisions of this section are complied with.

(i) Any person found to be violating any provisions of this article may be served by the Town with written notice stating the nature of the violations and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. For purpose of this article, when the owner of the premises has been served notice by certified mail and such certified mail is refused, the owner is deemed to have received notice in accordance with the provisions herein and the time period for correction commences to run on the date of refusal.

(j) (1) **Administrative fines and remedies.** In the event of a violation of any provision of this article, any stop work order issued pursuant to this article, or a notice to cease violation, the Town, through the Mayor or his designee, may issue an administrative fine to the violating party in an amount not to exceed \$500.00 per day per violation. Every day any such violation continues shall constitute a separate violation for purposes of this paragraph. Unpaid fines shall, after 30 calendar days, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of 12 percent per year. A lien against the violating party's property will be sought for unpaid fines. Said lien and privilege granted under this subsection shall have the same ranking as an ad valorem tax lien on immovable property as provided by Louisiana Revised Statutes Title 9 § 4821(1) (LA R.S. 9:4821(1)), and shall be collected in the same manner in which special assessments are collectible by law. A party which has been fined may contest the fine by written request for a hearing, filed with the Mayor or his designee within 15 days of receipt of the fine.

(2) **Judicial remedies.**

(a) The Town may also avail itself of judicial enforcement remedies in the event of a violation of any provision this article or a notice to cease violation, including injunctive relief, civil penalties of up to \$500.00 per day per violation, and/or any other action as is appropriate for legal and/or equitable relief. Each day any such violation continues shall constitute a separate violation for purposes of this paragraph.

(b) Any person who violates a provision of this article or who fails to comply with a notice to cease violation shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine in an amount not to exceed \$500.00 per day per violation or by imprisonment for not more than 60 days or both. Each day any such violation continues shall constitute a separate violation for purposes of this paragraph.

(c) In addition to any fines or penalties which may levied in judicial proceedings, a person who violates a provision of this article or a notice to cease violation shall be liable for attorney fees and court costs associated with such proceedings.

(3) **Liability for damages.** In addition to the remedies cited above, a person who violates a provision of this article or who fails to comply with a notice to cease violation shall be liable to the Town for all damages and costs incurred as a result of any such proceedings.

(4) **Remedies nonexclusive.** The remedies provided for in this article are not exclusive, and the Town may take any, all, or any combination of these actions against a noncompliant party. The same or similar condition existing on one or more properties shall not be a defense or justification for a violation. Each property shall be judged individually on its own merits and without prejudice.

(5) **Appeal.** Any person desiring to appeal the requirements of any and all compliance and/or violation notices received under this Chapter, with the exception of any and all matters subject to criminal prosecution in Mayor's Court, shall request in writing a hearing before the Town Council within five (5) days, exclusive of legal holidays, of the receipt of the notice. The Town Council shall decide such appeal by simple majority vote of those Council Members present at the appeal hearing. Any person aggrieved by a decision of the Town Council on such appeal shall have the right to appeal the decision of the Town Council to the 18th Judicial District Court, with said appeal to be filed within five (5) days, exclusive of legal holidays, from the date of such decision by the Town Council.

(k) Section 19-18 (e)(1)(a-j) of this Ordinance shall not apply to:

(1) Single family or duplex residential lots, of subdivisions approved prior to the adoption of this Ordinance, unless specifically required by prior agreement between the Town and the owners or developers of such subdivisions or to new one or two-lot subdivisions for single family or duplex residential lots, and this Ordinance is intended to be implemented for entire subdivisions at the time of platting and construction of street and drainage improvements and not on an individual lot basis for single family and duplex residential subdivisions.

(2) Residential lots in the Town that creates no more impervious ground cover than twenty percent (20%) of the gross lot surface area.

(3) Multi-Family or Non-Residential lots less than one acre.

(f) Utilities

(1) **Water.** In all subdivisions regardless of the lot size, the sub-divider shall install a water distribution system consisting of mains of not less than eight (8) inches in diameter and shall install fire hydrants having a minimum barrel diameter of six (6) inches of a model with specifications approved in writing by the Mayor or other designated Town representative at intervals of not more than eight hundred (800) feet measured along the road or street right-of-way.

(2) **Gas.** In all subdivisions regardless of the lot size, the sub-divider shall install a natural gas distribution system consisting of mains not less than two (2) inches in diameter unless otherwise specified and approved in writing by the Mayor or other designated Town representative.

(3) **Connections to water or natural gas systems.** Connections to the water or natural gas systems shall be paid for by the sub-dividers of subdivisions requiring these services. These connection costs shall be payable to the public utility system making said connections.

(g) Construction of improvements. Before beginning construction of any of the above improvements, construction plans shall be approved per Section 19.17.

(1) **Responsibilities of sub-divider's engineer.** The sub-divider's engineer shall be responsible for the following:

- a. The sub-divider's engineer shall provide a survey party for the stakeout of lines and grades to complete the work.
- b. The sub-divider's engineer shall inspect the laying of sanitary sewer line and the storm drainage, including the preparations of "as built" wye records.
- c. The sub-divider's engineer shall be in charge of the following inspections:
 1. Excavations.
 2. Subsurface drainage.
 3. Inlets, junctions and manholes.
 4. Sanitary sewer collection lines.
 5. Sanitary sewer manholes.
 6. Sanitary sewer treatment facilities.

7. Base processing.
 8. Sidewalks.
 9. Curbs and medians.
 10. Roadway pavements.
 11. Utilities installations.
- d. Manufacture and installation of all drainage and sanitary sewer pipe.
 - e. The sub-divider's engineer shall be in charge of intermediate site inspection and approval of the following:
 1. Sub-base: Check integrity with sub-divider's testing laboratory.
 2. Other improvements: Check conformance with the plans and specifications for the work and make any inspections as needed.
The engineer shall check the visual appearance of curbs and medians, street pavements and sidewalks and notify the sub-divider's engineer and the Mayor of any poor workmanship. The Town shall conduct the final inspection of all improvements with representatives of the engineer, the contractor, the testing laboratory, and the utility companies providing services to the subdivision.
 3. The sub-divider's engineer shall request intermediate site inspections to be performed by the Town.
The sub-divider's engineer shall request final inspection by the Town.
 5. Certification by the sub-divider's engineer that all improvements have been installed in accordance with the approved construction plans and these regulations.

(2) Responsibilities of the sub-divider's testing laboratory.

The sub-divider's testing laboratory shall be responsible for the following. The basis for tests noted herein are those standard tests of materials and construction as currently specified by the Louisiana Department of Transportation and Development (DOTD) Office of Highways:

- a. The testing laboratory shall test the concrete used in the construction of the street pavements, curbs, and sidewalks.
- b. There shall be a resident inspector of the testing laboratory to inspect the base processing of streets.
- c. There shall be a resident inspector of the testing laboratory to inspect the street pavements, including asphalt.
- d. A representative of the testing laboratory shall be present at the concrete and /or asphalt plants to inspect the preparation of these materials.
- e. A representative of the testing laboratory shall attend the pre-construction meeting.
- f. A representative of the testing laboratory shall attend intermediate site inspections when called upon.
- g. A representative of the testing laboratory shall attend the final inspection.
- h. The testing laboratory shall furnish to the Town and the sub-divider's engineer and contractor reports on items a. through e. above.

- i. The testing laboratory shall inspect the laying of the sanitary sewer lines and storm drainage if the sub-divider's engineer does not perform this function.
- j. All concrete, metal, clay, plastic or other acceptable pipe shall be stamped as approved by the testing laboratory, prior to being delivered to the job site.

If the above procedure is not followed, the Town has the authority to close down the job, after written notice to the sub-divider and the sub-divider's engineer.

(h) Acceptance of improvements. When construction is complete and in accordance with the approved plans and specifications and complies with the provisions of these regulations, the sub-divider, through his engineer, shall certify that all work has been completed and shall request final inspection by the Town so that he may obtain written approval and acceptance from the Council. For a period of twelve (12) months after the acceptance of the work, the sub-divider shall keep all filled trenches, pipes, manholes, structures, paved or unpaved surfaces etc., constructed by the sub-divider in good condition, making repairs to such defects in materials or workmanship as may develop or as may be discovered. If sewage pumping stations are constructed, the sub-divider shall guarantee materials and workmanship of these facilities for a period of twelve (12) months. The sub-divider shall file with the Town a maintenance agreement and surety bond securing to the Town the satisfactory performance for a period of one (1) year from the date of such a bond. The amount of the bond shall be ten (10) per cent of the cost of the improvements as determined by the Town. The sub-divider shall provide documentation of the cost of improvements. The form of the bond shall be subject to the approval of the Council. The bond shall be subject to cancellation only upon the written approval of the Mayor.

NOTE: Should the sub-divider choose to subcontract the construction or divide responsibility in any way, the sub-divider shall remain responsible for the final product from completion through the one year warranty period.

Sec. 19.19. Final plat approval.

(a) Unless a public hearing before the Planning Commission is required pursuant to Section 19.5, on a final plat, the following procedures shall be followed with respect to final plat approval. After construction plans have been approved by the Council, and construction is completed per the construction drawings, the sub-divider shall prepare the final plat. No lot shall be sold until the final plat has been first approved by the Council and recorded in the official records of the Clerk of Court of West Baton Rouge Parish. (Ordinance No. 10 of 2005; Ordinance 8 of 2012)

- (b) Final plats shall be filed as follows:
 - (1) Commission---Original and one (1) copy of final plat.
 - (2) Mayor --One (1) copy of final plat.

Sub-divider shall forward evidence of approval by the Town sanitarian to the Council with the final plat.

- (c) The Council will consider approval of the final plat only after receipt of:

- (1) Certification by the Mayor that all improvements have been installed in accordance with the approved construction plans and these regulations.
- (2) Certification by the Mayor that the cost of all construction plan reviews has been reimbursed to the Town. All fees shall be paid at the Town office prior to submission to the Council of the final plat.
- (3) Evidence of payment to the testing laboratories by the sub-divider. (Ordinance 8 of 2012)

(d) The original drawing will be returned to the sub-divider upon approval of the plat and recording of the plat in the West Baton Rouge Clerk of Court office. One (1) copy shall be retained in the files of the Commission.

(e) The final plat shall be drawn on tracing film, cloth, or paper on sheets having a maximum size of twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following in addition to the requirements of the preliminary plat:

- (1) Township, range and section in which the subdivision is located. If section corner, Township line or range line falls within the subdivision, it shall be shown.
- (2) Primary control points, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (3) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
- (4) Name and right-of-way width of each street or other right-of-way.
- (5) Location, dimensions and purpose of any easements.
- (6) Number to identify each lot or site.
- (7) Minimum building setback lines on all residential lots and sites.
- (8) Location and description of monuments.
- (9) Names and addresses of record owners of adjoining un-platted land.
- (10) Reference to recorded subdivision plats of adjoining land by record name, date and number.
- (11) Certification by registered land surveyor certifying to the accuracy of the survey and plat.
- (12) Statement by owner dedicating streets, rights-of-way and any sites for public uses.
- (13) Title, scale north point and date.

(f) Because some subdivisions are small with no street or utility improvements required and will have little or no far reaching effects on the development of the Town, some subdivision plats may be authorized and approved if both the Mayor and the Chairman of the Planning Commission concur. Such authorization and approval is allowed in the following two (2) instances:

- (1) For subdivisions consisting of four (4) lots or less fronting on existing dedicated streets requiring no street or utility improvements by the sub-divider, providing that the plat meets the requirements of these regulations and providing further that evidence from the Council is at hand indicating that the fee of thirty-five dollars (\$35.00) has been paid to same. (Ordinance No. 1 of 2009)
- (2) For small parcels of land sold to or exchanged between adjoining property owner's where the owner certifies upon the plat that such sale or exchange does not create an additional lot or lots.

(g) FINAL PLAT CHECKLIST:

- (1) All information required on preliminary plat.
- (2) Plat must be inked drawings on maximum twenty-four (24) inch by thirty-six (36) inch sheets.
- (3) Provide index sheet for plats requiring two (2) or more sheets.
- (4) All linear and angular dimensions shall be in feet and decimal equivalent.
- (5) Provide curve data for all curvilinear streets and rounded corners.
- (6) Provide note giving reference to the basis of all bearings and dimensions as per recorded permanent markers and bench marks.
- (7) Number lots.
- (8) Date.
- (9) Design professional/registered land surveyor's certification, signature and seal.
- (10) Statement of water supply.
- (11) Statement of method of sewage disposal signed by the owner/subdivider.
- (12) Submit deed restrictions, if applicable.
- (13) Provide space for approval signatures and date for Commission Chairperson and Mayor.
- (14) Final plat shall indicate contours at one-foot interval elevations based on mean sea level (MSL), showing the relationship of the subdivision to the flood hazard areas in the Town of Brusly, and showing the area comprising the subdivision and all additional areas necessary to include all watersheds which drain into and out of the property to be developed.
- (15) The registered land surveyor shall insure that all land surveying has been performed with the precision of a second-order traverse in accordance with the specifications of American Society of Civil Engineers Manual of Engineering Practice No. 10, Technical Procedure for City Surveys. Registered land surveyors shall certify that all surveying conforms to those applicable state and local ordinances governing the subdivision of land.
- (16) Payment of one hundred dollars (\$100.00) plus fifty dollars (\$50.00) per lot subdividing fee to the Town.
- (17) Municipal address of each lot.

Sec. 19.20. Severability clause.

Should any section or provision of this chapter be declared by the court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 19.20.1 Gated Community, Private Street Development Guide (Ordinance 2 of 2007)

Definition:

Private Street- A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Town of Brusly Code of Ordinances.

Private Subdivision, Private Streets, and Gated Communities shall meet the following requirements:

- (1) The general provisions of the Town of Brusly Code of Ordinances as they relate to development, streets, and utilities will apply to all such development. All plans concerning private streets or gated community (ies) are subject to review and approval by the Commission and Council.
- (2) The definition of a “subdivision” and “street”, as contained in the Town of Brusly Code of Ordinances will apply to all subdivisions or streets, whether public or private.
- (3) **Design and Construction Standards** – Private streets shall conform to the same standards regulating the design and construction of public streets.
These standards shall include, but are not limited to the following:
 - (a) Design standards for paving, drainage, water and sanitary sewer and Standards Specifications;
 - (b) Street naming and addressing policy;
 - (c) The Town may prohibit the creation of any other private street if in the Town’s judgments the private street would negatively affect traffic circulation on public streets or impair access to property either on-site or off-site to the subdivision, impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.
- (4) **Gate Installation** - Any gate installation must conform the following provisions:
 - (a) All gate installations must be approved by the Town prior to installation. The installation must be completed and tested prior to the Town’s acceptance of the subdivision.
 - (b) Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty-four (24) feet. If the entrance will incorporate a median, guard shack or similar structure that necessitates a divided gate arrangement, the gate

widths may be reduced if approved by the Town, but in no case shall any single gate or street pavement have a clear opening of less than twelve (12) feet.

- (1) If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of fourteen feet (14') clearance above the finished road surface.
 - (c) Approach and departures areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must be setback a minimum of 100 feet from any arterial or collector street right-of-way to allow for vehicle stacking out of the public travel lanes. Any exception must be approved by the Town.
 - (d) Automatic gate installations must conform to the design and performance guidelines established by the industry standards and approved by the Town.
 - (e) All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to insure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.
 - (f) Each security gate regulated under this section will be subject to a performance test as determined by the Fire Chief. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the Fire Chief.
 - (g) All streets, gas, and other fire protection features, signage, and equipment are subject to periodic inspection by the Town and must be repaired immediately if found to be in condition of disrepair. The Town shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the Homeowner's Association. Emergency repairs shall be assessed against the Homeowner's Association.
 - (h) The person or corporation in control of the property is responsible for, and liable for any violations of this section. This includes, but is not limited to, the developer, property owner, the Homeowner's Association and its officers, as applicable or others who may own or exercise control over the property.
- (5) **Property Association Required** - Subdivisions developed with private streets and alleys must have a mandatory property owners association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets, parks and other Homeowner Association appurtenances. The association shall own and be responsible for the maintenance of streets and other improvements. The association documents shall be reviewed by the Town Attorney and subject

to approval by the Town to insure that they conform to this and other applicable Town ordinances and concerns. The documents shall be filed of record prior to the approval of the final plat. Lot deeds may not be dissolved without the prior written consent of the Town. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessments therefore may be amended without the written consent of the Town.

