

**PARISH OF ASCENSION**  
**OFFICE OF PLANNING AND DEVELOPMENT**  
**PLANNING DEPARTMENT**



**APPENDIX VI**  
**PLANNED UNIT DEVELOPMENT (PUD) CODE**

Contents:

<b>17-601.</b>	<b>General Purpose: Procedures</b> .....	3
<b>17-602.</b>	General Character: .....	3
<b>17-604.</b>	Relation to Zoning Districts. ....	4
<b>17-605.</b>	Review and Approval Procedures: General.....	4
<b>17-606.</b>	Pre-Application Conference. ....	5
<b>17-607.</b>	Concept Plan.....	6
<b>17-608.</b>	Final Development Plan and Final Plat. ....	8
<b>17-609.</b>	Changes to an Approved Planned Unit Development. ....	9
<b>17-6010.</b>	Maintaining a Final Development Plan. ....	13
<b>17-6011.</b>	Expiration and Lapse of Final Development Plans. ....	14
<b>17-6012.</b>	The Approved Final Development Plan. ....	14
<b>17-6013.</b>	Filing and Distribution of Final Development Plan Final Plat. ....	14
<b>17-6014.</b>	Rezoning from “PUD” District to Prior Zoning District.....	14
<b>17-6070.</b>	<b>Development Standards</b> .....	17
<b>17-6071.</b>	<b>Code Modifications Permitted:</b> .....	17
<b>17-6072.</b>	Small Planned Unit Development (SPUD) Standards.....	23
<b>17-6073.</b>	Additional Regulations for Phased Developments.....	26
<b>17-6080.</b>	<b>General Review Criteria.</b> .....	27
<b>17-6081.</b>	Common Open Space Requirements.....	28
<b>17-6082.</b>	Association .....	29
<b>17-6083.</b>	Landscaping and Screening Standards. ....	30
<b>17-6084.</b>	Environmental Standards.....	30
<b>17-6085.</b>	Ownership and Control.....	30
<b>17-6090.</b>	<b>Administration and Enforcement</b> .....	33
<b>17-6091.</b>	Violations.....	33
<b>17-6092.</b>	Appeal.....	33
<b>17-60100.</b>	<b>Definitions</b> .....	35
<b>17-60110.</b>	<b>SPUDs and PUDs</b> .....	40
<b>17-60111.</b>	Orange Grove Plantation PUD.....	40

**ORDINANCE HISTORY**

**Ord. #PD05-01, adopted December 1, 2005**

**Ord. #DC09-09, adopted December 17, 2009**

**Ord. #PD10-01, adopted February 18, 2010**

**17-601. General Purpose: Procedures**

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-602. General Character:**

- A.** Purpose. It is the intent of this Section to, and the following objectives shall be achieved, where applicable, through the Use of the Planned Unit Development process:
1. Encourage the Development of large tracts of land as planned neighborhoods, communities and/or Developments.
  2. Encourage flexible and creative concepts in site planning.
  3. Preserve the natural amenities of the land by encouraging scenic and open areas, and create a method for the permanent preservation of Common Open Space, natural vegetation, topographic and geological features, and environmentally appropriate features for the continued Use and enjoyment of the residents of the Development.
  4. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the current Development Code, and permit a maximum choice in the types of environment available to the public by allowing a Development that would not be possible under the strict application of the other sections of this ordinance.
  5. Provide an efficient Use of land, which could result in smaller networks of utilities and Streets, and promote a creative approach to the Use of land and related physical facilities that result in better design and Development, with the inclusion of aesthetic amenities including an increased amount of landscaping.
  6. Provide an environment of stable character compatible with surrounding area, and combine and coordinate architectural styles, Building forms, and Building relationships with a possible mixing of different urban Uses in an innovative design.
  7. Provide an environment that encourages non-vehicular circulation.
  8. Provide for the prevention and/or control of soil erosion, surface Flooding, and the preservation of subsurface water.
  9. Provide for more usable and suitably located recreation facilities, schools, and other public and private facilities.
  10. Create a method for the permanent preservation of architectural and/or historic landmarks.
  11. Promote a land Use which promotes the public health, safety and welfare.
- B.** Within the planned area, a variety of land Use types should be designed, in an orderly relation to one another and to existing land Uses, and with due regard to comprehensive planning.

- C. Such Development may consist of conventionally subdivided Lots to be sold, unsubdivided single ownership, separate Condominium ownership of Structures, or other ownership methods and shall provide for Development by means of a Planned Unit Development plat which establishes the location and extent of the features of the Planned Unit Development in keeping with its purpose.
- D. The unique and substantially different character of Planned Unit Developments require their administrative processing as a “special rezoning” in this ordinance. Planned Unit Developments are more complex and of a different character than other zoning classifications, requiring the establishment herein of specific and additional procedures, standards, requirements and exceptions to govern the recommendations of the Planning Commission and Zoning Commission and the action of the Parish Council.
- E. Interpretation.
  - 1. The Subdivision, Development and Use of land as an integral unit which may provide for single-family residential, multiple-family residential, educational, business, commercial, recreational, park and common open areas, is described as a Planned Unit Development.
  - 2. In its establishment and authorization as a special zoning classification, the Planned Unit Development may be excepted from the provisions of the Subdivision and site plan regulations and of the zoning ordinance of Ascension Parish to the extent specified in this ordinance and in the final authorization of the Planned Unit Development as specified in an ordinance approved by the Parish Council.  
(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-604.** Relation to Zoning Districts.

An approved Planned Unit Development shall be considered to be a separate zoning district in which the Development plan, as approved, establishes the restrictions and regulations according to which Development shall occur, and may depart from the normal procedures, standards, and other requirements of the other sections of the zoning ordinance and Subdivision regulations to the extent provided herein. Upon approval, the official zoning map will be changed to indicate the area as Planned Unit Development Concept (or “**PUD CONCEPT**”), or if final approval granted then as Planned Unit Development (or “**PUD**”). Every approval of a Planned Unit Development shall be considered an amendment to the zoning ordinance.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-605.** Review and Approval Procedures: General.