- (6) **Private Street Lot** - Private streets and alleys must be constructed within a separate lot owned by the property owners association. This lot must conform to the Town's standards for public street and alley right-of-way. A servitude covering the street lot shall be granted to the Town providing unrestricted use of the property for utilities and storm drainage systems and the maintenance of same. This right shall extend to all utility providers including telecommunications/cable companies, operating within the Town. The servitude shall also provide the Town with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The servitude shall permit the Town to remove vehicle or obstacle within the street lot that impairs emergency access. Variation to streets and right-of-way widths must be approved by the Town.
- (7) **Construction and Maintenance Cost** - The Town shall not pay for any portion of the cost of construction or maintaining a private street. The Homeowners Association shall maintain an escrow account as approved by the Town for all road maintenance.
- (8) **Town Utilities** - Water, sewer and drainage facilities placed within the private street and alley lot shall be installed to Town standards and dedicated to the Town as part of the approval of the final plat. All Town regulations relating to infrastructure, financing, developer cost participation and capital cost recovery shall apply to developments with private streets. Street lights and signs shall be installed and maintained by the homeowners association subject to approval by the Town. The property association documents shall give the Town the right, after giving written notice to perform maintenance upon streets and alleys to protect health, safety and welfare of the residents and to place a lien upon the lots within the association to recover the cost of such maintenance.
- (9) **Plans and Inspections** - Developments proposed with private streets must submit to the Town the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to issuance of building permits shall apply. Inspection Fees charged for these services shall also apply.
- (10) **Waiver of Services** - The subdivision final plat, property deeds and property owner's association documents shall note that certain Town

services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, street lighting, enforcement of traffic and parking ordinances and preparation of accident reports. Depending on the characteristics of the proposed development other services may not be provided.

- (11) **Petition to Convert to Public Streets-** The property association documents shall allow the association to request the Town accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of 75% of the membership. However, in no event shall the Town be obligated to accept said streets and alleys as public. Should the Town elect to accept the streets and alleys as public, the Town may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the Town's acceptance of the street and alleys.

The Town will be the sole judge of whether repairs are needed. The Town may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association document shall provide for the Town's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the Town.

- (12) **Hold Harmless** - On the subdivision final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Town, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the Town, governmental entity or public utility, for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of any use by the Town, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the Town, governmental entity or public entity. Further, such language shall provide that all the owners of all lots shall release the Town, governmental entities and public utilities for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the Town, governmental entity or public utility, or their representative officers, employees or agents.

- (13) **Sidewalks and Bikeways**

- a. Sidewalks-Sidewalks shall be constructed in accordance for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street or in other areas as required by the Town. Sidewalks construction may be

delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Exceptions to this section must be approved by the Town.

- b. Pedestrian Accesses- The Town may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed servitudes at least fifteen (15) feet in width. Servitudes will be indicated on the plat.

(14) Drainage and Storm Sewers

- a. General Requirements- All plats shall conform to the Town drainage plan.
- b. Design of Facilities- Design of storm sewer systems shall be in accordance with Town standards. Materials and construction shall conform to the Standard Specifications.

(15) Secondary Access

The Town may require all gated subdivisions provide a secondary access point accessible by means approved by the Town and the Fire Chief for emergency services.

(16) Federal Requirements

The Post Office requires 7-day access for mail delivery. If a security gate or fencing is used, a key keeper box with retractable key reel that will accommodate a post office arrow lock and/or the device (mechanical/electronic) needed to gain access in complex, must be installed next to the door or gate that the carrier uses to enter the complex. (Systems that use a key board to punch in codes, in most cases, will accept a post office arrow lock in the control panel).

Note: Carriers must not carry key, written codes, electronic openers or badges for entrance into building or complex.

Sec. 19.20.2 Duplexes and triplexes (Ordinance 2 of 2007)

Any construction of duplexes or triplexes not requiring Louisiana State Fire Marshal review shall meet the requirements of NFPA 101 “Life Safety Code” 2003 Edition. Subdivider shall:

- (1) provide plans for review of construction to “West Baton Rouge Fire Protection Sub-district # 2” (Brusly Fire Department) and the Town of Brusly;
- (2) provide fire hydrant location and line size (MUST MEET PARISH REQUIREMENTS) within 300 feet of the nearest corner of proposed building;
- (3) provide and install fire extinguishers as required by West Baton Rouge Fire Protection Sub-district # 2;
- (4) provide handicap requirements under the Americans and Disabilities Act (Accessibility Guidelines);

- (5) provide for Fire Apparatus access and egress or turn around if it is located on dead end road or street with no outlet.

APPENDIX A. REQUIRED MATERIALS, TESTING, AND CONSTRUCTION CONTROL FOR ROADS AND STREETS

Sec. 1. General.

The basis for tests noted herein are those standard tests of materials and construction as currently specified by the Louisiana Department of Transportation and Development (DOTD) Office of Highways. There are several locally available commercial testing laboratories which are familiar with those standards and tests to which reference is made in the following sections. Any laboratory to be used must have the prior approval of the Mayor. A report on all data obtained by the laboratory shall be submitted to the sub-divider's engineer. It shall be the responsibility of the sub-divider to pay for the services of the testing laboratory; the sub-divider shall provide the Town with evidence that compensation has been made full to the testing laboratory.

Sec. 2. Soils information.

Wherever roads or streets are to be constructed, sufficient soils information shall be secured at locations designated by the sub-divider's engineer, to determine the following:

- (a) ***Standard Proctor curve.*** Plotting moisture against density in order to provide a means of checking actual density as a percentage of theoretical maximum density at optimum moisture.
- (b) ***Workability of the soil with or without lime treatment.*** Includes plastic and liquid limits from which the Plasticity Index (PI) would be determined. The PI is a direct indicator of soil workability.

Sec. 3. Embankment.

Embankment material shall be free from vegetation, broken concrete, other rubble, roots, or other organic material and shall be at or near optimum moisture prior to compaction. Material shall be brought up in lifts not exceeding eight (8) inches in depth and shall be compacted to at least ninety (90) per cent of maximum density, except that the top eight (8) inches compacted thickness of the embankment shall be compacted to at least ninety-five (95) per cent maximum density based on standard Procter curve.

Sec. 4. Sub-grade (sub-base).

The sub grade, including lime treatment if required as per section 5(a), shall be free from soft or spongy spots, roots, stumps, or other perishable matter.

Sec. 5. Sub-base.

The following subsections will cover the requirements for preparation of sub-base for placement of base material:

- (a) ***Lime treatment prior to base preparation.*** If the sub grade to be used is of a type having a Plasticity Index (PI) of more than fifteen (15), the soil shall be lime-

treated to lower the PI to six (6) prior to stabilization. The percentage of lime to be used shall be recommended by a commercial laboratory engaged in this type of work, and approved by the sub-divider's engineer or his authorized representative. Lime treatment and stabilization shall be to a depth of eight (8) inches compacted thickness. Vegetation shall be removed from sub-grade to a depth not exceeding four (4) inches. Sub-grade shall be pulverized, mixed with lime, and shall be compacted to at least ninety (90) per cent of maximum density based on standard Proctor curve for a depth of eight (8) inches. The sub-base, including lime treatment shall be free from soft or spongy spots and the entire sub-base shall be compacted in accordance with this section.

Sec. 6. Base.

Soil Cement or Limestone base. Base material shall consist of soil cement or crushed limestone, Type 610. Stabilization of the base shall conform with the standard specifications of the Louisiana DOTD Office of Highways with regard to placing and compacting. Placement of limestone base should take place in at least two (2) lifts and shall be placed with sufficient moisture so as to promote curing. Stabilized limestone or soil cement base shall be a minimum thickness of eight (8) inches. Compaction shall be to at least ninety-five (95) per cent standard Proctor curve maximum density. Thickness and compaction testing will be required. A curing time of fourteen (14) days minimum is required prior to surfacing.

Sec. 7. Base primer.

Prepared base (see section 6) shall be primed with bituminous material meeting the current requirements of the Louisiana DOTD Office of Highways specifications. The bituminous material used as a prime coat shall be Grade MC-30 or Grade MC-70 Cutback asphalt. Priming of base shall be at the direction and under the supervision of the sub-divider's engineer or his representative.

Sec. 8. Surfacing.

Asphaltic concrete. Streets or roads to be surfaced with asphaltic concrete shall have a base meeting of the requirements as provided in section 6. All asphaltic concrete shall be Type 1 mix as defined and specified by the Louisiana DOTD Office of Highways. The mix design, its transportation, placing, and compaction shall all meet the requirements of the Louisiana DOTD Office of Highways for Type 1 mix, except that compaction shall be to ninety-five (95) per cent minimum of briquette density as determined by a qualified commercial testing laboratory as approved by the sub-divider's engineer and the Mayor.

Sec. 9. Thickness of finished roadway sections.

For all streets, the minimum base thickness shall be eight (8) inches and minimum asphaltic concrete surface thickness shall be two (2) inches. Those roads or streets subjected to commercial and/or industrial traffic, with a high truck traffic count, shall be the subject of special design and construction controls. The Town will work jointly with the developer to arrive at a feasible design to be compatible with the intended use for the road or street.

Sec 10. Sewer System

Sewer manholes shall be constructed using limestone aggregate and shall be coated. Conflict boxes should be avoided, if possible. However, if a conflict box is unavoidable, it shall be designed to assure adequate clearance between the bottom of the box and the bottom of the pipe. (Ordinance 8 of 2012)

All provisions of Sections 19.16, 19.17, 19.18, 19.19 and Appendix A of Chapter 19, Article A GENERAL not specifically amended and supplemented hereby shall remain in full force and effect. (Ordinance 8 of 2012)

APPENDIX B. GRASS SEEDING STANDARDS

Sec. 1. General.

These grass seeding standards are intended as a general guide for the sub-divider to use in the planning of subdivisions. These standards consist of preparing seed bed, fertilizing, liming and watering, if required, and furnishing and sowing grass seed, to assure a healthy stand of grass.

Sec. 2. Selection of seed.

Prior to the planting of any seed, the sub-divider is to contact the Town to determine the varieties and quantities of seed that is to be used along either side of the streets in the subdivision. The variety and quantity of seed will be determined on the content of the soil in the subdivision and the time of the year in which seeding is to take place.

Sec. 3. Construction.

Generally, the construction included in this appendix shall be done in accordance with Section 717, Seeding, of the Louisiana Standard Specifications for Roads and Bridges, as published by the Office of Highways, Department of Transportation and Development, State of Louisiana, as amended. Copies of this publication can be obtained by contacting DOTD.

APPENDIX C. STREET LIGHTING STANDARDS

Sec. 1. General.

These street lighting standards are intended as a general guide for the sub-divider to use in the planning of subdivisions. These standards consist of the selection of those materials and construction methods used in installing illumination standards.

Sec. 2. Materials.

As a general guide, the sub-divider shall use standards that are consistent with the latest lighting technology recommended by the local utility provider. The sub-divider shall use a minimum of one hundred seventy-five (175) watt luminaries and these shall be mounted at a minimum height of twenty-five (25) feet above the finished roadway. These standards and luminaries shall be placed approximately two hundred (200) feet apart so as to give adequate night lighting. These materials are considered to be minimum requirements expected to be met by the sub-divider; the Town will meet with the sub-divider to review the preliminary and final designs that are contemplated by the sub-divider for that construction covered by this appendix.

Sec. 3. Construction.

All construction shall meet with the approval of the sub-divider's engineer as covered in the text of this chapter.

Article B. ZONING

Section 19.21. Brusly land use principles (Amended by Ordinance #1 of 2010)

The Brusly Land Use Plan outlines goals and objectives by which the corporate limits shall be developed and from time to time may be extended. This article is one of the methods by which such goals and objectives are met. In meeting such goals and making recommendations for their implementation, the following land use principles shall be utilized as guidelines for making land use decisions in terms of access and compatibility with existing and future developments:

(a) General:

- (1) The development plan for the Town of Brusly as it relates to the floodways and floodplains shall be in accordance with Chapter 15 of this code.
- (2) Use changes should normally not occur in the center of a block. Spot zoning should be avoided, especially in the middle of blocks.
- (3) All recognized historical and archaeological sites and facilities should be preserved.
- (4) Sites with unique natural beauty should be preserved for public enjoyment.
- (5) Natural aesthetics and greenbelts should be maintained where possible in both residential and commercial developments.

(b) Housing

- (1) Single family residential lots should be served by local streets.
- (2) No development should be allowed unless there is an acceptable supply of potable water, sewerage collection and treatment, solid waste collection and disposal, and fire and police protection.
- (3) No residential development should be allowed in floodways.
- (4) Residential uses are compatible with uses such as: recreation, education, fire and police stations, some agriculture, and some institutions.
- (5) Residential uses are incompatible with commercial and industrial uses, and all transportation facilities.

(c) Commercial:

- (1) All commercial activities should be in enclaves varying in size to suit their function and located convenient to their market. All should have adequate off-street parking.
- (2) Commercial activities should have access to arterial and collector streets only.
- (3) Commercial uses should be given prime consideration at the intersection of two arterial streets.
- (4) Commercial, along with some industrial and transportation uses, should be given prime consideration at all four-way major interchanges.

- (5) Only small convenience centers, offices, professional offices and banks should be allowed on collector or arterial streets. (St. Francis, LaBauve, Vaughan, La. Hwy. 1, Kirkland and Main Streets.) (Ordinance No. 10 of 2005)
- (6) Auto oriented commercial should be allowed only on, arterial streets, or collector streets.
- (7) Uses compatible with commercial are institutions such as hospitals, colleges and universities, research organizations, administrative community facilities, and agriculture. (Ordinance 6 of 2007)
- (8) Uses incompatible with commercial are heavy industry and residential. (Ordinance 6 of 2007)
- (9) Wholesale and warehouse uses are more compatible with industrial and transportation uses than with other forms of commercial.

(d) Industrial:

- (1) All industry should be grouped in compatible enclaves.
- (2) All industry should be served by adequate transportation systems and should be restricted to sites on arterial streets.
- (3) Uses compatible with industrial uses are transportation and warehouse uses, some commercial uses, agriculture, and community facilities of an industrial type.
- (4) Uses incompatible with industrial uses are residential, some commercial, educational, most community facilities, and most recreational uses.

(e) Institutions:

- (1) Institutional uses, being so diverse, demand relationships related to their characteristics.
 - (a) Hospitals create traffic and parking problems that should only be acceptable on arterial streets or collector streets. Hospitals are most compatible with commercial uses. (Ordinance 6 of 2007)
 - (b) Nursing and long-term care facilities create much less demand in circulation and parking and may be accommodated on collector streets. (Ordinance 6 of 2007)
 - (c) Schools should be related to the age of student and the amount of traffic generated.
 - (i) Local streets: elementary schools, residential areas.
 - (ii) Collector or arterial streets: high and vocational schools, commercial or residential areas.
 - (iii) Arterial streets: colleges, commercial. (Ordinance 6 of 2007)
 - (d) Churches: Collector and arterial streets. (Ordinance 6 of 2007)
 - (e) Group Homes are incompatible with single family residential uses and should be located in multi-family classifications. (Ordinance 6 of 2007)

(f) Recreation:

- (1) Residential sections should be served by adequate recreational facilities.

(2) Regional recreation facilities should be served by arterial roads.

(g) Transportation:

(1) Every land use should contain enough land to ensure off-street parking for its function.

(h) Utilities:

(1) Allow no use (except for commercial farm) where approved utilities and street lighting are not available.

(2) Most utility generating facilities are more compatible with industrial uses.

(3) Some utility facilities are compatible with commercial uses.

(4) Utility uses that must occur in residential areas shall be suitably buffered and landscaped. (Amended By Ordinance No. 5 of 1986)

Section 19.22. Map (Amended by Ordinance #1 of 2010)

The zones shall be indicated on the “Zoning District Map”, Brusly, Louisiana, dated and signed by the Mayor and attested by the Town Clerk, and bearing the seal of the Town under the following words: (dates and ordinance # provided by way of illustration only) “This is to certify that this official zoning map of the Town of Brusly supersedes and replaces the official zoning map adopted March 9, 2009 (date of adoption of map being replaced) as part of Ordinance No. 1 of 2009 of the Town of Brusly.” A copy of said map shall be on file at the Town Hall and all explanatory matter thereon is hereby made part of this article. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to the adoption of the amendment.

Section 19.23. Definitions (Amended by Ordinance #1 of 2010)

For the purpose of this article, certain words or terms used herein shall be defined as follows:

(1) **Accessory Use** means any structure and use (such as private garages and sheds) not occupied by human beings as a residence and or dwelling and customarily incidental to and on the same lot with a permitted use, including, but not limited to the following: (a) a garage or parking spaces; (b) sale of produce raised only on the premises; (c) an advertising sign (See Chapter 18, “Building Regulations”); (d) a customary home occupation (such as the office of a physician or other professional person) incidental to a permitted use (See Chapter 18, “Building Regulations”); and (e) a swimming pool (See Chapter 18, “Building Regulations”).

(2) **Adult video or book store** means an establishment used or intended to be used which primarily offers for sale or rent videos, tapes, photographs, or any other medium, including books, magazines, pamphlets and the like, which depict acts or conduct of persons engaged in sexual intercourse or any lewd and lascivious behavior.

- (3) **Agricultural** means premises primarily devoted to the cultivation of agricultural products grown on the premises, including raw crops, orchards and trees. The term also includes the raising and breeding of farm animals for sale as food or for the use of fur or hide. The term does not include the processing of food or animals on site.
- (4) **Alley** means a dedicated right-of-way not less than twenty (20) feet in width to provide access to the back or side of properties otherwise abutting on a street.
- (5) **Bed and breakfast** means an owner-occupied dwelling unit having no more than one culinary facility and no more than three guestrooms where short-term lodging, with continental breakfast only, is provided for compensation by the owner/operator of the residence. (Ordinance 11 of 2008)
- (6) **Block** means tract of land bounded by dedicated streets, which has been subdivided for building development.
- (7) **Board** means, unless otherwise noted, the Town Council for the Town of Brusly.
- (8) **Buffer Zone** means an area between two conflicting uses placed so as to reduce noise, glare, or unsightliness. It shall be required between residential and commercial or industrial zones.
- (9) **Build** means to erect, convert, enlarge, remodel, reconstruct, or structurally alter a building or structure.
- (10) **Building** means any structure designed or built or used for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind. The definition of the word “building” includes the word “structure,” but any use of the term “building” shall not include the term “mobile building” unless specifically provided in the context of the discussion of the word “building.”
- (11) **Building Official** means the Mayor of the Town of Brusly or a person appointed by the Mayor and approved by the Brusly Town Council.
- (12) **Carport** means a canopy or shed open on at least three (3) sides and attached to, or detached from, the main building for the purpose of providing shelter for one or more vehicles.
- (13) **Cemetery** means land used or intended to be used for the burial of the dead, whether human or animal, including a mausoleum or columbarium.
- (14) **Church** means a structure used for religious services involving public assembly. The term includes synagogues, temples, and similar structures.
- (15) **Commercial Stable** means an establishment which houses, feeds, transfers livestock not including small animals.

- (16) **Commission** means the municipal Zoning Commission.
- (17) **Concrete Crusher** means an establishment used for conversion of any size aggregate from one size to another.
- (18) **Dance Hall** means a café, restaurant, or other place where dancing is done to music.
- (19) **District** means a part of the Town wherein regulations of this article are uniform.
- (20) **Drive-in** means an establishment where food or beverage is sold for consumption on the premises, but not necessarily within a building.
- (21) **Dwelling** means a building used entirely for residential purposes and shall not be construed to include manufactured homes/mobile homes/house trailers:
- (a) A single-family dwelling is a building that contains only one living unit including attached buildings in the case of town houses.
 - (b) A multi-family dwelling that contains more than one (1) living unit.
- (22) **Exotic Dancing** means an establishment with males or females hired to mingle, serve customers, dance, gyrate, twist or do any other physical performance on the floor, tables, stage or other contrivance located in or on the premises of any retail liquor establishment selling low or high alcoholic beverages, while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals, or to wear or use any device or covering, exposed to view, which stimulates the breast, genitals, anus, pubic hair, or any portion thereof.
- (23) **Family** means:
- 1) An individual occupying a single housekeeping unit with single culinary facilities or;
 - 2) Two (2) or more persons who are related by blood, marriage or legal adoption living together and occupying a single housekeeping unit with single culinary facilities or;
 - 3) Not more than four (4) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost sharing basis.
- The term “family” does not include those individuals residing in a boarding house, lodging house, bed and breakfast, inn, hotel, motel, fraternity/sorority residence, and/or group home as defined in this chapter and/or Chapter 18, “Building Regulations”.
- (24) **Fraternity/sorority residence** means a dwelling maintained exclusively for sorority or fraternity members and their guests or visitors, affiliated with an academic or professional college, university or other educational institution.
- (25) **Freight Trucking Terminal** means an establishment whose purpose is the delivery and pick up of freight or servicing of freight carriers.

- (26) **Gaming Establishment** an establishment used for playing games of chance for money.
- (27) **Garage** means a building for storage of motor vehicles.
- (28) **Group home** means a dwelling shared by more than four persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to reach their maximum potential. Examples of Group Homes include but are but not limited to: Treatment facilities for illegal use of or addiction to a controlled substance, an alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or for persons whose residency in the home would potentially constitute a direct threat to the health and safety of other individuals or whose tenancy would potentially result in physical damage to the property of others.
- (29) **Hotel** means an establishment that provides lodging and sometimes meals, entertainment, and various personal services for the public. (Amended by Ordinance 11 of 2008)
- (30) **House Addition** shall mean any increase in the living area of a residential structure. Additions shall be limited to the following:
- (a) The house addition shall be occupied by human beings.
 - (b) The roofs shall be constructed and connected as one residence and the facias shall be constructed at the same elevations of the original residence, except in the cases of one-story or two story or visa versa.
 - (c) Includes enclosure of carports or garages into living area.
 - (d) Additions of carports or garages are not considered house additions. They shall be considered accessory structures.
- (31) **Inn** means an establishment for the temporary lodging and entertaining of travelers. (Ordinance 11 of 2008)
- (32) **Institution** means a nonprofit establishment for public use.
- (33) **Living area** means the square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. Living area does not include porches, garages, or carports.
- (34) **Living unit** means the rooms occupied by a family.
- (35) **Livestock, slaughterhouse and/or feedlots** mean:
- (A) Livestock- animals such as horses, cattle, sheep, swine and poultry (normally raised for food).

- (B) Slaughterhouse-a place for the slaughter of rendering of animals for food.
- (C) Feedlots-a place for the feeding or fattening of livestock animals intended for slaughter.

- (36) **Loading space** means a space within the main building or on the same lot having a minimum dimension of twelve (12) feet by thirty-five (35) feet.
- (37) **Lot** means a parcel of land adequate for occupancy by a use herein permitted.
- (38) **Lot of record** means a lot which is part of a properly approved subdivision, the map of which has been recorded in the office of the Clerk of Court of West Baton Rouge Parish; or a parcel of land which became legally established and defined by deed or act of sale as of the adoption date of this zoning amendment.
- (39) **Main building** means a non accessory building in which the primary use of the site is conducted. In residential districts, a dwelling shall be deemed to be the main building.
- (40) **Manufactured homes/Mobile homes/House trailers** mean a structure, transportable in one or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing heating, air conditioning, and electrical systems contained therewith. An unoccupied travel trailer or any other form of recreational vehicle shall not be construed to be a mobile home or house trailer.
- (41) **Massage Parlor** means any place or establishment which is operated for the principal business or primary purpose of providing either or all of the following services at such establishment: physical massage of the person, steam baths, hotbox, magnetic baths, or any other similar services commonly rendered by such establishments. "Massage" shall mean any process or procedure upon any parts of a body of a patron consisting of rubbing, stroking, kneading or tapping by any means.
- (42) **Mayor** means the Mayor of the Town of Brusly.
- (43) **Motel** means establishment that provides lodging and parking and in which the rooms are usually accessible from an outdoor parking area. (Amended by Ordinance 11 of 2008)
- (44) **Multi-family dwelling** means a building or structure that contains more than one (1) living unit.
- (45) **Occupy/occupancy** means to live in, reside in, or be a tenant or inhabitant of any dwelling, building or structure. Mere ownership of a dwelling, building or structure does not constitute occupancy where the owner does not live in, reside in or inhabit

said dwelling, or serve as an industrial, office or commercial tenant of said building or structure.

- (46) **Office building** means a building designed for or used as the offices of professional, commercial, industrial, religious, public, or semipublic persons or organizations.
- (47) **Parcel** means and includes lots and tracts.
- (48) **Parking space** means an area on a lot sufficient in size (not less than nine (9) feet wide and twenty (20) feet long to store one (1) automobile, and connected to a public street or alley by a driveway not less than ten (10) feet wide.
- (49) **Premises** means land together with any building or structure occupying it.
- (50) **Private garage** means an accessory building housing not more than four (4) vehicles owned and used by occupants of the main building. A private garage does not need to be walled; a roofed but un-walled structure or carport is a private garage. Where more than four (4) vehicles are housed or where used by persons other than occupants, the garage shall be classified as a public garage.
- (51) **Recreation** means the use of a site for public or private recreational, social, or multipurpose uses typically associated with parks, playfields, playgrounds, swimming and tennis facilities and community recreational buildings or public open space.
- (52) **Residence** means a dwelling where a person or persons reside.
- (53) **Right-of-way** means a strip of ground dedicated by the sub divider for public use, title to which shall rest in the public for purposes stated in the dedication.
- (54) **School** means a public, private or parochial school offering instruction in elementary, middle school, junior high, and/or high school levels in branches of learning and study required to be taught in the public schools of the state.
- (55) **Service station** means any building, structure or premise, enclosure or other place used for the dispensing, sale, or offering for sale of automobile fuel and oils at retail. When such dispensing, sale, or offering for sale of automobile fuel and oils is incidental to the conduct of a motor vehicle repair shop, the premises shall be classified as a motor vehicle repair shop.
- (56) **Servitude** means a strip reserved by the sub divider for public utilities, drainage, and other public purposes, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude, or a strip of ground designated or intended to be used for access to building or other sites.

- (57) **Setback** means the horizontal distance between the property line and the building foundation line. On a street side, this distance shall be measured from the street right-of-way to the building foundation line.
- (58) **Single Family Dwelling** means the use of a site for only one dwelling unit.
- (59) **Street** means property dedicated for and accepted for primary public access to lots.
- (a) Local streets mean those streets which are used primarily for access to the abutting properties but do not provide for through traffic. (All streets not designated collector or arterial shall be defined as local).
 - (b) Collector streets mean those streets which carry traffic from local streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development. (i.e., St. Francis St., LaBauve St., Vaughan St.).
 - (c) Arterial streets mean those streets and highways which are used primarily for fast, heavy traffic. They are generally several miles long and connect points of major traffic generation such as through highways. (i.e., LA Hwy. 1, Kirkland St, Main St.)
- (60) **Structural alteration** means any change in the supporting members of a building, such as bearing walls or bearing partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.
- (61) **Structure:** means a combination of materials forming a walled and roofed construction including, but not limited to buildings, stadiums, platforms, radio towers, sheds, storage bins and tanks, fences, freestanding signs, air conditioning compressors, satellite receiving stations, and antennas.
- (62) **Swimming pool** means a body of water located outside the confines of a building designed or used for swimming, dipping, or immersion purposes by men, women, or children, of a minimum depth of eighteen (18) inches.
- (63) **Tract** means parcels of three (3) or more acres, but less than ten (10) acres created for sale, purchase, or agreement to purchase, lease or donation of any lot or division of land either by lot description or metes and bounds.
- (64) **Video Poker Truck Stop** means any establishment, facility or business created or controlled by the regulations of the gaming industry under La. R.S. 27:306, et seq, as it currently reads or may be subsequently revised.
- (65) **Yard** means an open space on the same lot or tract as a building except as provided herein and is unoccupied and unobstructed by a structure. Yard width or depth is the shortest horizontal distance from a lot line to the main building.
- (a) **Front yard** means the area from one side lot line to the other side lot line and between the main building and the street.
 - (b) **Side yard** means the area from the front yard line to the rear yard line and from the main building to a side lot line.

(c) **Back yard** means an open space extending across the rear of the lot between the side lot lines, and being the required minimum horizontal distance between the rear lot line and the nearest point of the main building.

(66) Zero lot line development means a residential development of single family detached units having only one (1) side yard and constructed with one (1) exterior wall located on one (1) side property line.

Section 19.24. Districts enumerated (Amended by Ordinance #1 of 2010)

For the purpose of this article, the Town is divided into zones. Within the respective zones hereafter set forth, the use and occupancy of land and buildings shall be subject to the uses, height restrictions, and area regulations provided for in the schedule opposite each respective zone:

- | | |
|-----------------------------------|---------------------------|
| (1) R-1 Single-Family Residential | (7) B-1 Transition |
| (2) R-2 Single-Family Residential | (8) C-1 Light Commercial |
| (3) R-3 Single-Family Residential | (9) C-2 Commercial |
| (4) R-4 Multi-Family Residential | (10) L-1 Light Industrial |
| (5) R-5 Zero Lot Line Residential | (11) L-2 Heavy Industrial |
| (6) R-6 Town House Residential | |

Section 19.25. Nonconforming uses

Any building existing at the time of enactment of the zoning ordinance herein, or subsequent amendment of the article, but not in conformity with its provisions, may be continued with the following limitations:

- (a) Any building which does not conform to this article shall not be changed to another nonconforming use.
- (b) Any building which does not conform to this article shall not be reestablished after discontinuance for six (6) months.
- (c) Any building which does not conform to this article shall not be expanded to greater than the existing floor area. (Amended by Ordinance No. 5 of 1986)

Section 19.26. Principal structure (Amended by Ordinance #1 of 2010)

Every building hereafter erected shall be located on a lot of record and in no case shall there be more than one (1) main building on one (1) lot. More than one (1) main institutional, public, commercial, or industrial building may be located upon a lot or tract in any district where such uses are permitted. (Amended by Ordinance No. 5 of 1986)

Section 19.27. Building Official (Amended by Ordinance #1 of 2010)

This article shall be enforced by a building official who shall be the Mayor or a person appointed by the Mayor and approved by the Brusly Town Council.