The Planned Unit Development approval process shall consist of the following four (4) components:

- A. Pre-Application Conference
- B. Recommendation of Concept Plan by the Commissions and approval of Parish Council for the entire Planned Unit Development;
- C. Approval of a Final Development Plan, by the Planning Commission; and

- D. Approval of a Final Plat, by the Planning Commission.
- E. If the Planned Unit Development includes the division of property into Lots, the Final Development Plan shall be approved concurrently with a preliminary plat.
- F. Subdivisions of property within a Planned Unit Development after Concept Plan approval, but prior to Final Development Plan approval, shall meet the zoning requirements of the most Restrictive zoning district allowed for each designated Use for that portion of the Concept Plan. These Subdivisions shall require Planning Commission approval and will not allow Development or Building permit approval until a Final Development Plan is approved.
- G. Where the Planned Unit Development is to be developed in phases, the Concept Plan that is presented for review and approval shall be the Concept Plan for the entire Planned Unit Development and shall identify the proposed phasing. Each phase of a Planned Unit Development shall have an individual Final Development Plan.
- H. Independent Consultants may be retained by the Commissions and/or the Parish Council to seek assistance to properly review the Concept Plans and Final Development Plans. The reasonable cost of such review shall be reimbursed by the applicant. The applicant shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed plans are approved, amended, rejected or withdrawn.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-606.** Pre-Application Conference.

- A. The pre-application conference shall be held with the Zoning Official or the Zoning Official's designee for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a Planned Unit Development.
- B. A request for a pre-application conference shall be made to the Zoning Official. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, 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 Zoning Official or the Zoning Official's designee shall advise the applicant of the conformance of the Planned Unit Development concept with the intent and objectives of a Planned Unit Development, whether it appears to qualify under the minimum requirements of **Section 17-602(A) and Section 17-6080**, and whether the general concept appears to be substantially consistent with the Ascension Parish Master Plan and the Ascension Parish Land Use Plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-607.** Concept Plan.

Following the pre-application conference, an applicant shall submit a completed application (Concept Plan) to the Zoning Official. When the Zoning Official determines the application to be complete, the application shall be sent to the Commissions for a public workshop session if deemed necessary by the Zoning Official, followed at a later date by a public hearing. The Concept Plan shall contain all information required in the Concept Plan Checklist.

**A. Procedures for Planned Unit Development Concept Plan approval.** All applications for Planned Unit Developments shall be processed in the following manner:

1. The Concept Plan shall follow the procedures for approval of planning items before the Planning Commission and zoning cases before the Zoning Commission and the Parish Council which are not in conflict with this Code.
2. At least fourteen (14) days prior to review and determination by the Commissions, all Abutting property Owners shall be notified by regular mail of the Planned Unit Development and given an opportunity to submit written comments. Notice shall also be published in the Parish's official journal at least ten (10) days prior to the review.
3. Following required public notice, the Commissions shall hold a public hearing on the proposed Planned Unit Development. Following the hearing, the Commissions shall review the Planned Unit Development request and Concept Plan and any comments submitted by any adjoining property Owners and shall make a recommendation to the Parish Council to approve, approve with conditions, or deny the Planned Unit Development rezoning request. In their recommendation to the Parish Council, the Commissions shall include the reasons for such recommendation.

**B. Approval of Planned Unit Development Concept Plan.** After receiving the recommendation of the Commissions, the Parish Council shall review the application, including the Concept Plan, the record of the Commissions proceedings and the recommendation, and shall approve, approve with conditions, or deny the application in accordance with the standards and purposes set forth in Section 17-602(A) and Section 17-6080. 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 Concept Plan to the Parish Council.

1. If approved by the Parish Council, the Concept Plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Development Code and shall become the standards of Development for the Planned Unit Development. All future Development shall conform to the standards adopted for the Planned Unit Development regardless of changes in ownership.
2. Upon approval of the Concept Plan, the property shall be designated "PUD CONCEPT" on the official zoning map.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**C. Development Agreement.** All PUD concept zoning shall be subject to a Parish/Applicant Agreement prior to or contemporaneous with PUD concept approval. Prior to final approval, the applicant shall be required to enter into a Parish/Applicant Agreement with the Parish. This Agreement is designed and intended to reflect the agreement of the Parish and the applicant as to the phasing of construction to insure the timely and adequate provisions of public works facilities and public type improvements. This Parish/Applicant Agreement is also intended to insure balanced intensity of development to avoid overloading existing public facilities during the construction phase. This Parish/Applicant Agreement will be individually negotiated for each project, but should address the following issues:

1. Any agreement on cost sharing for the installation or over-sizing of major utility systems, lines or facilities.
2. Any agreement on cost sharing for the installation of interior or perimeter roadways, thoroughfares, or Street systems.
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 Planned Unit Development released for construction by Final Development Plan approval. This requirement is intended to allow the Parish to insure that pre-planned public type facilities, improvements or amenities are installed concurrently with other Development on the basis of a negotiated formula.
4. Any agreement as to the establishment of a maximum residential Density or commercial intensity of Use during the construction process. This requirement is intended to allow the Parish to establish a maximum Development intensity that cannot be exceeded while each phase of the project is being completed. Under this provision, the Parish may establish a maximum overall Density for each phase of the project to be applicable only during the construction phase of the Planned Unit Development. This restriction would require concurrent Development of lower Density or intensity of Use activities with higher Density or intensity of Use activities.
5. Any agreement by the applicant or Association to maintain all Common Open Space at no cost to the Parish.

(Ord.# PUD12-2, 1/19/13)

**17-608.**

**Final Development Plan and Final Plat.**

- A. Submittal.** Within thirty-six (36) months of the Parish Council’s approval of the Concept Plan, and except as permitted under Concept Plan approval, the applicant shall submit a Final Development Plan to the Zoning Official prior to commencing construction on property zoned “PUD CONCEPT”. The applicant may request an extension of up to twelve (12) additional months from the Parish Council if the Final Development Plan has not been approved. If the applicant fails to timely submit a Final Development Plan, then the Concept Plan (not the rezoning) shall be determined to be invalid. If the Planned Unit Development is to be developed in phases, the applicant must submit a Final Development Plan for the first phase within thirty-six (36) months of the Parish Council’s approval of the Concept Plan, and within consecutive twelve (12) month periods thereafter for each subsequent phase. If the applicant fails to timely submit a Final Development Plan, then the Concept Plan incorporating all phases not already approved as a Final Development Plan shall be determined to be invalid. The Final Development Plan shall contain all information required in the Final Development Plan Checklist.
  