Section 19.28. (Reserved) (Amended by Ordinance #1 of 2010)

Section 19.29. Compliance; other regulations (Amended by Ordinance #1 of 2010)

- (a) No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, and as set forth in the “Zoning Schedule”, Section 19.31, except as hereinafter provided.
- (b) In building, constructing, or occupying facilities permitted under this article, such building, construction, or occupancy shall meet all requirements of the other building codes adopted by the Town of Brusly. (Amended by Ordinance No. 5 of 1986)

Section 19.30. Zoning district boundary determination

- (a) Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map made a part of this article, the following rules apply:
 - (1) Where the zoning district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines, and where the districts designated on the zoning district map made a part of this article are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the map.
 - (2) In un-subdivided property, the zoning district boundary lines on the map and made a part of this article shall be determined by use of the scale appearing on the map.
 - (3) In un-subdivided property, the district boundary lines on the map and made a part of this article shall be determined by use of the scale appearing on the map.
- (b) The provisions of this article shall be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this article to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this article imposes a greater restriction, this article shall control. (Amended by Ordinance No. 5 of 1986)

Section 19.31. Zoning district schedule (Amended by Ordinance #1 of 2010)

It is the desire of the Town Council of the Town of Brusly in furtherance of the “Guiding Principles” of the chapter that the Town of Brusly remain a principally residential community, and the Town Council reflecting the desires of the community does consider Hotels, Motels, Inns and Bed and Breakfasts and the like to be counter to the guiding principles of this chapter. Hotels, Motels, Inns and Bed and Breakfasts shall be prohibited uses in all zones inside the Town of Brusly. (Ordinance 12 of 2008)

- (a) Buffer zones shall be established between potentially conflicting uses and when it appears that a nuisance would be caused by locating an incompatible use adjacent to a conforming use.

- (1) The buffer zone shall be the responsibility of the party creating the nuisance and such buffer zone property provision shall continue when such property is sold or transferred. Change in the use of such property shall not relieve the owner of the responsibility of maintaining the required buffer zone.
- (2) Buffer zones shall be maintained and kept clean and shall consist of the following:
 - (a) A six foot high solid wooden, brick, vinyl or masonry fence or equivalent plus at least a five foot wide strip of open space (not used for parking or other commercial activities) between the residential and incompatible use property lines. Such open space shall have planted on it shrubs or trees that grow to at least eight feet in height and that shall form a solid barrier when mature.
 - (b) If no fence is provided, the nuisance-generating property shall provide at least a ten foot wide strip of open space between the property lines. Such space shall be used to grow shrubs or trees that shall grow to at least eight feet in height and that shall form a solid barrier when mature.

Within the zoning districts established by this article and as shown on the zoning district map, the following regulations shall apply:

ZONE	USE	OFF-STREET PARKING	LOTS			BUILDING SETBACKS			MIN LAND COVER RAGE	MIN LIVING AREA
			MIN. AREA	LOT/ FAM	MIN. WIDTH	FRONT	SIDE	REAR		
R-1	Single-Family Residential	2 Spaces per Living Unit	9,600	9,600	80 Ft.	30 Ft.	10 Ft.*	10 Ft.		1,200 Sq. Ft.
R-2	Single-Family Residential	2 Spaces per Living Unit	7,500	7,500	60 Ft.	25 Ft.	10 Ft.*	10 Ft.		864 Sq. Ft.
R-3	Single-Family Residential	2 Spaces per Living Unit	6,000	6,000	50 Ft.	20 Ft.	10 Ft.**	10 Ft.		864 Sq. Ft.
R-4	Multi-Family Residential	2 Spaces per Living Unit plus 1 space each 4 Units	7,500	3,500	60 Ft.	25 Ft.	10 Ft.*	10 Ft.		
R-5	Zero Lot Line Residential	2 Spaces per Living Unit	3,800	3,800	30 Ft.	20 Ft.	10 Ft.* On One Side only	10 Ft.	60 %	
R-6	Town House Residential	2 Spaces per Living Unit plus 1 space each 4 Units	3,800 Per Site	2,000	20 Ft.	Site Req. 20 Ft.	Site Req. 25 Ft.	Site Req. 10 Ft.		
B-1	Transition District	See Parking Chart for Specific Use Requirements	6,000	6,000	50 Ft.	20 Ft.	5 Ft.	10 Ft.	See B-1 Text	
C-1	Light Commercial	See Parking Chart for Specific Use Requirements	7,500	1,500	60 Ft.	20 Ft.	NONE	10 Ft.		
C-2	Commercial	See Parking Chart for Specific Use Requirements	NONE	NONE	NONE	20 Ft.	NONE	10 Ft.		

L-1	Light Industrial	See Parking Chart for Specific Use Requirements	NONE	NONE	NONE	20 Ft.	NONE	10 Ft.		
L-2	Heavy Industrial	See Parking Chart for Specific Use Requirements	NONE	NONE	NONE	20 Ft.	NONE	10 Ft.		

* may be 8 ft., provided an approved and tested one hour fire wall is used.

** may be 8 ft., provided an approved and tested one hour fire wall is used, may be 5 ft. provided an approved and tested four hour fire wall is used.

1. R-1 Single-Family Residential

Uses Permitted: Single-family dwelling; public recreation; primary and secondary schools; churches; agricultural activities; accessory uses. Cemetery; State or federal government use; private club not conducted for profit; provided all structures for such uses are located not less than fifty (50) feet from any property lines. Municipal use provided that the Planning Commission deems necessary to maintain neighborhood values. Nursing homes, provided the lot has a minimum area of four (4) acres and not over twenty-five (25) percent of total land area to be occupied by buildings. Section 19.26 is not applicable.

Uses Prohibited: All uses not specifically permitted herein.

Minimum Yards:

Front Depth 30 ft.
Rear Depth 10 ft.
Side Depth 10 ft. (may be 8 ft., provided an approved and tested one hour fire wall is used.)

Minimum Lot Size:

Area 9,600 sq. ft.
Width 80 ft.

Corner Lot Side Depth: 15 ft.
Minimum Living Area: 1,200 sq. ft.
Parking Requirements: Two (2) per unit

2. R-2 Single-Family Residential

Uses Permitted: Uses permitted in R-1; garage apartments, provided lot area per family is not less than 7,500 square feet.

Uses Prohibited: All uses not specifically permitted herein.

Minimum Yards:

Front Depth 25 ft.

Rear Depth 10 ft.
Side Depth 10 ft. (may be 8 ft., provided an approved and tested one hour fire wall is used.)

Minimum Lot Size:

Area 7,500 sq. ft.
Lot Width 60 ft.

Corner Lot Side Depth: 15 ft.
Minimum Living Area: 864 sq. ft.
Parking requirements: Two (2) spaces per living unit.

3. R-3 Single-Family Residential

Uses Permitted: Same as in R-2; dwellings containing two, three, or four families, provided lot area per family is not less than 6,000 square feet.

Uses Prohibited: All uses not specifically permitted herein.

Minimum Yards:

Front Depth 20 ft.
Rear Depth 10 ft.
Side Depth 10 ft. (may be 8 ft., provided an approved and tested one hour fire wall is used, or may be 5 ft. provided an approved and tested four hour fire wall is used.)

Minimum Lot Size:

Area 6,000 sq. ft.
Width 50 ft.

Corner Lot Side Depth: 15 ft.
Minimum Living Area: 864 sq. ft.
Parking Requirements: Two (2) spaces per living unit.

4. R-4 Multi-Family Residential

Uses permitted: Same as in R-3: multiple dwellings, provided lot area per family is not less than 3,500 square feet, group homes.

Uses prohibited: All uses not specifically permitted herein.

Minimum Yards: For all buildings except any attached one-story building of accessory use:

Front Depth 25 ft.
Rear Depth 10 ft.
Side Depth 10 ft. (may be 8 ft., provided an approved and tested one hour fire wall is used.)

Minimum Lot Size:

Area 7,500 sq. ft.
Lot Width 60 ft.

Corner Lot Side Depth: 15 ft.

Parking requirements: Two (2) spaces per unit plus one (1) space for each four (4) units.

5. R-5 Zero Lot Line Residential

Uses Permitted: Single-Family detached residential units located on one (1) side property line only. No units may be contiguous to each other.

Uses Prohibited: All uses not specifically permitted herein.

Minimum Yards:

Front Depth 20 ft.
Rear Depth 10 ft.
Side Depth 10 ft. (may be 8 ft., provided an approved and tested one hour fire wall is used.)

Minimum Lot Size:

Area 3,800 sq. ft.
Width 30 ft.

Minimum Land Coverage: 60%

Corner Lot Side Depth: 15 ft.

Parking Requirements: Two (2) spaces per living unit.

No doorway shall exist on the zero lot line side. The minimum site area shall be one (1) acre.

6. R-6 Town House Residential

Uses permitted: Single-family attached dwellings on individual lots, provided site area per family is not less than 3,800 square feet. Site area shall include lots, common open space, yards, required buffer areas, walkways and access drives.

Uses prohibited: All uses not specifically permitted herein.

Minimum Lot Size:

Area 3,800 sq. ft.
Width 20 ft.
Corner Lot Side Depth: 15 ft.

All townhouse districts shall also be built in accordance with the following minimum standards:

- (a) Individual lots may be leased, rented, or sold but shall not be subdivided unless all of the provisions of this section can be complied with.
- (b) Townhouses shall not be located on sites of less than one hundred (100) feet of frontage on a public street.
- (c) The minimum setback shall be twenty (20) feet from a public street.
- (d) All access drives shall be at least six (6) inches soil cement base with a bituminous wearing surface of one and one-half (12) inches or more. The minimum width shall be twenty-two (22) feet wide, with adequate drainage and with adequate turnaround for return traffic. All public streets shall conform to the subdivision regulations.
- (e) Where a site extends more than three hundred (300) feet from a public street, fire hydrants shall be provided as required by the fire department.
- (f) Not more than six (6) contiguous townhouses shall be built in a row with the same front building line, and not more than ten (10) townhouses shall be contiguous.
- (g) No portion of a townhouse or accessory structure in or related to one group of contiguous town-houses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse site.
- (h) There shall be a twenty-five (25) foot buffer area along the sides and rear of each townhouse site where it adjoins an R-1 or R-2 zoning district. Each townhouse lot shall have its own private yard of at least four hundred (400) square feet, reasonably secluded from view. Such private yard shall not be used for off-street parking or for any accessory building.
- (i) Where townhouse districts are established adjacent to R-1 or R-2 zoning districts, a fence at least six (6) feet high and ninety-five (95) percent solid shall be provided along side and rear property lines.
- (j) At least two (2) off-street parking spaces per unit shall be provided on the lot. At least one (1) visitor parking space per each two (2) units shall be provided on the lot or in separate areas.
- (k) Before approval of the final plat, restrictions shall be submitted, with provisions for perpetual maintenance of all improvements including pavements, landscaping, utilities, and services.
- (l) Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements, or be a party wall, or when not more than three (3) stories in height, may be separated by a single wall meeting the following requirements:
 - (i) Such wall shall provide not less than two (2) hours fire resistance.
Plumbing, piping ducts, electrical or other building services shall not be installed within or through the two (2) hours wall.

- (ii) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least one (1) hour fire resistance for a width not less than four (4) feet on each side of such wall.
- (iii) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

7. B-1 Transition

Uses Permitted: Professional office buildings, such as physicians, attorneys, architects, engineers, realtors, etc., and small retail outlets, service oriented businesses, financial institutions, and other similar uses including but not limited to the following, where deemed compatible with the Brusly Land Use Plan, the Brusly Land Use Principles, and other criteria as set forth in B-1. Uses shall be determined not detrimental to the neighborhood by the Zoning Commission and Brusly Town Council.

- (a) Small single-purpose retail outlets such as ready-to-wear apparel; studios such as arts and crafts, photography; antique shops; pharmacies, and other similar uses. Limited to 4,000 square feet of floor space per business.
- (b) Service oriented businesses such as beauty salons, barber shops; locksmiths; heating and air conditioning service; television sales and services; home appliance sales and services, and other similar uses. Limited to 3,000 square feet of floor space per business.
- (c) Financial institutions such as branch banks, finance companies, brokerage service, branch savings and loans, and other similar uses.

All outdoor storage must be completely screened to the height of stored material by a ninety-five (95) percent solid wall or fence on all sides or by other screening not less than four (4) feet in height.

Uses Prohibited: All uses not specifically permitted herein.(Ordinance 6 of 2007)

Minimum Yards:

Front Depth	20 ft.
Rear Depth	10 ft. (Ordinance No. 16 of 1996)
Side Depth	5 ft.

Minimum Lot Size:

Area	6,000 sq. ft.
Width	50 ft.

Where commercial abuts residential areas, a six (6) foot, ninety-five (95) percent solid fence is required as screening between commercial buildings and residential areas from the building line(s) to the rear property line. The decibel level shall not exceed a maximum of seventy (70) decibels at all property lines.

8. C-1 Light Commercial

Uses Permitted: All uses permitted in B-1 Transition, and other similar limited commercial uses including but not limited to the following, where the use is determined to be compatible with the Brusly Land Use Plan, the Brusly Land Use Principles and other criteria as set forth in C-1 by the Zoning Commission and Brusly Town Council. Animal hospitals where animals are kept inside a building; convenience stores; multi-item drug stores; commercial recreation facilities; greenhouses and nurseries; drive-in restaurants; mortuary parlors; farmers markets; glass installation; commercial schools such as secretarial, computer programming, dance, music, etc.; shoe repair; gunsmiths; pawnshops and other similar uses. Shops for the repair and servicing of the following: bicycles, radios, televisions, stereos and recorders, household appliances, typewriters and comparable equipment and other similar uses. Shops not to exceed 2,500 square feet of floor area may also include the following uses: dressmakers, millinery, tailoring, bakery goods sales, laundry and dry cleaning pick-up stations, and theaters but not the drive-in type.

Uses Prohibited: Residential; adult video and/or book stores; airport; cemeteries; concrete crushers; commercial stables; excavation of other natural resources; exotic dancing or nudity establishments; freight trucking terminals and heavy equipment repairs, services, loading and storage, including trucks and other movable equipment, self motorized or not, trailer and accessory equipment; fumigating, septic tank pumping, furnace cleaning, well drilling and like services; gaming establishments; kennels; livestock, slaughterhouses and/or feedlots; non-manufacturing use not in conflict with this or any other resolutions of the parish, state or federal statutes; massage parlors; mobile home and trailer sales; outdoor amusement and entertainment facilities; outdoor storage lots and yards, including but not limited to wrecking and salvage yards; racetracks, including auto, motorcycle, horses, etc.; recycling centers or recycling collection centers; sanitary landfills; travel trailer parks; truck stops; utility telephone or communication towers where the distance from any residential classification is a minimum of the tower height plus 500 feet; any business or activity which directly or indirectly creates or emits noxious or putrid odors, dust, debris, smoke and/or noise; barrooms and saloons; any business or activity which is in violation of any federal, state or local law; or any such use which is found to be potentially obnoxious to adjacent district or the general public shall be permitted only on the written approval of the Planning and Zoning Commission and the Brusly Town Council; and all uses not specifically permitted herein. (Ordinance 6 of 2007)

Minimum Yards:

Front Depth	20 ft.
Rear Depth	10 Ft.
Side Depth	None

Minimum Lot Size:

Area	7,500 sq. ft.
Width	60 ft.

The decibel level shall not exceed a maximum of seventy (70) decibels at all property lines if abutting residential areas.

9. C-2 Commercial

Uses Permitted: All uses permitted in B-1 and C-1 Commercial and other similar limited commercial uses including but not limited to the following: where the use is determined to be compatible with the Brusly Land Use Plan, the Brusly Land Use Principles, and other criteria as set forth in C-2 by the zoning commission and board of aldermen, plumbing shops; bulk dairy products retail; railroad passenger terminals; creameries; express office and parcel delivery service; fabrication of gaskets; packing of soft and metal materials; laboratories; dry cleaners and laundries; lumber yards; feed and seed stores; hardware stores; building supplies; motor vehicle repair; motorcycle sales and repair; service stations; sheet metal shops; tire repairs; newspapers; commercial printing; retail grocery stores; utility, telephone and communications towers provide that the location must be a minimum distance of the height of the tower plus 500 feet from the nearest residential use. (Amended by Ordinance 5 of 2001)

Uses Prohibited: Residential; adult video and/or book stores; airport; cemeteries; concrete crushers; commercial stables; excavation of other natural resources; exotic dancing or nudity establishments; freight trucking terminals and heavy equipment repairs, services, loading and storage, including trucks and other movable equipment, self motorized or not, trailers and accessory equipment; fumigating, septic tank pumping, furnace cleaning, well drilling and like services; gaming establishments; kennels; livestock, slaughterhouses and/or feedlots; manufacturing use not in conflict with this or any other resolutions of the parish, state or federal statutes; massage parlors; mobile home and trailer sales; outdoor amusement and entertainment facilities; outdoor storage lots and yards, including but not limited to wrecking and salvage yards; racetracks, including auto, motorcycle horses, etc.; recycling centers or recycling collections centers; sanitary landfills; travel trailer parks; truck stops; any business or activity which directly or indirectly creates or emits noxious or putrid odors, dust, debris, smoke and/or noise; any business or activity which is in violation of any federal, state or local law; or any such use which is found to be potentially noxious to adjacent district or the general public shall be permitted only on the written approval of the Planning and Zoning Commission and the Town Council; and all uses not specifically permitted herein. (Amended by Ordinance 5 of 2001; Ordinance 6 of 2007)

Minimum Yards:

Front Depth	20 Ft.
Rear Depth	10 Ft.
Side Depth	None

Minimum Lot Size:

Area None
Width None

10. L-1 Light Industrial

Uses Permitted: All uses permitted in C-2 Commercial and the following as long as the use is not deemed unsafe, obnoxious, or offensive due to the emission of noise, odor, dust, gas, combustibles, and vibration by the Brusly Town Council. Other industrial uses may be approved by the Brusly Town Council where it is deemed compatible with the Brusly Land Use Plan, the Brusly Land Use Principles, and the criteria as set forth in L-1. They may make no greater noise than seventy (70) decibels at the lot line; emit no smoke at periods of normal operation of a density greater than No. 1 according to Ringlemann's scale; emit no particles from any flue or smokestack in excess of 0.2 grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees F.; emit no odors, gas or fumes beyond the lot line; produce no glare that can be seen from a lot line; dust-proof all walks, driveways, and parking areas so that no dust from these or any other operations escapes beyond the lot line; and conduct all operations within a building or within an area enclosed by a solid fence or wall not less than six (6) feet in height, where adjacent to or across the street from a residential district. The uses shall include but not be limited to the following: Contractor's storage yards; warehouses and storage buildings; light fabrication; sheet metal products manufacturing (light); sign manufacturing; open storage of building material, lumber, machinery, and pipe, provided the material is enclosed within a solid fence at least six (6) feet in height within required building lines, when the storage area is adjacent to or across the street from a residential district, and well drilling services.

Minimum Yards:

Front Depth 20 Ft.
Rear Depth 10 Ft.
Side Depth None

Minimum Lot Size:

Area: None
Width: None

Uses Prohibited: All uses not specifically permitted herein. (Ordinance 6 of 2007)

11. L-2 Heavy Industrial

Uses Permitted: All uses permitted in L-1 and any other use not deemed unsafe, obnoxious, or offensive due to the emission of noise, odor, dust, gas, combustibles, or vibration by the Zoning Commission or Town Council. In the L-2 Heavy Industrial District there may be any use that meets the criteria as set forth in this section:

- (a) No structure shall be erected to be used for residential purposes.
- (b) Junk yards, auto salvage or scrap yards or similar uses shall be surrounded by a solid fence at least six (6) feet high so that they cannot be seen from the public street.
- (c) Other industrial uses may be approved where deemed compatible with the Brusly Land Use Plan@, the Brusly Land Use Principles= and other criteria set forth in L-2.

In the L-2 classification, uses permitted shall also consist of the following: Bookbinderies, cellophane products manufacturing, ceramic products manufacturing (previously pulverized clay kilns fired only by electricity or gas), cold storage or refrigerating plants, confectionery manufacturing, fiber products manufacturing (previously prepared fiber), garment manufacturing, glass products manufacturing, ironworks, ornamental (no foundry, drop hammer, and no punch presser over twenty (20) tons capacity), leather products manufacturing (previously prepared leather), paint mixing and treatment, paper products manufacturing (previously prepared material), Assembly plants, canneries (except fish and meat products), concrete mixing or batching plants, dairy products manufacturing, electrical parts manufacturing and assembly, food products manufacturing, foundry casting lightweight nonferrous metal (no brass, manganese, bronze, zinc), furniture manufacturing, grain elevators, machinery or equipment sales and service, millwork, petroleum products, bulk terminal, pharmaceuticals manufacturing, plastic products manufacturing (previously prepared material), poultry processing plants, railroad freight terminals, switching and classification yards, repair shops, power plants and fueling, sanding and watering stations, textile products manufacturing, tire re-treading, recapping or rebuilding, tool manufacturing (no drop hammer or punch presses of over twenty (20) tons capacity), toy manufacturing, wood products manufacturing (assembling work and finishing).

Uses Prohibited: All uses not specifically permitted herein. (Ordinance 6 of 2007)

Minimum Yards:

Front Depth	20 Ft.
Rear Depth	10 Ft.
Side Depth	None

Minimum Lot Size:

Area	None
Width	None

Section 19.32. Mobile home locations (Amended by Ordinance #1 of 2010)

(a) In residential districts R-1, R-2 and R-3, effective May 21, 2010, there shall be a prohibition of the issuance of building permits for manufactured homes/mobile homes/ house trailers, on lots where no manufactured homes/mobile homes/house trailers already exists.

(b) Replacement of existing manufactured homes/mobile homes/house trailers shall be allowed only after the following conditions have been met.

(1) A written request for building permit shall be made at the Town Hall thirty (30) days prior to the requested move date for the manufactured homes/mobile homes/house trailers.

(2) The fee has been paid as set forth in Section 18-5 of Chapter 18.

(3) The manufactured homes/mobile homes/house trailers minimum living area shall be in compliance with the zoning classification.

(4) The manufactured homes/mobile homes/house trailers shall be five years old or less at the time of installation.

(5) The manufactured/homes/mobile/homes/house trailers shall be skirted from the ground to siding on all sides.

(6) At least a two carport garage with a hard surface from street to the carport not closer to the front street than the front building line.

(7) A solid buffer from the front building line to the rear of the property and along rear.

(8) Padding as outlined with the state building code for manufactured homes/mobile homes/house trailers.

(9) Hurricane- proof tie-downs.

(10) Utility connections located at the rear side of manufactured homes/mobile homes/house trailers.

(c) If a manufactured home/mobile home/house trailer is removed, and if that mobile home is to be replaced by another mobile home, then it must be replaced within 90 days.

Section 19.33. Appeals

(a) There shall be a Board of Adjustment, the membership, terms of office, and rights and duties of which shall be as provided in Louisiana R.S. 33:4727. The Board of Adjustment shall adopt rules in accordance with the provisions of this section. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may deem necessary. All meetings shall be open to the public and proceeded by due advertisement. (Amended by Ordinance 6 of 2007)

(b) The Board shall hear and decide:

(1) Appeals from alleged error in the Building Official's decision.

(2) Appeals for variance where exceptional and peculiar hardship would be caused by enforcement of the regulations in this article and where such variance would not substantially derogate from the intent of this article, but not otherwise. The word "variance" shall refer only to variance in the application of height or area requirements. The Board of Adjustment shall not be authorized to grant variances in the use of land or to take any other action, the result of which would constitute a change in the zone boundaries. Where the Board of Adjustment determines a hardship case exists, and the granting of a variance will not deter from the land use goals and principles, a variance may be granted.

(3) Appeals for permits in special cases.

(c) The Board of Adjustment shall (1) always act with due consideration to promoting public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value; (2) permit no building or use detrimental to a neighborhood, and (3) prescribe appropriate conditions and safeguards in each case.

Section 19.34. Amendments

The Brusly Town Council may from time to time on its own motion or on petition, after public notice and hearing, amend the zones and the regulations established therefore in accordance with the provisions of Louisiana R.S. 33:4725. Every proposed amendment, however, shall be first referred to the Zoning Commission for report; and any amendment that has failed to receive the approval of the Commission shall not be adopted by the Brusly Town Council except by the affirmative vote of at least three-fifths (3/5) of the Brusly Town Council. (Amended by Ordinance No. 5 of 1986; Ordinance 6 of 2007)

Section 19.35. Penalties; remedies

(a) Any person, corporation, partnership, or association of persons violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (500) dollars, or confined for not more than sixty (60) days in jail for each offense. Each day the violation continues shall constitute a separate offense.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, or occupied in violation of this article or in violation of the plat or building permit showing the proposed lot and building to be erected thereon, the mayor acting for and on behalf of the Town, in addition to any other remedies, may institute appropriate action or proceedings in the name of the Town to prevent and prohibit such unlawful erection, construction, reconstruction, alteration, repairs, or occupancy.

Section 19.36. Short title

This article shall be known and may be cited as the Zoning Ordinance of the Town of Brusly.

Article C. TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICT

(Added by Ordinance # 1 of 2011)

Sec. 19.37. Purpose.

The purpose of a 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 commercial 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 Article's intent is to encourage its use by providing incentives, rather than prohibiting conventional development. A Traditional Neighborhood Development:

- (1) Is designed for the human scale;
- (2) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
- (3) Provides a variety of housing types and sizes to accommodate households of all ages, sizes, and incomes;
- (4) Coordinates transportation systems with a hierarchy of appropriately designed improvements for pedestrians, bicycles, and vehicles, which incorporates a system of relatively narrow, interconnected streets, roads, drives, and other thoroughfare types, and provides for the connections of those thoroughfare types to existing and future developments;
- (5) 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;
- (6) Incorporates environmental features into the design;
- (7) Provides a range of open space configured by squares, plazas, greens, landscaped streets, preserves, greenbelts and parks woven into the pattern of the neighborhood;
- (8) Incorporates architecture, landscape, lighting and signage standards integrated with the zoning provisions that respond to the unique character of the region; and
- (9) Provides an increased range of options than are allowed by conventional zoning.

Sec. 19.38. Overview.

- (a) A TND District consists of an area of not less than 150 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/or greenbelts. A mixed residential area promotes pedestrian activity through well-designed and varied streetscapes that also provide for the safe and efficient movement of both pedestrian and 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 either public or private. Varying lot sizes are encouraged within the mixed residential area.
- (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 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 general implementation plan at the time of Town Council's approval of a particular development.
- (h) Open space is a significant part of a TND District design. Formal and/or 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 and diverse 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.

Sec. 19.39. TND District design requirements.

(a) *Association.*

- (1) Conditions, covenants, and restrictions for all the property within a TND District must be filed by the owner in the records of the Brusly Town Clerk, as well as in the Conveyance records of the West Baton Rouge Clerk of Court 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 or more property owners association 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 Town, 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 Article 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 design standards, to issue certificates of approval, and to review and approve the development's architect, designer, and/or other professionals contributing to the development;
- g. Provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), community parking facilities, community meeting hall, and other common areas;
- h. Provide for a maintenance program for all property within the TND, including landscaping and trees within the streetscape;
- i. Require the collection of assessments from members in an amount sufficient to pay for its functions; and
- j. Be effective in perpetuity.

(b) *Land use allocations.* Each lot within a TND District must be allocated particular permitted land use categories. The identification of permitted land uses within all or a portion of a TND District may be made by reference to other zoning districts available within the Article B. of Chapter 19 of the Town of Brusly Ordinances. Areas which would permit the sale or consumption of alcohol must be approved for an alcohol license and permit in accordance with Chapter 7 of the Brusly Town Ordinances.

(c) *Neighborhood uses.* In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses throughout the TND District and not to separate uses. A TND District shall consist of a mix of residential uses, a mixed use area, and open space as provided below:

- (1) *A mix of residential uses.* For new construction or infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND District by including some and/or all of the following:

- a. Single-family detached dwellings;
- b. Single-family attached dwellings, including duplexes, townhomes, and row houses;
- c. Multi-family dwellings, including senior housing;
- d. Secondary dwelling units;
- e. "Special needs" housing, such as community living arrangements and assisted living facilities;
- f. Residential units above commercial uses, which shall be considered multi-family units.

(2) *Mixed use area, of commercial, residential, civic or institutional, and open space uses as identified below.* Most of the residents shall be generally within approximately one-quarter mile distance from existing or proposed commercial, civic, and/or open space areas.

a. Commercial uses may include the following:

1. Food services, including without limitation, neighborhood grocery stores; butcher shops; bakeries; restaurants (including the sale and consumption of alcohol), not including drive-thrus; cafes; coffee shops; neighborhood taverns, bars or pubs; delis, ice cream parlors, specialty foods, and/or outside dining patios and areas;
2. Retail uses (including without limitation, retail sales, florists or nurseries; gas stations, hardware stores; stationery stores; book stores; galleries, studios and shops of artists and artisans, drug stores, apparel, antiques, furniture, music, pets, farmers market, and toys);
3. Services (including without limitation, child care centers; music, dance or exercise studios; offices, including professional and medical offices; financial and banks; medical clinics, barber; laundromats; educational, hair 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, and 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; and
 - 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 (such as playgrounds and fields, not large neighborhood centers) should be located at the periphery of neighborhoods rather than central locations. Common open space is more particularly defined in Section 19.39 (e) below.

- a. Environmental corridors dedicated for preservation;
- b. Protected natural areas dedicated for preservation;
- c. Community parks;
- d. Streams, ponds, and other water bodies.

(d) *Development units.* The number of residential dwelling units and the amount of nonresidential development, excluding open spaces, shall be determined as follows, provided that single-family detached dwellings shall account for at least 75 percent of the total number of residential units in the TND, and two-family units, townhomes, and multi-Family units shall comprise less than 25 percent of the units:

- (1) *In areas devoted to mixed residential uses:*

- a. The number of single-family attached and detached units permitted shall be five to eight ± dwelling units per net acre;
- b. The number of multi-family units shall be eight to 40 dwelling units per net acre.

1. Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this Section. However, the total number of secondary dwelling units shall not be more than 20 percent of the total number of single-family attached and detached units. The Developer or Homeowners' Association shall be responsible for advising the Building Official as to whether the number of approved permits for secondary dwelling units meets or exceeds the total number permissible under this Section.

(2) *In mixed-use areas:*

- a. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten percent of the amount permitted above.
- b. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 percent of the TND District.

1. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this Section. However, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater. The Developer or Homeowners' Association shall be responsible for advising the Building Official as to whether the number of approved permits for dwelling units constructed above commercial uses meets or exceeds the total number permissible under this Section.

(e) *Additional common open space requirements.* At least 20 percent of the gross acreage of the TND District must be common open space. Ninety percent of the lots within the areas devoted to mixed residential uses shall be within a one-quarter mile distance from common open space. At least 25 percent of common open space shall be dedicated as parkland.

(1) The following uses may account for common open space with the stated limitations:

- a. Parks, open greenbelt areas, and other recreational space which are readily accessible must account for not less than 25 percent of the common open space.
- b. Trees along thoroughfare types located within designated landscape common areas or landscape servitude and located within a street right-of-way may only constitute 25 percent of the common open space. There shall be a minimum average of one street tree on both sides of the street per 40 feet of frontage.