- B. Certification.** The appropriate design professionals shall certify direct involvement in the preparation of the Final Development Plan (such as a Louisiana licensed arborist), but in all cases the Final Development Plan shall be certified by a:

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

  - 1. The title of the Final Plat shall read “Final Plat of [Name of Planned Unit Development], [Section, Township, and Range”].
  - 2. Where the Planned Unit Development is of unusual size or shape, the Planning Commission may permit a variation in the scale or size of the Final Plat.
  
- D. Landscape Plan.** A suitable landscape plan is required for all Planned Unit Development Final Development Plans.
  
- E. Substantial Compliance of Final Development Plan.** The Final Development Plan shall be in substantial compliance with the Concept Plan. It is not intended that the Planned Unit Development so approved shall be inflexibly applied, but rather, the Planned Unit Development shall be in conformance with the Concept Plan subject to modification due to changed economic, social, market or demographic conditions. The burden shall be upon the applicant to show the Planning Commission good cause for Major Change (as defined below) between the Concept Plan and the Final Development Plan as submitted for final

approval. If the Final Development Plan, as submitted, contains substantial variations from the Concept Plan, or Major Changes as defined in **Section 17-609**, the Planning Commission may, after a meeting with the applicant, within five (5) days of such meeting, advise the applicant in writing why said variations are not in the public interest, and deny the proposed variations. Nothing contained herein shall prohibit an applicant from requesting a change to an approved Planned Unit Development as set forth in **Section 17-609**.

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

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-609.** Changes to an Approved Planned Unit Development.

A. **Types of Changes.** There are three (3) types of changes; Major Use Change, Major Site Change and Minor Change. A Major Use Change and a Major Site Change are collectively referred to herein as a “**Major Change**”.

B. **Major Use Change.** A major Use change (“**Major Use Change**”) is one that will have significant impacts on the approved Uses within the Planned Unit Development, or on the site surrounding the Planned Unit Development. Major Use Changes include, but are not limited to:

1. An increase in the Development site area of more than five (5%) percent;
2. An increase in Density of any permitted land Use, including the number of housing units, by more than five (5%) percent;
3. In residential areas, a change in the mix of Single-Dwelling and Multi-Dwelling Structures by more than five (5%) percent;
4. An increase in the amount of land in nonresidential Uses by more than five (5%) percent;
5. Involve any land Use not specified on the approved Concept 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 Planned Unit Development which in the opinion of the Zoning Officer will have a material adverse change with the Planned Unit Development or on the site surrounding the Planned Unit 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 Planned Unit Development which is not a Major Use Change, or on the site surrounding the Planned Unit Development. Major Site Changes include, but are not limited to:

1. Changes that vary the individual Lot Area requirement as submitted in the Concept Plan by more than ten (10) percent;
2. Changes in non-residential Floor Areas by more than five (5) percent of the total Floor Area within a component of the Planned Unit Development;
3. Deleting or changing the purpose of Flood hazard Servitudes or Easements;
4. Changes to the vehicular system which result in a significant adverse change in the amount or location of Streets and shared driveways, common parking areas, circulation patterns, and Access to the Planned Unit 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 ten (10) percent;
6. Changes which are material in the typical sections of Street design;
7. Changes in the designation of Streets 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 Planned Unit Development which in the opinion of the Zoning Officer will have a material adverse change with the Planned Unit Development or on the site surrounding the Planned Unit Development.

**D. Minor Change.** A minor change (“**Minor Change**”) is a change that will not alter the basic design and character of the Planned Unit Development, nor any specified conditions imposed as part of the original approval. Minor changes include, but are not limited to:

1. Reduction of the size of any Building;
2. Movement of Buildings and/or Signs by no more than ten (10’) feet, but in no event in required Buffers and/or setbacks;
3. Landscaping approved in the Final Development Plan that is replaced by similar landscaping to an equal or greater extent;
4. Changes in non-residential floor plans, of up to five (5) percent of the total Floor Area, which do not alter the character of the Use or increase the amount of required parking;
5. Internal rearrangement of a parking Lot that does not affect the number of parking spaces or alter Access locations or design;
6. Changes required or requested by the Parish and other State or Federal authorities in order to conform to other laws or regulations;
7. On balance, compared to the approved Planned Unit Development, the change will equally or better meet the purposes and approval criteria set forth in **Section 17-602 & 17-6080**, above in the opinion of the Zoning Official; and/or
8. Any adverse impacts caused by the change are mitigated to the satisfaction of the Zoning Official.

**E. Review Procedures.** Requests for changes to an approved Planned Unit 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 Zoning 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 17-609(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 Zoning Official, the Zoning Official shall forward the application to the Commissions. The Commissions shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials

- presented at the public hearing shall be kept and maintained by the Commissions as part of the applicant's permanent record.
- c. Findings and Recommendations. The Commissions shall make their findings on the Major Use Change based on the information set forth in the application and the approval criteria set forth in **Section 17-609(B)**, and submit recommendations to the Parish Council within fifteen (15) days from the hearing date. The Commissions shall forward a copy of their findings and recommendations to the applicant.
  - d. Adoption of Major Use Change. The Parish Council shall adopt or reject the proposed Major Use Change within fifteen (15) days from receipt of the recommendations from the Commissions. The Parish 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 Zoning 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 17-609(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 Zoning Official, the Zoning Official shall forward the application to the Planning Commission. The Planning Commission shall issue a notice of public hearing by posting the affected site in a conspicuous place at least ten (10) days prior to the hearing date. A record of information and materials presented at the public hearing shall be kept and maintained by the Planning Commission as part of the applicant's permanent record.
    - c. Findings and Recommendations. The Planning Commission shall make its findings on the Major Site Change based on the information set forth in the application and the approval criteria set forth in **Section 17-609(C)**. The Planning Commission shall forward a copy of its findings and recommendations to the applicant.
    - d. Appeal. The applicant may appeal the decision by the Planning Commission pursuant to **Section 17-6092**.
  3. Minor Changes.
    - a. Application. The Owner(s) of record of the property shall file an application with the Zoning 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 17-609(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 Zoning Official, the Zoning Official shall make its findings based on the information

set forth in the application and the approval criteria set forth in **Section 17-609(D)**, and notify the applicant of its decision. If the Zoning Official determines the change to be a Minor Change, the Zoning Official's decision shall be final and no Appeal shall be available.

4. Appeal of Classification as Major Use Change or Major Site Change. If the Zoning Official determines the change to be a Major Use Change or a Major Site Change, the applicant may appeal the decision by the Zoning Official pursuant to **Section 17-6097**.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6010.** Maintaining a Final Development Plan.

**A. Construction.** Construction may take place only within such portion(s) of a Planned Unit Development for which a current Final Development Plan is in effect.

**B. Development Schedule.** The Development schedule shall contain the following information:

1. The order of construction of the proposed stages delineated in the Final Development 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.

**C. Enforcement of the Development Schedule.** The construction and provision of all Common Open Spaces and public facilities and infrastructure which are shown on the Final Development Plan must proceed at no slower a rate than the construction of Dwelling units or other Structures of a commercial nature. The Planning Commission may, at any time, compare the actual Development accomplished with the approved Development schedule. If the Planning Commission finds that the rate of construction of Dwelling units or other commercial Structures is substantially greater than the rate at which Common Open Spaces and public facilities and infrastructure have been constructed and provided, then either or both of the following actions may be taken:

1. The Planning Commission shall cease to approve any additional Final Development Plans for subsequent phases; and/or
2. The Building Official shall discontinue issuance of Building permits.
3. In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between the construction of Dwellings or other Structures of a commercial nature and the provision of Common Open Spaces and public facilities and infrastructure are brought into adequate balance prior to the continuance of construction.

**D. Permits.** No Building permit for a Structure other than a temporary contractor's office or temporary storage Building shall be issued for a Lot or Parcel within an approved Planned Unit 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 Planned Unit Development prior to final inspection and approval of all required improvements which will serve such Lot or Parcel to the satisfaction of the Director of the Department of Public Works and the Building Official.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6011.** Expiration and Lapse of Final Development Plans.

**A.** Final Development Plan approval shall expire three (3) years from the date of Planning Commission approval of a Final Development Plan. The applicant may request an extension from the Planning Commission for not more than one (1) year if the project is not complete after three (3) years. Nothing herein shall be construed to limit the time limitations for phased Developments as set forth in **Section 17-608(A)**.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6012.** The Approved Final Development Plan.

**A.** Development restrictions and/or conditions, as required by the Commissions and/or the Parish Council, shall be recorded by the applicant with the Clerk of Court of Ascension Parish within fifteen (15) days of the date of the final approval of the Concept Plan and/or the Final Development Plan by the Commissions and/or Parish Council, as the case may be. Certified copies of these documents shall also be filed with the Office of the Commissions. The applicant shall record Development restrictions and other required documents, which pertain to a Subdivision within the approved Final Development Plan, with the Clerk of Court of Ascension Parish within fifteen (15) days of the signing of the Final Plat, as provided in this **Section X17-6012**.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6013.** Filing and Distribution of Final Development Plan Final Plat.

**A.** The applicant shall have a total of ten (10) black-line prints of the approved Final Plat to be disbursed as required by the Commissions Staff.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6014.** Rezoning from "PUD" District to Prior Zoning District.

The Zoning Official shall request that the Parish Council initiate the rezoning of the property back to the zoning district existing immediately preceding the "PUD CONCEPT" and/or "PUD" zoning within a Planned Unit Development, only as to that portion of the property which has not been developed, if:

**A.** A Final Development Plan for a portion of the property is not approved within three (3) years after the effective date of the ordinance approving “PUD CONCEPT” for the property unless extended by the Parish Council for up to one (1) additional year; or

**B.** An approved Final Development Plan expires as stipulated in the Final Development Plan.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

(This page left blank intentionally for code expansion)

**17-6070. Development Standards**

**17-6071. Code Modifications Permitted:**

**A.** All PUDs and SPUDs shall strictly adhere to all requirements throughout the Unified Land Development Code (LDC) unless the development standards for the proposed PUD or SPUD were specifically requested, approved, and adopted as part of the PUD special zoning district, the Concept Plan and Final Development Plan specifications. The PUD or SPUD shall include a detail list of all requested modifications to the LDC. At a minimum, the list of modifications to the standards for the PUD or SPUD must include the following:

1. A detail list of each requested and approved modification referencing the specific section, subsection, and paragraph of the code or regulation;
2. Statement of justification for each modification;
3. The new standard for the approved PUD or SPUD; and
4. A statement confirming compliance with all other applicable provisions of the development code and subdivision regulations. The Final Development Plan shall incorporate all approved modifications as adopted by the Parish Council.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09; PD10-01, 2/18/10)

**B.** The following table of **Minimum Development Standards** and review criteria shall apply to all Planned Unit Developments and shall constitute minimum Planned Unit Development requirements the Parish Council may allow.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09; PD10-01, 2/18/10)

**[See table on following page]**

**PLANNED UNIT DEVELOPMENT TABLE**  
**Minimum Development Standards**

	<p align="center"><b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b></p>	<p align="center"><b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED FINAL DEVELOPMENT PLAN CONSISTENT WITH CONCEPT PLAN</b></p>	<p align="center"><b>SPECIAL MINIMUM REQUIREMENTS WHICH MAY NOT BE WAIVED</b></p>
<p align="center"><b>MINIMUM SIZE</b></p>			<p>Twenty (20) acres.</p>
<p align="center"><b>PARKING</b></p>			<p>Development Code requirements unless shared parking is approved with the Final Development Plan.</p>
<p align="center"><b>SIGNS</b></p>		<p align="center">X</p>	
<p align="center"><b>SETBACK REQUIREMENTS</b></p>		<p align="center">X</p>	
<p align="center"><b>MINIMUM LOT SIZE</b></p>		<p align="center">X</p>	
<p align="center"><b>MINIMUM LOT WIDTH</b></p>		<p align="center">X</p>	
<p align="center"><b>HEIGHT OF BUILDINGS</b></p>			<p>Not more than one hundred fifty (150) percent of Abutting zoning districts.</p> <p>In addition, Buildings may also be increased in Height one (1) foot for each ten (10) feet</p>