However, common open space within vehicle use areas or any noncontiguous green area of less than 500 square feet may not be included.

c. Unpaved lakes, ponds, bayous, streams, or creeks, including storm water wet detention basins provided that they are designed so that a minimum of 20 percent of the abutting shoreline is made accessible for the common use of the development, but in no event less than 300 feet of frontage.

d. Storm water dry detention basins of not less than one acre; but may not exceed 25 percent of the common open space and must be designed to provide for acceptable maintenance and upkeep of the detention basin.

e. Golf courses may account for up to 50 percent of the common open space.

f. Natural wetlands shall not exceed 50 percent of common open space plus any natural wetlands reasonably visible from interpretive walkways provided in and through the wetland.

g. Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to 25 percent of the common open space.

h. Servitudes with existing below ground utilities and/or facilities with a width of not less than 30 feet.

i. Electrical transmission line servitudes with a width not to exceed 150 feet in commercial and residential areas only, and must be improved, recreational use areas available to the public.

j. School sites, library sites, outside hard surface recreational area, not to exceed 20 percent of the common open space, excluding the area devoted to buildings.

k. An existing building or buildings that have historical or cultural significance may be located in a common area space; however, the enclosed building area may not be included in the common open space requirement.

(2) Common open space shall not include:

a. Required:

1. Yards which are not accessible for the common use of the development;
2. Parking areas;
3. Drives;
4. Except as provided in subsection (e) (1) (b) above, utility with above ground improvements or road easements/servitudes;
5. Paved lakes, ponds, bayous, streams, or creeks.

b. Structures (unless a part of the open space such as gazebos);

- c. Required unimproved drainage ditches or canals; and
 - d. Areas reserved for the exclusive use and benefit of an individual tenant or owner.
- (3) Common open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the traditional neighborhood development through covenant, deed restriction, open space servitude, or similar legal instrument; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.
- (4) In the event land shown on a specific implementation plan (as hereinafter defined) as common open space is dedicated to the Town of Brusly, the Brusly Town Council may, but shall not be required to, accept the open space provided: (a) such land is accessible to the residents of the Town of Brusly; (b) there is no cost of acquisition other than the costs incidental to the transfer of ownership; and (c) the Town of Brusly agrees to and has access to maintain such lands.
- (5) Common open space shall be protected against building development and environmental damage by conveying to the municipality, parish, association, or land trust an open space servitude restricting the area in perpetuity against any future building and against the removal of soil, trees and other natural features, except as the Building Official determines is consistent with conservation or recreational purposes.
- (f) *Stormwater management.* The design and development of the TND District shall minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:
- (1) Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
 - (2) A drainage analysis shall be submitted in conformance with the Chapter 19 of the Brusly Town Ordinances.
 - (3) Erosion and sediment controls must be implemented.
 - (4) Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
 - (5) All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.
- (g) *Lot and block standards.*
- (1) *Block and lot size diversity.* Thoroughfare layouts should provide for perimeter blocks that are generally in the range of 200 feet to 400 feet deep by 400 feet to 800 feet long. Block length shall not exceed 2,000 feet in perimeter.

The Building Official may approve block perimeters of more than 2,000 feet if required because of existing topography. The applicant should consider where and when appropriate, a block longer than 500 feet in length may be traversed near the midpoint by a pedestrian path. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

(2) *Lot widths.* Lot widths should create a relatively symmetrical street or road cross section that reinforces the public space of the street or road as a simple, unified public space.

(3) *Building setback, front--Mixed use area.* Structures in the mixed-use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed-use area.

(4) *Building setback, front--Areas of mixed residential uses.* Single-family detached residences shall have a building setback in the front between zero feet and 25 feet. Single-family attached residences and multifamily residences shall have a building setback in the front between zero feet and 15 feet.

(5) *Building setback, rear--Areas of mixed residential uses.* The principal building on lots devoted to single-family non alley-loaded detached residences shall be setback no less than five feet from the rear lot line.

(6) *Side setbacks.* Provision for zero feet lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhomes or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

(h) *Thoroughfare network.*

(1) The circulation system shall allow for different modes of transportation.

(2) The circulation system shall provide functional and visual links within the residential areas, mixed-use area, and open space of the TND District and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes, especially off-street bicycle or multi-use paths or bicycle lanes on the streets where required and ADA-approved crosswalks and sidewalks, control through traffic, provide adequate transit stops, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the TND District.

(3) The general requirements of Section 19.58 herein below shall apply, which may be modified by the Town Council upon a recommendation by the Building Official and/or planning commission.

(4) *Pedestrian circulation.* Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Section 19.58 herein below. The following provisions also apply:

a. *Sidewalks in residential areas.* Sidewalks shall be a minimum five feet in width. Sidewalks shall be provided along both sides of each street in residential areas. For pedestrian safety, sidewalks shall be separated at least three feet from the curb in areas of single-family detached dwelling units. In areas of multi-family and attached single-family dwellings, pavement may extend between the required pedestrian sidewalk and the street curb, provided a five-foot unobstructed pedestrian sidewalk is provided.

b. *Sidewalks in mixed-use areas.* Sidewalks shall be a minimum of five feet in width. Sidewalks shall be provided along both sides of each thoroughfare type located within a mixed-use area. Within mixed-use areas, pavement may extend between the required pedestrian sidewalk and the street curb provided a five-foot unobstructed pedestrian sidewalk is provided, and there be a minimum six-foot street tree buffer between the pedestrian sidewalk and the curb on both sides of the roadway.

c. *Disabled accessibility.* Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

d. *Crosswalks.* Intersections of sidewalks with thoroughfares shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials or texture at the edges.

(5) *Bicycle circulation.* Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, five-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.

(6) *Public transit access.* Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well lighted.

(7) *Motor vehicle circulation.* Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as

"queuing streets," curb extensions, traffic circles, and medians shall be used to encourage slow traffic speeds.

(8) The thoroughfare network of the TND shall be connected to existing thoroughfares. TND streets should be laid out to allow extensions to future neighborhoods. Dead-end streets are prohibited.

(9) Design of thoroughfares.

a. *General.*

1. Thoroughfares consist of moving lanes, parking lanes, curbs or swales, planters, trees, street lights and sidewalks.
2. Thoroughfare types shall be designated in the specific implementation plan.
3. Roads, streets, and commercial streets may be modified to become avenues, boulevards and drives.
4. Thoroughfares passing from one use area to another shall change appropriately except those designated as a "connector" in the specific implementation plan.
5. The exact locations of trees and lights along thoroughfares may be adjusted for specific conditions, such as building entrances.
6. Thoroughfares that exist in or near a TND at the time of rezoning and are consistent with the intent of this Article may become an approved standard for use in that TND. An example of such a condition is commonly found in a nearby historic neighborhood.
7. If striped, on-street parallel parking spaces shall be striped collectively, not individually.
8. The full width of all paths, passages, rural lanes, lanes and alleys shall be designated a utility easement. Only in the absence of these thoroughfare types are utility easements permitted elsewhere.
9. All thoroughfares within a TND shall terminate at other thoroughfares, forming a network. Culs-de-sac shall be granted only when justified by site conditions.

b. *Design of thoroughfares in commercial areas.*

1. All lots shall front on a thoroughfare, except that a maximum of 20 percent of lots served by a rear alley may front a path or passage.
2. Thoroughfares may intersect at non-orthogonal angles as acute as 30 degrees.

c. *Design of thoroughfares in civic areas.* Thoroughfares affronting civic buildings or civic spaces shall follow the standards of the underlying use area.

1. *Parking requirements.* The requirements for parking spaces shall be as listed elsewhere in the Town of Brusly Ordinances. Parking areas for shared or community use should be encouraged. On-street parking shall count toward the parking requirements. Side and rear parking shall be allowed. In addition:

- i. In the mixed-use area, the primary parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 19.39 (m).
- ii. A parking lot or garage in most instances should not be adjacent to or opposite a street or other thoroughfare, intersection.
- iii. In the mixed use area, a commercial use must provide one parking space for every 400 feet of gross building area.
- iv. Parking lots or garages must provide not less than one bicycle parking space for every ten motor vehicle parking spaces.
- v. Adjacent on-street parking may apply toward the minimum parking requirements.
- vi. In the mixed residential areas, parking may be provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
- vii. Multi-family uses must provide one parking space for every first bedroom and one-half parking spaces for each additional bedroom.
- viii. In residential areas, garage doors which face the front of a lot shall be placed 20 feet beyond the setback of the principal structure. However, the Building Official and/or planning commission may modify this requirement for no more than 20 percent of the dwelling units if warranted by topography or other environmental conditions.
- ix. In non-residential areas, parking lots in most instances should be located to the rear or side of buildings. Side parking lots shall account for no more than 25 percent of parking per site, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.
- x. In the case of commercial or office uses which have shop or store fronts adjacent to sidewalks and thoroughfares, parking along the thoroughfare directly in front of the lot shall count toward fulfilling the parking requirements.
- xi. The required number of spaces for commercial and office uses may be further reduced by demonstrating the use of shared parking.
- xii. If a developer desires additional customer parking for non-residential uses, it shall be provided on grassy, pervious surfaces (of reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.
- xiii. Off-street parking shall be located in mid-block parking lots located behind the buildings.
- xiv. Parking shall be accessed by alley or rear lane, when available. However, there shall be no parking in an alley or lane.

xv. Parking shall be prohibited within 30 feet of intersections to enable public service and emergency vehicles adequate turning radii, and in mid-block sections such that emergency vehicles can park and operate within 125 feet of all buildings on the block.

xvi. Required parking must be provided within a five-minute (one-quarter-mile) radius of the site which it serves.

xvii. The location of permitted parking along thoroughfares should be coordinated to allow access to mail boxes. A central mail delivery location for all or portion of the lots may be provided as opposed to individual deliveries to lots.

xviii. Parking lots greater than two double loaded parking rows shall be carefully arranged to minimize breaks between pedestrian destinations.

xix. Shared parking.

A. If an office use and a retail use share parking, the parking requirement for the retail use may be reduced by 20 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.

B. If a residential use shares parking with a retail use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the residential use may be reduced by 30 percent, provided that the reduction does not exceed the minimum parking requirement for the retail and service use.

C. If an office and a residential use share off-street (or other thoroughfare) parking, the parking requirement for the residential use may be reduced by 50 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.

D. The required number of spaces for commercial, office, civic, and multi-family uses may be further reduced by demonstrating the use of shared parking.

xx. Parking structures may have adjacent commercial liners.

(i) *Architectural standards.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character. In order to achieve harmonious design throughout the TND District, architectural design guidelines for the residential, commercial, office, civic and institutional uses shall be submitted to the Building Official and used in creating the development by the developer. The architectural features guidelines are illustrative and conceptual and may be altered by the developer from time to time with the approval of the architectural review committee, it being understood that market conditions, social changes, building costs, change in demographics, other building codes and regulation and other reasons may require the need to alter the architectural features and concepts.

(1) *Guidelines for existing structures.*

- a. Existing structures or sites, if determined to be historic or architecturally significant by the Louisiana State Historic Preservation Office, or listed on the National Register of Historic Places, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- b. The U.S. Secretary of the Interior's Standards for Alterations to Historic Properties shall be used as the criteria for rehabilitation and treatment of historic or architecturally significant structures or sites.

(2) *Guidelines for new structures.*

- a. *Height.* New structures within a TND District shall be no more than two occupied stories for single-family residential, or two occupied stories for commercial, multi-family residential, or mixed-use.
- b. Entries, facades, windows, doors and roofs.
 - 1. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public thoroughfare.
 - 2. The front facade of the principal building on any lot in a TND District in most instances shall face onto a public thoroughfare. Corner lots are required to face onto one public thoroughfare.
 - 3. The front facade shall not be oriented to face directly toward a parking lot.
 - 4. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - 5. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be glass (transparent), including window or door openings allowing views into and out of the interior.
 - 6. New structures on opposite sides of the same thoroughfare should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
 - 7. Building and parking placement within the neighborhood center, or town center, should be arranged to create appropriately scaled continuous building facades with as few non-pedestrian oriented breaks as possible.
 - 8. Walls along thoroughfares shall be made of brick, or block and stucco, or other material to match the facade of the principal building.

9. Windows shall use clear glass panels.
10. All openings including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.
11. Openings above the first story shall not exceed 50 percent of the total building wall area, with each facade being calculated independently.
12. The facades on retail frontages shall be detailed as storefronts and glazed no less than 50 percent of the sidewalk-level story.
13. Doors and windows that operate as sliders are prohibited along frontages.
14. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the developer, association board or directors and architectural control committee.
15. Lots may front green space.

c. Dwelling units may be constructed above the ground floor in commercial and office buildings.

d. Commercial and office development within the TND shall have an architectural design compatible with the design of residential buildings. As stated in Section 19.39 (a) (2) e., the board of directors of the association or the architectural control committee establishes architectural standards for the TND.

(3) *Utilities.* All utilities shall be placed underground.

(j) *Guidelines for garages and secondary dwelling units.* Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet. Garage doors shall have a minimum setback of 20 feet behind the facade of the principal structure when accessed from the front property line, and shall have a minimum setback of nine feet from the rear property line when accessed from a rear alley.

(k) *Guidelines for exterior signage.* Comprehensive sign guidelines are required for the entire TND District. Such guidelines shall be submitted to the Building Official. Signs shall share a common style, as to sizes, shapes, and materials permitted within the TND District.

(l) *Guidelines for lighting.*

(1) Lighting along thoroughfares, including pedestrian scale lighting, shall be provided along all thoroughfares. Street lights shall be installed on both sides of the street at intervals of not greater than 75 feet. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used.

(2) Comprehensive exterior lighting guidelines which establish coordinated exterior lighting guidelines are required for the entire TND District. Such guidelines shall be submitted to the Building Official. Where appropriate, exterior lighting shall generally share a common style, as to sizes, shapes, and materials permitted within the TND District. Lighting structures shall be architecturally compatible with the surrounding area. Lighting shall be shielded and directed downward in order to reduce glare onto adjacent properties.

(3) Lighting along thoroughfares, including pedestrian scale lighting and exterior lighting design, shall meet the minimum standards developed by the Illumination Engineering Society.

(m) *Landscaping and screening standards.*

(1) Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this Article, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of a decorative fence not less than 50 percent behind a continuous landscaped area, a masonry wall, or a hedge.

(2) Trees along thoroughfares.

a. A minimum of one deciduous canopy tree per 40 feet of frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced, subject to further provisions as set forth herein.

b. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete.

c. Native shade trees which grow to a minimum height of 40 feet at maturity shall be planted along all Streets at a maximum average spacing which is appropriate for the specified trees.

d. Trees shall have a minimum caliper of two and one-half inches at the time of planting.

e. If placement of trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

(3) Parking area landscaping and screening for surface parking lots.

- a. All parking and loading areas fronting public thoroughfares or sidewalks, and all parking and loading areas abutting residential districts or users, shall provide a landscaped area at least five feet wide along the public thoroughfare or sidewalk; screening at least three feet in height and not less than 50 percent opaque; and one tree for each 25 linear feet of parking lot frontage.
- b. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation may include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- c. For all parking lots with more than six spaces, the landscaped area shall be comprised of a minimum of 20 percent of the total parking lot area.

(4) A landscaping plan is required for structured parking.

(5) A comprehensive landscaping plan is required for the entire TND District which establishes coordinated landscaping guidelines.

(n) *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.

Sec. 19.40. Fees

The Brusly Town Council may, by resolution, establish fees for the administration of this Article.

Sec. 19.41. Other Code and Ordinance applicability.

- (a) Other Codes and Ordinances for the Town of Brusly apply to a TND District unless:
 - (1) This Article 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 Article.
- (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 limitation, restriction and/or conflict contained in other zoning classification provided in other Codes and Ordinances.

Sec. 19.42. 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 Town of Brusly, the applicant shall furnish the Town of Brusly sufficient evidence to the satisfaction of the Town of Brusly 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 Town of Brusly, the applicant shall provide the Town of Brusly all agreements, contracts, guarantees and other necessary documents and information that may be required by the Town of Brusly to assure the Town of Brusly that the development project may be lawfully completed according to the plans sought to be approved.