**PLANNED UNIT DEVELOPMENT TABLE**  
**Minimum Development Standards**

	<b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b>	<b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED FINAL DEVELOPMENT PLAN CONSISTENT WITH CONCEPT PLAN</b>	<b>SPECIAL MINIMUM REQUIREMENTS WHICH MAY NOT BE WAIVED</b>
			setback from Abutting zoning districts.
<b>RESIDENTIAL DENSITY</b>		X	
<b>NON-RESIDENTIAL FLOOR TO LAND AREA RATIO</b>			The maximum floor to land area ratio for nonresidential Structures is two and five tenths (2.5).  The maximum floor to land area ratio for residential Buildings or mixed Use Buildings where fifty (50) percent or more of the Floor Area is utilized for residential purposes is three and five tenths (3.5).
<b>PROPOSED ADDITIONAL UTILITY DISTRIBUTION LINES</b>			Underground
<b>DRAINAGE</b>	Parishwide drainage ordinance when adopted		Underground along roadways

**PLANNED UNIT DEVELOPMENT TABLE**  
**Minimum Development Standards**

	<p align="center"><b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b></p>	<p align="center"><b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED FINAL DEVELOPMENT PLAN CONSISTENT WITH CONCEPT PLAN</b></p>	<p align="center"><b>SPECIAL MINIMUM REQUIREMENTS WHICH MAY NOT BE WAIVED</b></p>
			<p>A Drainage study shall be required for Development of twenty (20) acres or more.</p>
<p align="center"><b>LANDSCAPING</b></p>			<p>A perimeter landscaped Buffer Yard shall also be required to screen off-Street parking areas and Building service areas from Abutting Streets and residential zoning and Uses.</p>
<p align="center"><b>PERMITTED USES</b></p>			<p>All zoning districts except industrial and adult businesses.</p>
<p align="center"><b>PUBLIC STREETS</b></p>			<p>Subdivision regulation requirements unless deviations in Street typical sections are granted with Concept Plan approval.</p>
			<p>Subdivision regulation requirements unless</p>

**PLANNED UNIT DEVELOPMENT TABLE**  
**Minimum Development Standards**

	<p align="center"><b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b></p>	<p align="center"><b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED FINAL DEVELOPMENT PLAN CONSISTENT WITH CONCEPT PLAN</b></p>	<p align="center"><b>SPECIAL MINIMUM REQUIREMENTS WHICH MAY NOT BE WAIVED</b></p>
<p><b>PRIVATE STREETS</b></p>			<p>deviations in Street typical sections are granted with Concept Plan approval.</p>
<p align="center"><b>COMMON OPEN SPACE</b></p>			<p>Common Open Space is defined in Subsection III. B.</p> <p>A minimum of fifteen (15) percent of the gross site area contained within a Planned Unit Development of between twenty (20) and fifty (50) Acres,</p> <p>eighteen (18) percent of the gross site area contained within a Planned Unit Development over fifty (50) Acres and up to one hundred (100) Acres; and</p> <p>twenty (20) percent of the gross site area contained within a Planned Unit Development in excess of one hundred (100)</p>

**PLANNED UNIT DEVELOPMENT TABLE**  
**Minimum Development Standards**

	<p align="center"><b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b></p>	<p align="center"><b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED FINAL DEVELOPMENT PLAN CONSISTENT WITH CONCEPT PLAN</b></p>	<p align="center"><b>SPECIAL MINIMUM REQUIREMENTS WHICH MAY NOT BE WAIVED</b></p>
			<p>Acres shall be dedicated to and maintained as Common Open Space.</p> <p>No reduction in the minimum Common Open Space requirements shall be permitted.</p>

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6072.** Small Planned Unit Development (SPUD) Standards.  
 Unless the context requires otherwise and except as otherwise set forth in this section, the provisions of this Code relating to Planned Unit Developments shall apply to Small Planned Unit Developments.

**A. Development Standards.** The following table of minimum Development standards shall apply to all Small Planned Unit Developments:

<b>SMALL PLANNED UNIT DEVELOPMENT TABLE Minimum Development Standards</b>			
	<b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b>	<b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED DEVELOPMENT PLAN</b>	<b>SPECIAL REQUIREMENTS</b>
<b>MINIMUM SIZE</b>			Two (2) Acres
<b>MAXIMUM SIZE</b>			Less than twenty (20) Acres
<b>PARKING</b>	X		Development Code requirements unless shared parking is approved with the Development Plan.
<b>SIGNS</b>	X		
<b>SETBACK REQUIREMENTS</b>		X	
<b>MINIMUM LOT SIZE</b>		X	
<b>MINIMUM LOT WIDTH</b>		X	
<b>HEIGHT OF BUILDINGS</b>			One hundred fifty (150) percent of Abutting zoning districts. In addition, Buildings may also be increased in Height one (1) foot for each ten (10) feet setback from Abutting zoning districts.
<b>RESIDENTIAL DENSITY</b>		X	
			The maximum floor to land area ratio for a nonresidential Structure is two and five tenths (2.5).  The maximum floor to land area

<b>SMALL PLANNED UNIT DEVELOPMENT TABLE</b> <b>Minimum Development Standards</b>			
	<b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b>	<b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED DEVELOPMENT PLAN</b>	<b>SPECIAL REQUIREMENTS</b>
<b>FLOOR TO LAND AREA RATIO</b>			ratio for residential Buildings or mixed Use Buildings where fifty (50) percent or more of the Floor Area is utilized for residential purposes is three and five tenth (3.5).
<b>PROPOSED ADDITIONAL UTILITY DISTRIBUTION LINES</b>			Underground
<b>DRAINAGE</b>	X		
<b>LANDSCAPING</b>			A perimeter landscaped Buffer Yard shall also be required to screen off-Street parking areas and Building service areas from Abutting Streets and residential zoning and Uses.
<b>PERMITTED USES</b>			Zoning districts except Industrial and Adult Entertainment Uses;
<b>PUBLIC STREETS</b>			Deviations in Street typical sections as required by Subdivision Regulation requirements may be granted with Development Plan approval.
<b>PRIVATE STREETS</b>			Deviations in Street typical sections as required by Subdivision Regulation

<b>SMALL PLANNED UNIT DEVELOPMENT TABLE</b> <b>Minimum Development Standards</b>			
	<b>CONFORM TO DEVELOPMENT CODE REQUIREMENTS</b>	<b>REQUIREMENTS TO BE DETERMINED BY EACH APPROVED DEVELOPMENT PLAN</b>	<b>SPECIAL REQUIREMENTS</b>
			requirements may be granted with Development Plan approval.
<b>COMMON OPEN SPACE</b>			A minimum of ten (10) percent of the gross site areas contained within a SPUD shall be devoted to and maintained as Common Open Space.

- B. Review and Approval Procedures.** The Small Planned Unit Development approval process shall consist of the following two (2) components:
1. Approval of a Development Plan by the Commissions and the Parish Council; and
  2. Approval of a SPUD Final Plat by the Commissions.
- C. Development Plan.** An applicant shall submit a completed application (Development Plan) to the Zoning Official. When the Zoning Official determines the application to be complete, the application shall be sent to the Commissions. The Development Plan shall contain all information required in the Development Plan Checklist.
- D. Procedures for Development Plan Approval.** All application for Small Planned Unit Developments shall be processed in the following manner:
1. The Development Plan shall follow the procedures for approval of planning items before the Commissions which are not in conflict with this Code.
  2. The SPUD Final Plat shall be submitted to the Director of the Planning and Zoning Commissions and shall contain all those items set forth in **Section 17-608(C)**.
  3. Upon review and approval of the Development Plan and the SPUD Final Plat by the Planning and Zoning Commissions, the property shall be designated as “SPUD” on the official zoning map.

- E. Recordation of Development Restrictions, SPUD Final Plat, and Other Documents.** The applicant shall record the SPUD Final Plat and any Development restrictions or conditions to the Development Plan by the Planning and Zoning Commissions with the Clerk of Court of Ascension Parish within fifteen (15) days of the date of approval of the Development Plan and the SPUD Final Plat by the Planning and Zoning Commissions.  
(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6073.** Additional Regulations for Phased Developments.  
A Planned Unit Development may be developed in phases or stages in accordance with the following requirements.

- A. Boundaries.** The boundaries of all proposed Planned Unit Development phases shall be shown on the Concept Plan.
- B. Data.** All data required for the project, as a whole, shall be given for each phase shown on the Concept Plan.
- C. Improvements.** The phasing plan shall be consistent with the traffic circulation, Drainage, Common Open Space, and utilities plans for the entire Planned Unit Development. Planned Unit 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.  
(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6080.**

**General Review Criteria.**

- A. General. Approval and recommendation of the Commissions shall be accompanied by a written report stating the reasons for approval of the application, and specific evidence and facts showing that the proposed Planned Unit Development will not adversely affect the immediate vicinity. The Commissions in their review of proposed Planned Unit Development plans shall consider, where applicable:
1. The relation between the proposed Development and surrounding Uses, and the effect of the proposed Planned Unit Development plan upon comprehensive planning.
  2. The adequacy of existing and proposed Streets, utilities, and other public services to serve the Development; and the location with respect to the interstate, major highways and major arterial Streets so as not to create adverse major shifts of traffic generation to intermediate collectors and/or minor Streets; and Access of every Dwelling unit or other Uses within the Planned Unit Development to a public and/or private Street via pedestrian ways, courts or other Access related Servitudes or Easements.
  3. The character, design, and appropriateness of the proposed land Uses and their adequacy to encourage desirable living conditions, to provide separation and screening between Uses where desirable, to preserve the natural amenities of streams, wooded areas, and similar natural features where possible, to provide adequate, and to encourage, pedestrian circulation and Access to mass transit if available.
  4. The proposed location, arrangement Density/intensity, and Height of land Uses shall be compatible to existing or proposed Dwellings within the vicinity of the Planned Unit Development or to the Development of the neighborhoods.
  5. The suitability of the site for Development in the manner proposed without hazard to Persons or property adjacent to the site, the Use of Flood hazard areas if present for recreational areas, and no contribution to erosion or other soil related damage. Soil conditions, Drainage, vegetation cover and topography shall be maximally utilized to fit the intended design of the Development.
  6. The requirement of Common Open Spaces within the Planned Unit Development and the devotion of the Development to active and passive recreational purposes.
  7. The protection and preservation of any existing historic and archaeological features into the design of the Planned Unit Development.
  8. The greater protection and preservation of environmentally sensitive and natural amenities areas within the Planned Unit Development, if any, including, but not limited to, wetlands, problem soils, streams, creeks, wooded areas, and areas containing protected species.
  9. The internal compatibility of the land Uses within the plan.
  10. The external compatibility of the arrangement of the land Uses within the Planning Unit Development.

11. The proposed Planned Unit Development is consistent with the spirit and intent of this PUD ordinance and represents an opportunity for improved or innovative Development for the community that could not be achieved through conventional zoning.
12. The promotion of the purposes set forth in **Section 17-602(A)**.
13. The proposed Uses within the Planned Unit Development will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6081.** Common Open Space Requirements.

**A.** Subject to satisfaction of subsection “C” below, the following Uses may account for Common Open Space with the stated limitations:

1. Parks, and other open greenbelt areas within in, whether publicly or privately owned, which are readily accessible must account for not less than fifty (50%) percent of the Common Open Space.
2. Street Trees located within designated landscape common areas or landscape Servitude and located within a Street Right-of-Way may not exceed twenty-five (25) percent of the Common Open Space. However, Common Open Space within vehicle Use areas or any noncontiguous green area of less than one thousand (1000) square feet may not be included.
3. Lake and ponds, including storm water wet detention basins provided that they are designed so that they are designed so that a minimum of twenty (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.
4. Storm water dry detention basins of not less than one (1) Acre; but may not exceed twenty-five (25%) percent of the Common Open Space and must be designed to provide for acceptable maintenance and upkeep of the detention basin.
5. Golf courses may account for up to fifty (50) percent of the Common Open Space.
6. Wetlands.
7. Hard surface recreation areas such as recreational courts and pedestrian plazas may account for up to twenty-five (25%) of the Common Open Space.
8. Servitudes with existing below ground utilities and/or facilities with a width of not less than 30' feet.
9. Electrical transmission line Servitudes with a width of not less than 150' feet.
10. School sites, excluding the area devoted to Buildings.
11. 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.