Sec. 19.43. Application procedure and approval process; general.

(a) Prior to Town of Brusly approval for development within a TND district, subject to the appeal process provided in this Article, the following four shall be completed according to the procedures outlined in this Section:

- (1) Pre-application conference;
- (2) Approval of a general implementation plan by the Building Official, planning commission and the Brusly Town Council for the entire traditional neighborhood development; and
- (3) Approval of a specific implementation plan by the Building Official, planning commission and the Brusly Town Council.
- (4) Approval of a final plat by the Building Official, planning commission and the Brusly Town Council.

(b) If the development includes the division of property into lots, the specific implementation plan shall be approved concurrently with a preliminary plat.

(c) 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 Building Official, planning commission and Brusly Town Council approval and will not allow development or building permit approval until a specific implementation plan is approved.

(d) 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 provide the proposed phasing, which may change from time to time. Unless specifically mandated by the Building Official's approval of the particular phases of the general implementation plan, the developer is free to change the sequencing of phases to adapt to market conditions or other circumstances. Any such change shall be considered a minor change. Each phase of a development shall have an individual specific implementation plan.

Sec. 19.44. Pre-application conference.

(a) The pre-application conference shall be held with the Building Official 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 Building Official. As part of the pre-application conference, the applicant shall submit two copies of a conceptual plan, at least ten 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 Building Official shall advise the applicant of the conformance of 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 19.37, 19.38 and 19.39, and whether the general concept appears to be substantially consistent with the Town of Brusly Codes and the Town of Brusly's 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.

Sec. 19.45. General implementation plan.

Following the pre-application conference, the applicant shall submit a completed application (general implementation plan) to the Building Official. The general implementation plan shall contain all information required in the general implementation plan checklist as shown below, including general architectural design features and concepts as described in Section 19.39 (i) herein (which may be subject to change by the developer in the future). When the Building Official determines the application to be complete, the application shall be sent to the planning commission for a public workshop session, followed at a later date by a public hearing. The applicant shall be responsible for conducting a public workshop for residents of the area in which the project is proposed to be located. The workshop requirements ensure: the applicant is fully aware of the process, the workshop is conducted at a place and time convenient to the residents, and residents are properly notified of its intent. The applicant is required to conduct the workshop and document the results to the Building Official before the application is deemed complete.

(1) General implementation plan checklist.

- a. A general location map of suitable scale, but no less than one inch equals 200 feet, which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers and other major features within 1,000 feet of the site.

b. A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as "poorly drained" or "very poorly drained," soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), steep slopes greater than 15 percent and brownfields.

c. A conceptual site plan, at a scale of no less than one inch equals 100 feet, which indicates topography in two-foot contours for sites with 15 feet or more of local relief, or one-foot contours for local sites with less than 15 feet of local relief, consisting of a map with proposed features and existing site features and uses that will remain. These features should include general representations of the location of streets. The general location of existing to remain trees and shrubs should also be included, along with any other significant features.

d. A conceptual storm water management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater best management practices.

e. Identification of the architectural style(s) of the traditional neighborhood development. The design style of the traditional neighborhood development shall be conveyed with drawings or computer simulations of typical proposed building elevations.

f. A written report that provides general information about the covenants, conservation easements, or agreements which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.

g. Any other information deemed reasonably necessary by the Brusly Town Council, Building Official and/or planning commission in order to evaluate the plans.

(2) *Procedures for general implementation plan approval.* All applications for traditional neighborhood developments shall be processed in the following manner:

a. The general implementation plan shall follow the procedures for approval of planning and zoning items before the Building Official, planning commission and the Council which are not in conflict with this subsection (2). Notice of the time and place of the public hearing shall be mailed by certified mail to the owner/subdivider and all abutting property owners 15 days prior to the planning commission meeting. For the purpose of the notice requirement to adjoining property owners, the names and addresses of such owners shall be deemed to be those on the current tax records in the office of the West Baton Rouge Parish Assessor. The public hearing shall also be advertised in the

official journal. All abutting property owners shall be given an opportunity to submit written comments. The legal ad must run three consecutive weeks in the Town of Brusly's official journal, with the first publication being at least fifteen days prior to the planning commission meeting.

b. Following required public notice, the planning commission shall hold a public hearing on the proposed traditional neighborhood development. Following the hearing, the planning commission 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. In its recommendation to the Council, the planning commission shall include the reasons for such recommendation.

c. Approval of a general implementation plan. After receiving the recommendation of the planning commission, the Council shall review the application, including the general implementation plan, the record of the planning commission proceedings and the recommendation, and shall approve, approve with conditions, or deny the application in accordance with the standards and purposes set forth in this Section. 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 Brusly Town Council. If approved by the Brusly Town Council, the general implementation plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Article, 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" on the official zoning map.

Sec. 19.46. Specific implementation plan and preliminary plat.

(a) *Submittal.* Within 36 months of the Brusly Town 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 Building Official prior to commencing construction on property zoned "TND CONCEPT." The applicant may request an extension of up to 12 additional months from the Brusly Town Council if the specific implementation plan has not been approved. If the applicant fails to submit a specific implementation plan, then the general implementation plan (not the 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 36 months of the Council's approval of the general implementation plan, and within consecutive 24 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) Licensed surveyor or licensed civil engineer; and
- (2) Licensed landscape architect.

(c) *Final plat.* A final plat shall be submitted, drawn in ink to a scale of one inch equals 100 feet in one or more sheets whose dimensions are 24 inches by 36 inches, and contain the information required by Section 19.16 of the Brusly Town Ordinances.

(d) *Specific implementation plan checklist.*

(1) A general location map of suitable scale which shows the boundaries and dimensions of the property within the context of the city/village and adjacent parcels, including locations of any public streets, railroads, major streams or rivers and other major features within 1,000 feet of the site, along with a legal description of the property.

(2) A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as "poorly drained" or "very poorly drained," soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), slopes greater than 15 percent, and brownfields.

(3) A site plan, including proposed topographic contours at one-foot intervals, with the following information: the location of proposed structures and existing structures that will remain, with height and gross floor area noted; the location of street and pedestrian lighting, including lamp intensity and height; the location of proposed open space; the circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or right-of-ways; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking and loading spaces, include service access for receiving and trash removal; sidewalks and other walkways; location of all trees, shrubs, and ground cover (proposed or existing) to remain on the site.

(4) A stormwater management plan for the site. The grading plan shall show existing and proposed ground elevations with contours (one-foot contour interval) and spot elevations at significant high points, low points, and transition points. The grading plan shall also note the finished ground floor elevations of all buildings. The plan shall also show the locations of all storm drainage sewers and structures, and infiltration or detention/retention structures; and all wetlands on the site, using the Federal Manual For Identifying and Delineating Jurisdictional

Wetlands, and copies of documents completed in making the wetlands identification.

(5) A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc.

(6) A written report which completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report also shall describe the analysis of site conditions and the development objectives.

(7) Phasing plans, where applicable.

(8) Any other information deemed necessary by the Brusly Town Council, Building Official and/or planning commission in order to evaluate plans.

(e) *Preliminary plat.* A preliminary plat shall be submitted and contain the information required by Section 19.16 of the Brusly Town Ordinances. It shall be certified by a Louisiana licensed surveyor. The title of the preliminary plat shall read "Preliminary Plat of [Name of Traditional Neighborhood Development], [Section, Township, and Range]." Where the traditional neighborhood development is of unusual size or shape, the planning commission may permit a variation in the scale or size of the preliminary plat.

(f) *Landscape plan.* A landscape plan is required for all traditional Neighborhood development specific implementation plans. A landscape plan must be stamped and certified by a registered landscape architect.

(g) *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 Building Official 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 19.49 herein, the Building Official may, after a meeting with the applicant, within 14 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 19.49 herein.

(h) *Procedure for approval.* The specific implementation plan and preliminary plat shall follow the procedure for planning items going to the planning commission with a public hearing. 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. Procedure for approval of a specific implementation plan for a traditional neighborhood development shall be processed in the following manner:

(1) The Building Official shall review and approve the construction plans for any 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 Town of Brusly Ordinances.

a. *Bond in lieu of immediate construction.* In lieu of immediate construction of improvements as required in subsection (h)(1) above, the subdivider may file with the Building Official an agreement and bond securing to the Brusly Town Council the actual satisfactory construction of proposed improvements within a period of not more than two years from the date of such agreement and bond. The Mayor of the Town of Brusly shall approve the amount of the bond (surety bond shall be based on 125 percent of construction costs), and the Town of Brusly attorney shall approve the form of the bond. The bond may be canceled only upon written approval of the Mayor of the Town of Brusly.

(2) Following required public notice, the planning commission shall hold a public hearing on the proposed specific implementation plan. Following the hearing, the planning commission shall review the specific implementation plan request and any comments submitted by any adjoining property owners and shall recommend to the Council either approval, approval with conditions, or denial of the request.

(3) After receiving the recommendations of the planning commission, the Council shall review the proposed specific implementation plan, the record of the planning commission proceedings and the recommendations, and shall approve, approve with conditions, or deny the specific implementation plan. 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 specific implementation plan to the Council.

(4) If approved by the Council, the specific implementation plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Article and shall become the standards of development for the traditional neighborhood development in the area affected by the specific implementation plan. All future development within the area affected by the specific development plan shall conform to the standards adopted in the specific development plan regardless of changes in ownership.

(5) 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 Section 19.16 of the Brusly Town Ordinances.

(6) 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 by the Brusly Town Council with recommendations from the planning commission. The burden shall be upon the applicant to demonstrate to the Building Official, planning commission and the Town Council justification for any variation from the approved specific implementation Plan.

(7) Upon approval of a specific implementation plan, the property shall be re-designated from "TND CONCEPT" to "TND" on the official zoning map. Once land is rezoned to "TND," the provisions of this Article are mandatory.

Sec. 19.47. Consolidated general implementation plan and specific implementation plan.

The specific implementation plan and general implementation plan may be simultaneously heard by the planning commission and the Brusly Town Council.

Sec. 19.48. Additional regulations for phased developments.

A traditional neighborhood development may be developed in phases or stages in accordance with the following requirements:

(1) *Boundaries.* The boundaries of all proposed traditional neighborhood development phases shall be shown on the general implementation plan.

(2) *Data.* All data required for the project, as a whole, shall be given for each phase shown on the general implementation plan.

(3) *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.

Sec. 19.49. Changes to an approved general or specific implementation plan.

(a) *Types of changes.* There are three 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."

(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 20 percent;
- (2) An increase in density of any permitted land use, including the number of housing units, by more than 20 percent;
- (3) In residential areas, a change in the mix of single-dwelling and multi-dwelling structures by more than 20 percent;
- (4) An increase in the amount of land in nonresidential uses by more than 20 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 Building Official 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 20 percent;
- (2) Changes in non-residential floor areas by more than 20 percent of the total floor area within a component of the traditional neighborhood development;
- (3) Deleting or changing the purpose of flood hazard servitudes or easements;
- (4) Changes to the thoroughfare network which result in a significant adverse change in the amount or location of thoroughfares and shared driveways, common parking areas, circulation patterns, and access to the traditional neighborhood development;
- (5) Changes in the allocation of prescribed land uses such that it would result in an increase in the number of vehicle trips generated in excess of 20 percent;
- (6) Changes which are material in the typical sections of thoroughfare design;
- (7) Changes in the designation of thoroughfares between private and public; and/or
- (8) Material changes in the approved overall layout of the site plan and/or matters related to onsite and/or offsite infrastructure requirements authorized in the traditional neighborhood development which in the opinion of the Building Official will have a material adverse change with the traditional neighborhood development or on the site surrounding the traditional neighborhood development.

(d) *Minor change.* A minor change ("minor change") is a change that will not alter the basic design and character of the traditional neighborhood development, nor any specified conditions imposed as part of the original approval. Minor changes include, but are not limited to:

- (1) Changes in location of the neighborhood center area, a mixed residential area, a neighborhood edge area, a civic area, green area, common open space or other designated areas, if the Building Official determines that (a) the basic layout of the TND District remains the same, and (b) the TND District functions as well as before the revision;
- (2) Changes in size of a neighborhood center area, a mixed residential area, a neighborhood edge area, a civic area, green area, common open space or other designated areas, if the size is increased or decreased by not more than 20 percent, and the Building Official determines that (a) the basic layout of the TND District remains the same, and (b) the district functions as well as before the revision;
- (3) Changes in the general location of a major civic use, if the Building Official determines that (a) the revised location is appropriate, and (b) the thoroughfare network, the infrastructure, and the overall land use mix are not adversely affected. The Building Official and Council may not approve a revision that includes the addition of a major civic use within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (4) Changes in the location of a commercial use in a mixed use area, if the Building Official determines that the revised location is appropriate;
- (5) Change in the layout of a thoroughfare network, if the Building Official determines that (a) the basic layout remains the same, and (b) the revised layout functions as well as the previous layout;
- (6) Change in the location or size of a common open space, if the overall amount of common open space acreage does not decrease by more than 20 percent, and the Building Official determines that the quality and functionality of the revised common open space is the same or better. The Building Official may not approve a revision that includes the deletion of a common open space within 500 feet of an area that is part of a final plat in a mixed residential area or neighborhood edge area;
- (7) Change in the location or description of a major private open space improvement, if the Building Official determines that the revised improvement is as beneficial to the residents as the previous improvement;
- (8) Change in the location or type of a drainage or water quality control, if the Building Official 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, provided that there are no objections from the Maintenance Supervisor;
- (9) Change in a construction phasing plan for major private open space improvements if the change extends a deadline by not more than 24 months;

- (10) Change in the location of a 100-year floodplain, if the Building Official determines that revision more accurately describes the location of the floodplain, provided that there are no objections from the Maintenance Supervisor;
- (11) Change in the locations of major utility facilities and easements, if the Building Official determines that the revised locations are more appropriate or functional, provided that there are no objections from the utility department;
- (12) Movement of buildings and/or signs by no more than ten feet, but in no event in required buffers and/or setbacks;
- (13) Landscaping approved in the specific implementation plan that is replaced by similar landscaping to an equal or greater extent;
- (14) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design;
- (15) Changes required or requested by the Town of Brusly and other state or federal authorities in order to conform to other laws or regulations;
- (16) 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 19.37, 19.38 and 19.39 above in the opinion of the Building Official; and/or
- (17) Any adverse impacts caused by the change are mitigated to the satisfaction of the Building Official.
- (18) Material change in preliminary architectural features and concepts may be made by the developer unless there is complete change in the features and concepts if the Building Official determines that the revised standard is consistent with the architectural character of the TND District.

(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 Building Official, 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 19.49(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 Building Official, the Building Official shall make findings and 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 days prior to the hearing. 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 recommendations on the major use change based on the information set forth

in the application and the approval criteria set forth in this Article, and the planning commission shall submit its recommendations to the Council within 48 hours (excluding holidays) following the hearing date. The planning commission shall forward a copy of the Building Official findings and planning commission recommendations to the applicant.

d. *Adoption of major use change.* The Brusly Town Council shall adopt or reject the proposed major use change at the next scheduled Council meeting from receipt of the recommendations from the planning commission. The Brusly Town 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 Building Official, 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 19.50(c), 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 Building Official, the Building Official shall make findings and 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 15 days prior to the hearing. 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 recommendations on the major site change based on the information set forth in the application and the approval criteria set forth in Section 19.49. The planning commission shall forward a copy of the Building Official's findings and its recommendations to the applicant.

d. *Adoption of major site change.* The Council shall adopt or reject the proposed major use change at the next scheduled Council meeting from receipt of the Building Official findings and the recommendations from the planning commission. The Council shall submit reasons for its decision to the applicant.

e. *Appeal.* The applicant may appeal the decision of the Building Official to the Council pursuant to Section 19.55 herein.

(3) *Minor changes.*

a. *Application.* The owner(s) of record of the property shall file an application with the Building Official, upon a form prescribed therefore, which shall contain the reason for the classification of the change as a minor change, as described in Section 19.49(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 Building Official, the Building Official

shall make a finding based on the information set forth in the application and the approval criteria set forth in Section 19.49(d), and notify the applicant of the decision. If the Building Official determines the change to be a minor change, the Building Official's decision shall be final unless the applicant appeals the decision by the Building Official to the Council pursuant to Section 19.55 herein.

(4) *Appeal of classification as major use change or major site change.* If the Building Official determines the change to be a major use change or a major site change, the applicant may appeal the decision by the Building Official to the Council. The applicant may appeal the decision by the Building Official to the Council pursuant to Section 19.55 herein.

(5) *Subdivision of land.* If the TND District involves the subdivision of land as defined in Chapter 19 of the Brusly Town Ordinances, the applicant shall submit all required land division documents in accordance with the requirements of the same. If there is a conflict between the design standards of Articles A and B of Chapter 19 of the Brusly Town Ordinances and the design guidelines of this Article, the provisions of this Article shall apply. It being understood that the size and configuration of lots within a TND District may otherwise be disallowed under Articles A and B of Chapter 19 of the Brusly Town Ordinances, but encouraged and permitted within a TND District.

Sec. 19.50. 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 Town of Brusly 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 Town of Brusly/applicant agreement prior to or contemporaneous with final plat approval. Prior to final approval, the applicant shall be required to enter into a Town of Brusly/applicant agreement with the Town of Brusly. This agreement is designed and intended to reflect the agreement of the Town of Brusly 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 Town of Brusly/applicant agreement is also intended to insure balanced intensity of development to avoid overloading existing public facilities during the construction phase. This Town of Brusly/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 Town of Brusly to insure that pre-planned public type facilities, improvements or amenities are installed concurrently with other development on the basis of a negotiated formula.

(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 Building Official may, at any time, compare the actual development accomplished with the approved development schedule. If the Building Official 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 Council 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 Council 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 developer and/or 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 Building Official.

Sec.19.51. Expiration and lapse of specific implementation plans.

Specific implementation plan approval shall expire if work stops for a period of time beyond 24 months. In this event, the applicant will be required to submit an updated specific implementation plan to the Building Official for approval. Nothing herein shall be construed to limit the time limitations for phased developments as set forth in Section 19.46(a).

Sec. 19.52. The specific implementation plan.

Development restrictions and/or any other conditions, as required by the Building Official, the planning commission and/or the Brusly Town Council, shall be recorded by the applicant with the West Baton Rouge Clerk of Court within 15 days of the date of the final approval of the final plat. Certified copies of these documents shall also be filed with the Brusly Town Clerk. The applicant shall record development restrictions and other required documents, which pertain to a subdivision within the approved specific implementation plan, with the West Baton Rouge Clerk of Court within 15 days of the signing of the final plat, with a certified copy of same to be filed with the Brusly Town Clerk.

Sec. 19.53. Filing and distribution of specific implementation plan final plat.

The applicant shall have a total of five blackline prints of the approved final plat to be disbursed as required by the Building Official.

Sec. 19.54. 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 this Article shall constitute a violation of the Brusly Zoning Ordinance. Any person, firm, or corporation violating any provision of this Article, upon conviction, shall be punished for each separate offense committed after the initial 30-day abatement period by a fine not exceeding \$500.00. Each day during which the violation is committed, continued, or permitted shall constitute a separate offense. Any continued failure, refusal or neglect to comply with the requirements of this Section shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, or conversion of a structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this Article.

Sec. 19.55. Appeals.

Notwithstanding anything in this Article to the contrary, an applicant may appeal the findings of the Building Official by filing an objection in writing to the Brusly Town Council within five days of receipt of the Building Official's findings. The Brusly Town Council shall grant or deny the appeal with a majority vote, and the Brusly Town Council's decision shall be final. If the Brusly Town Council grants the appeal, the Brusly Town Council shall submit a notice to the Building Official stating the reasons for its grant of the appeal. The Council's reversal of a Building Official's decision to deny shall thereafter be deemed an approval of the Building Official for the purposes of this Article.

Sec. 19.56. Rezoning from "TND" District to prior zoning district.

The Building Official shall request that the Council initiate the rezoning of the property 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:

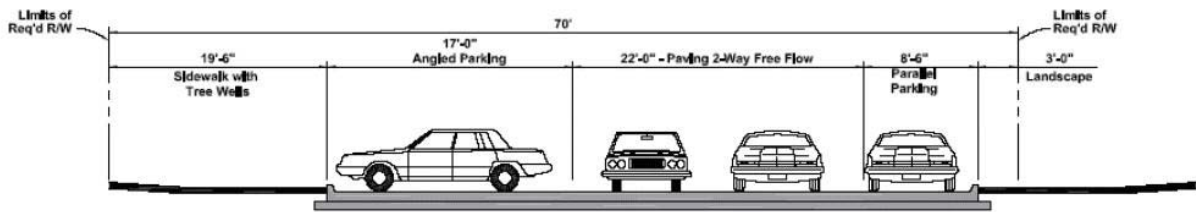
- (1) A specific implementation plan for any portion of the property is not approved within three years after the effective date of the Ordinance approving "TND CONCEPT" for the property unless extended by the Council for up to one additional year; or
- (2) An approved specific implementation plan expires as stipulated in the specific implementation plan.

Sec. 19.57. 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 Articles of Chapter 19 of the Town of Brusly Ordinances to the extent provided herein. Upon approval, the official zoning map will be changed to indicate the area as "TND CONCEPT," or if final approval granted then as "TND." Every approval of a traditional neighborhood development shall be considered an amendment to the Town of Brusly Zoning Ordinance.

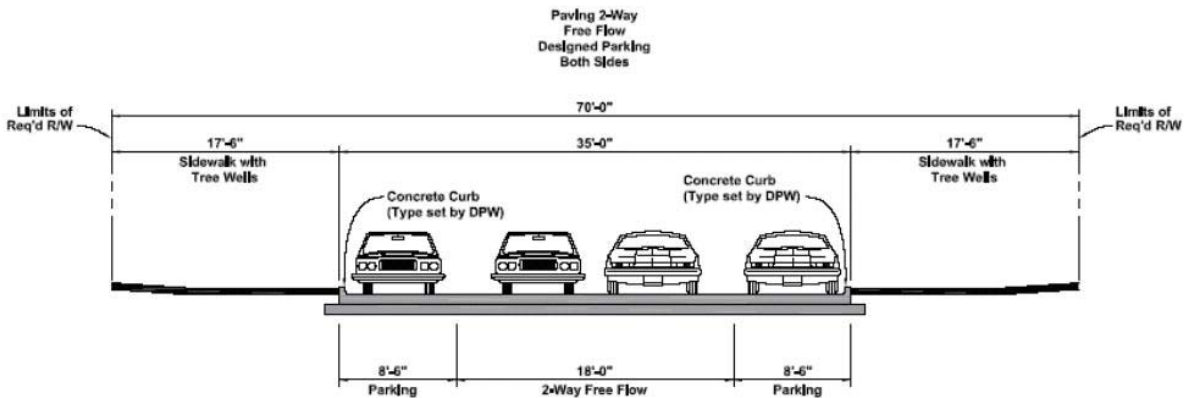
Sec. 19.58. Street cross sections.

TND street cross sections are featured below. The applicant may propose additional street cross sections specific to their development with their final development plan. Any proposed street cross sections differing from those contained below shall be required to be reviewed and approved by the Council.



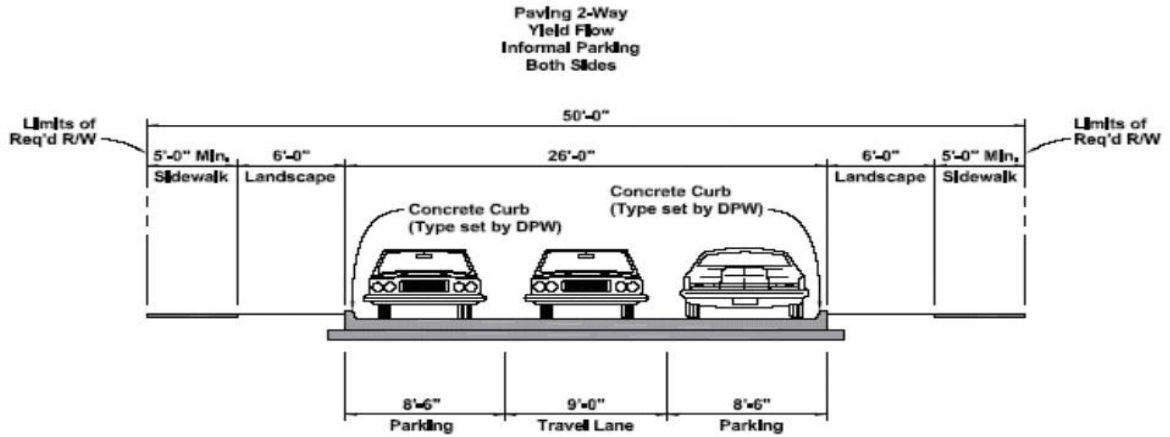
TND - MIXED PARKING

- Where Used:** Within TND-designated residential and commercial areas with on-street parking, serving as connectors between neighborhoods and core areas (often terminating at prominent building or plazas or circulate around squares or neighborhood parks).
- Traffic Volume:** Anticipated traffic volume should be less than 2,500 vpd.
- Design Speed:** 30 mph
- Speed Limit:** 25-30 mph
- Access:** Unlimited



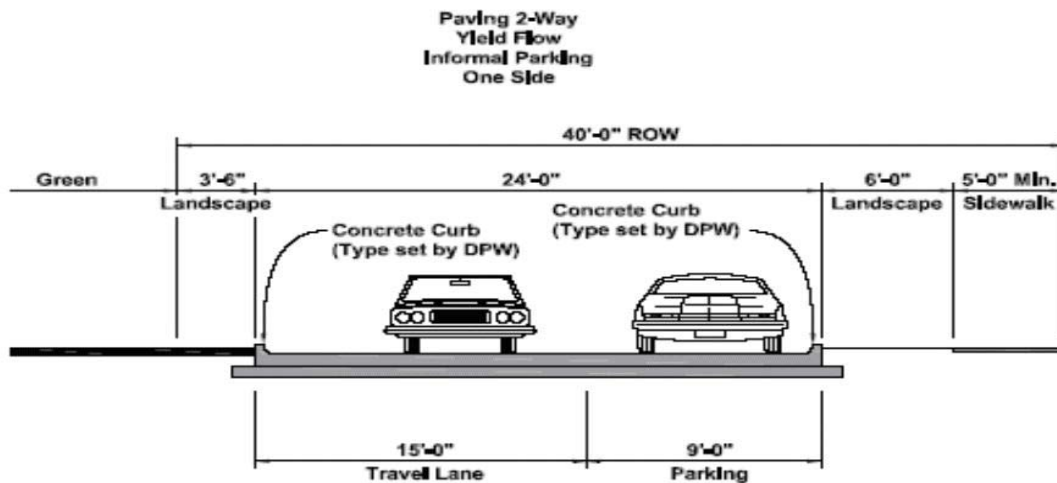
TND - PARALLEL PARKING

- Where Used:** Within TND-designated areas with designated parking both sides and providing access to neighborhood, commercial, or high-density residential areas.
- Traffic Volume:** Anticipated traffic volume should be less than 2,500 vpd.
- Design Speed:** 25 mph
- Speed Limit:** 20-25 mph
- Access:** Unlimited



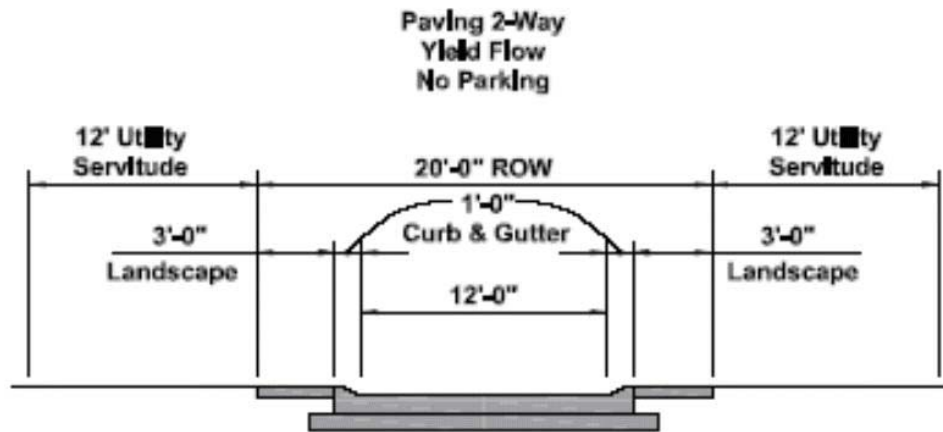
TND - YIELD FLOW WITH PARKING 2-SIDES

- Where Used:** Within TND-designated areas (with informal parking allowed both sides) providing two-way yield flow access to housing.
- Traffic Volume:** Anticipated traffic volume should be less than 500 vpd.
- Design Speed:** 20 mph
- Speed Limit:** 20 mph
- Access:** Unlimited



TND - YIELD FLOW WITH PARKING 1-SIDE

- Where Used:** Within TND-designated areas (with informal parking designated on one) providing two-way yield flow access to single-family homes.
- Traffic Volume:** Anticipated traffic volume should be less than 500 vpd.
- Design Speed:** 20 mph
- Speed Limit:** 20 mph
- Access:** Unlimited



TND - BACK LANE

<u>Where Used:</u>	Within TND-designated areas providing rear access to property and garbage pick-up.
<u>Traffic Volumes:</u>	Not intended to accommodate through traffic.
<u>Design Speed:</u>	N/A
<u>Speed Limit:</u>	N/A
<u>Access:</u>	Unlimited

Notwithstanding the reference to a 12-foot utility servitude on the illustration above, the TND-Back Lane shall only be required to have a five-foot utility servitude on either side of the lane.

Sec. 19.59. District definitions.

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. The word "shall" is mandatory and the word "may" is permissive.

Accessory building. A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot.

Alley. A public or private way permanently reserved as a secondary means of access to abutting property.

Application. An application filed by the developer for TND zoning.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boulevard. A major street 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.

Building height. The limit to the vertical extent of a building. 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 attics, raised basements, chimneys, machine rooms, or similar structures.

Building Official. The Mayor of the Town of Brusly or a person appointed by the Mayor and approved by the Brusly Town Council.

Building scale. The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Building setback, front. 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 boulevard streets or from boulevard to boulevard. Collectors are also referred to as avenues.

Council. The Brusly Town Council.

Curb radius. The curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one main building, together with any accessory buildings, open spaces, and parking spaces required by this Article and having its principal frontage upon a street or upon an officially approved place.

Lot line. The property lines bounding the lot.

Lot width. The horizontal distance between side lot lines measured at the front setback.

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.

Parish. Parish of West Baton Rouge, Louisiana.

Planning commission. The Town of Brusly's planning commission.

Principal building. A building in which the primary use of the lot on which the building is located is conducted.

Queuing. The use of one travel lane on local streets with parking, usually an intermittent parking pattern, on both sides.

Secondary dwelling unit. An additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Story. 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.

Town. Town of Brusly, Louisiana.

Traditional neighborhood. A compact, walkable, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

Zoning map. A map provided as a component of the general implementation plan which sets forth the permitted land uses for each of the areas within the TND District. In addition to or in lieu of a specific listing of permitted uses, the applicant may refer to other existing zoning districts designations for the description of permitted uses within such zoning districts for any one or more of the areas within the TND District.

Secs. 19.60—19.80. Reserved.