12. Common Open Space for the Use by the general public, if agreed to by the appropriate governmental authority, in each case in an amount to be determined by the Commissions.

**B.** Common Open Space shall not include:

1. Required
  - a. Yards which are not accessible for the common Use of the Development;
  - b. Parking areas,
  - c. Drives,
  - d. Utility with above ground improvements or road Easements/Servitudes,
2. Structures (unless a part of the open space such as gazebos),
3. Drainage ditches or canals; and
4. Areas reserved for the exclusive Use and benefit of an individual tenant or Owner.

**C.** Common Open Space shall be permanently set aside for the sole benefit, Use, and enjoyment of present and future occupants of the Planned Unit 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.

**D.** The Commissions may consider a Planned Unit Development with a lesser amount of Common Open Space if it is clear that the proposed Planned Unit Development substantially provides for the intent of a Planned Unit Development. It is noted that Common Open Space is a very important element of a Planned Unit Development and reductions to the Common Open Space provision should be granted only as a result of specific, clearly documented reasons (i.e. the Planned Unit Development may be located on a relatively small site in an area where a respective 15% or 20% provision would detract from Building continuity or historic preservation efforts).

**E.** In the event land shown on a Final Development Plan (as hereinafter defined) as Common Open Space is dedicated to the Parish, the Parish Council may, but shall not be required to, accept the open space provided: (x) such land is accessible to the residents of the Parish; (y) there is no cost of acquisition other than the costs incidental to the transfer of ownership; and (z) the Parish agrees to and has Access to maintain such lands.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6082.** Association

The Common Open Space and associated facilities may be owned by an Association or maintenance association. The Association shall be formed and operated under the following provisions:

**A.** The applicant shall provide the articles and bylaws of the Association and the methods for maintaining the Common Open Space.

- B.** The Association shall be organized by the applicant and shall be operated with a financial subsidy from the applicant before the sale of any Lots within the Planned Unit Development.
- C.** Membership in the Association is mandatory for all purchasers of property therein and their successors in title. The conditions and timing of transferring control of the Association from the applicant to the property Owners shall be identified.
- D.** The Association shall be responsible for maintenance of insurance and taxes on all Common Open Space, enforceable by liens placed on the Association by the Parish. The Association may place liens on the property of its members who fail to pay their Association dues in a timely manner, as provided in the Association bylaws. Shares shall be defined in the bylaws.
- E.** The Association shall, at all times, cause the property Owners to have Access to the Common Open Space within the Planned Unit Development.
- F.** The Association shall be able to adjust the assessments to meet changing needs.  
(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6083.** Landscaping and Screening Standards.

- A.** 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.
- B.** A Street yard 1,000 square feet or less in size is not required to be landscaped.  
(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6084.** Environmental Standards.

- A.** All Uses in the Planned Unit 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.  
(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6085.** Ownership and Control.

All land included for purpose of Development within a Planned Unit Development shall be owned by or be under the control of the applicant for such zoning designation (including without limitation a purchase agreement, option agreement, and/or development agreement), whether that applicant be an individual, partnership, corporation (limited liability company, limited liability partnership, trust), or groups of individuals, partnerships, or corporations (limited liability company, limited liability partnerships and/or trusts). The applicant shall present proof of the unified control of the entire area within the Planned Unit Development and shall agree that if applicant proceeds with the Planned Unit Development applicant will:

- A.** Do so in accordance with:
  1. The Concept Plan of Development officially adopted for Planned Unit Developments;
  2. Regulations existing when the amendment granting the Planned Unit Development was adopted; and

3. Such other conditions or modifications as may be attached to the rezoning of the land to the Planned Unit Development.

**B.** Secure written consents and agreements satisfactory to the Commissions from all property Owners of record within the Planned Unit Development boundaries that have not joined in the Planned Unit Development application that there is no objection to including their property in the Planned Unit Development site plan and overall Planned Unit Development planning process.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

(This page left blank intentionally for code expansion)

**17-6090. Administration and Enforcement**

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6091. Violations.**

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

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-6092. Appeal.**

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

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

(This page left blank intentionally for code expansion)

**17-60100. Definitions**

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

**Access:** An entry to or exit from a property.

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

**Accessory Use:** A Use which (1) is subordinate to and serves a principal Structure or Principal Use, (2) is subordinate in area, extent, and purpose to the principal Structure or Principal Use served, (3) is located on the same Lot as the principal Structure or Principal Use served except as otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principal Structure or Principal Use.

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

**Alley:** A public or private way permanently reserved as a secondary means of Access to Abutting property.

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

**Association, or Associations:** The association or associations of all the Owners of property in the PUD charged with the ownership and maintenance of Common Open Space and associated facilities and operated pursuant to articles of incorporation and bylaws. Initially, the Developer shall maintain control of the Association until such time as seventy-five (75%) percent of Lots in the PUD have been sold, or as otherwise set forth in its Articles or Bylaws. A PUD may have a residential Association and a commercial Association.

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

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

**Building Line:** A line on a Lot, generally parallel to a Lot Line or road Right-of-Way, located a sufficient distance there from to provide the minimum yards required by this ordinance. The Building Line delimits the area where Buildings are permitted subject to all applicable provisions of this ordinance.

**Commissions:** The Planning Commission and the Zoning Commission, individually and collectively.

**Common Open Space:** A Parcel or Parcels of land and/or an area of water within a Development that are held in some form of common ownership and designated, designed and intended for benefit, Use or enjoyment of the occupants of the Development. It may contain such complementary Structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such Development, including those Uses set forth in **Section 17-6081**.

**Concept Plan:** The initial plan of Development for a PUD which an applicant/Developer submits to the Commissions containing all those items described in the Concept Plan Checklist, including written and graphic documents, which represents a conceptual plan of the proposed land Uses and their overall impact on the land and surrounding land for rezoning of the land to PUD Concept.

**Concept Plan Checklist:** A list containing items which must be included in a Concept Plan submitted to the Commissions for PUD approval.

**Condominium:** The property regime under which portions or units (whether horizontal or vertical) of immovable property are subject to individual ownership and the remainder thereof is owned in indivision by all unit Owners, in accordance with the **Louisiana Condominium Act, LA R.S. 9:1121.101 et seq.**

**Density:** A measure of the intensity of Development. In this ordinance, Density for residential Development is calculated in terms of units per Acre. The calculation for residential Density is set forth in **Section 17-2073(D)** of the Development Code. Density for commercial Development is calculated as the gross Floor Area for each Development project.

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

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

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

**Dwelling:** Any Building or portion of a Building which is designated or used for residential purposes.

**Dwelling, Multi- :** A Building that contains more than one (1) living unit.

**Dwelling, Single-:** A Building that contains only one (1) living unit, including attached Buildings in the case of Townhomes.

**Final Development Plan:** The final plan of Development for a PUD which an applicant/Developer submits to the Commissions containing all those items described in the Final Development Plan Checklist, including written and graphic documents, for detailed plan review and Subdivision of land zoned PUD Concept.

**Final Development Plan Checklist:** A list containing items which must be included in a Final Development Plan submitted to the Commissions for final PUD approval.

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

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

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

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

**Lot Area:** The area contained within the boundary lines of a Lot.

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

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

**Major Change:** A change to an approved Planned Unit Development as set forth in **Sections 17-609 A-C.**

**Minor Change:** A change to an approved Planned Unit Development as set forth in **Section 17-609(D).**

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

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

**Parish Council, or Council:** The governing body of Ascension Parish having the power to adopt and enforce ordinances.

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

**Planned Unit Development, or PUD:** The Subdivision, Development and Use of land as an integral unit, combining more than one (1) primary land Use which may provide for single-family residential, multiple-family residential, educational, business, commercial, retail, industrial, recreational, park and Common Open Space areas.

**Planning Commission:** An agency legally established by the Parish Council in conformity with state legislation with all the rights and responsibilities defined by such legislation.

**Planning Staff, or Commissions Staff:** Professional and non-professional personnel employed by the Commissions to carry out and fulfill the directives and responsibilities of the Commissions. Staff functions may be conducted by private or public consultants at the discretion of the Commissions.

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

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

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

**Rear Lot Line:** That Lot Line which is parallel to and most distant from the front Lot Line of the Lot; in the case of an irregular, triangular, or gore-shaped Lot, a line twenty (20) feet in length, entirely within the Lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the Rear Lot Line. In the case of Lots which have frontage on more than one (1) road or Street, the Rear Lot Line shall be opposite the Lot Line along which the Lot takes Access to a Street.

**Restrictive, more (less):** A regulation imposed by this ordinance is more (less) restrictive than another if it prohibits or limits Development to a greater (lesser) extent or by means of more (less) detailed specifications.

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

**Servitude (Easement):** A strip existing or to be reserved by the Developer for public utilities, Drainage and other public purposes, the title to which shall remain with the property Owner, subject to the right of Use designated in the reservation of servitude; or a strip of ground designated or intended to be used for Access to Buildings and other portions of property.

**Side Lot Line:** Any Lot Line other than a front or Rear Lot Line.

**Sign:** Any Structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, pennant, streamer, banner, emblem, insignia, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any Person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or on any Building.

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

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

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

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

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

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

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

**Variance:** Permission to depart from the literal requirements of this ordinance granted by the Planning Commission.

**Zoning Commission:** An agency legally established by the Parish Council in conformity with state legislation with all the rights and responsibilities defined by such legislation.

(Ord.# PD05-01, 12/1/05; DC09-09, 12/17/09)

**17-60110. SPUDs and PUDs**

**17-60111. Orange Grove Plantation PUD**

**A.** Rezone from Conservation (C) to PUD Concept (PC)

**B.** LEGAL DESCRIPTION OF THE PROPERTY CONTAINED WITHIN THE ORANGE GROVE COMMUNITY DEVELOPMENT DISTRICT

**C.** Three certain lots or parcels of land described as "LOT 5-A-1", "LOT 5-A-2" and "LOT 5A-3", together containing 134.724 acres, as shown on the map prepared by Ferris Engineering & Surveying, LLC dated October 17, 2006 entitled "Map Showing Subdivision of Lot 5-A Being a Portion of Orange Grove Plantation into Lots 5-A-1, 5-A-2 & 5-A-3", located in Section 9, Township 10 South, Range 3 East, Southeast Land District, Ascension Parish, Louisiana, for Renaissance Orange Grove, LLC, recorded October 20, 2006 as Instrument No. 00651540, official records of Ascension Parish, State of Louisiana, the outermost boundary of such combined tracts being more fully described as:

Commence at the apparent lower 80 arpent corner of Orange Grove Plantation as shown on map referenced above, said point also being the POINT OF BEGINNING; Thence South 46° 02' 34" West a distance of 2,273.10 feet to a point and corner; Thence North 41 ° 09' 09" West a distance of 2,310.37 feet to a point and corner; Thence North 37° 04' 37" East a distance of 1,114.12 feet to a point and corner; Thence North 48° 35' 24" West a distance of 414.90 feet to the eastern right-of-way of Louisiana Highway 22 being a point and corner; Thence in a northerly direction along the eastern right-of-way of Louisiana Highway 22 North 37° 04' 37" East a distance of 208.60 feet to a point and corner; Thence continuing along said right-of-way North 42° 24' 37" East a distance of 125.60 feet to a point and corner; Thence leaving said right-of-way in an easterly direction South 52° 55' 23" East a distance of 402.04 feet to a point and corner; Thence North 37° 04' 37" East a distance of 570.17 feet to a point and corner; Thence North 52° 55' 23" West a distance of 108.71 feet to a point and corner; Thence North 37° 04' 37" East a distance of 190.10 feet to a point and corner; Thence North 52° 55' 23" West a distance of 287.27 feet to the eastern right-of-way of Louisiana Highway 22 being a point and corner; Thence in a northerly direction along the eastern right-of-way of Louisiana Highway 22 North 36° 59' 37" East a distance of 162.31 feet to a point and corner; Thence leaving said right-of-way in an easterly direction South 41 ° 09' 09" East a distance of 3,076.96 feet to the POINT OF BEGINNING.

(Ord.# PD08-01, 1/10/08)