

LOUISIANA COASTAL LAND USE TOOLKIT: 2.1

ADDITIONAL ORDINANCES





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This is the Louisiana Coastal Land Use Toolkit: Additional Ordinances Version 2.1.

The complete Louisiana Coastal Land Use Toolkit as well as the original Louisiana Land Use Toolkit, and Implementation Handbook, are available for download at

www.landusetoolkit.com.



Introduction to the Toolkit

Each community in Louisiana has a unique vision for how they will grow and change over time. Likewise, each community has distinct needs for land use regulation and varying levels of tolerance for placing controls on private property. In order to create a set of regulatory tools that respond to these diverse needs, the Louisiana Land Use Toolkit components include the:

1. **Implementation Handbook;**
2. **Zoning Code;**
3. **Subdivision Code;** and
4. **Additional Ordinances.**



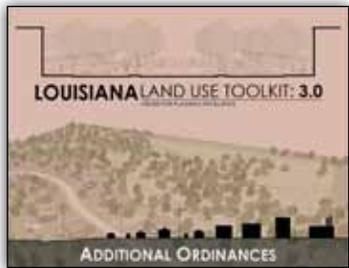
The Toolkit has been written to allow each community to build a regulatory framework that is appropriate for their needs. Each component may be adopted individually or may be combined to create a complete development code.

For example, a community may not be ready for a complete regulatory overhaul and may choose to use just the **Zoning Code** module or **Subdivision Code module**. Similarly, a community may already have zoning and subdivision but need a sign or historic preservation ordinance. In this case, a community would choose from the **Additional Ordinances module**.



Regardless of your community's approach, some level of customizing and editing will be required. If your community needs assistance implementing the Toolkit, the Center for Planning Excellence (CPEX) can help. CPEX has experience implementing the Toolkit in a variety of settings and understands what is required to get the Toolkit adopted in your community.

Additionally, the Implementation Handbook is the user's manual and step-by-step guide for the Toolkit. The Handbook is the starting point and should be consulted before beginning the implementation process. To download a copy of the Implementation Handbook go to www.landusetoolkit.com.



This Additional Ordinances modules can be used to supplement the Zoning Code module or it can be used by a community looking for enhanced requirements for a specific issue. This module includes both overlay districts and site development standards.

Overlay Districts:

- Airport Overlay District
- Rural Corridor Overlay District
- Historic Overlay District

Site Development Standards:

- Parking
- Landscaping
- Outdoor Lighting
- Outdoor Storage and Display
- Signs

Throughout this module are a number of *Editor's Notes*. These notes appear in *italics* and offer suggestions to those calibrating a component either as a stand-alone ordinance or as part of the full Toolkit. The *Editor's Notes* provide alternate language or approaches and cross references that help with customization. Bracketed text in *[blue italics]* must be changed.

AIRPORT OVERLAY DISTRICT

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Sec. 1.1 Airport Overlay District (-AP)

1.1.1 Applicability and Purpose

- A. An Airport Overlay District (-AP) is established in order to protect against hazards, noise and obstruction problems associated with aircraft using the *[insert names of applicable airports]*.
- B. All development proposed within this overlay is subject to the standards specified within this section, in addition to the standards and regulations contained in the underlying district in which the development occurs.
- C. Development activity within this district is subject to regulation primarily to mitigate safety and noise problems; however, land uses within this district are also regulated to mitigate their incompatibility with airport operations.
- D. The provisions of this *[ordinance]* are a supplement to the provisions of the Federal Aviation Act of 1958, 49 U.S.C. 1101 *et seq.*, and Title 14, Code of Federal Regulations, Part 77 (as amended), all of which are incorporated into this zoning code by reference.

1.1.2 Overlay District Boundaries

The Airport Overlay District corresponds with the boundaries of the Day Night Average Sound Level (DNL) 60 noise curve in accordance with planning standards of the FAA. Three subdistricts of regulation are delineated within the Airport Overlay District. The Airport Overlay District and subdistricts are mapped on the Official Zoning Map.

Editor's Note: The overlay zoning districts must be added to the Zoning District Map as overlay districts.

A. Secondary Noise Level (DNL 60) Subdistrict

This subdistrict corresponds to the DNL 60 noise curve. It is considered discretionary because it is the transitional impact level between significant and insignificant noise levels in the vicinity of the airport.

B. Significant Noise Level (DNL 65) Subdistrict

The DNL 65 noise curve is concentrically located inside the DNL 60 noise curve. Due to its proximity to the airport's primary surface, greater noise and safety concerns exist and more restrictive regulation is required.

C. Approach Path Subdistrict

This subdistrict is established to ensure that developments near the airstrip will not pose safety problems due to vertical protrusions. The approach path subdistrict must match the approach path designated by the FAA.

1.1.3 District Standards

The underlying district dimensional and use standards must be met, except where expressly modified below.

A. Discretionary Noise Level District (DNL 60)

Notwithstanding any other provisions of this section, no use may be made of land or water within the DNL 60 noise level district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights (i.e., colors and patterns), result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. Noise mitigation measures are encouraged for any proposed residential development.

B. Significant Noise Level (DNL 65)

Residential uses are prohibited inside the DNL 65 noise curve due to the severe nature of public health, safety and welfare concerns.

C. Approach Path

Within the FAA designated approach path, no building, structure, utility pole or protrusion of any kind must be permitted to extend to a height measured from the mean elevation of the airport runway that exceeds the limits established by the FAA.

1.1.4 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Day Night Average Sound Level (DNL) - A 24-hour average noise level used to define the level of noise exposure on a community. The DNL represents the average sound exposure during a 24-hour period and does not represent the sound level for a specific noise event. A 10 dB correction is applied to nighttime (10:00 p.m. and 7:00 a.m.) sound levels to account for increased annoyance due to noise during the night hours. It is the standard FAA metric for determining cumulative exposure of individuals to noise.

FAA - Federal Aviation Administration.

Overlay District - A district classification superimposed in addition to another (base) district classification. The overlay district includes regulations that either add to or modify the requirements of the underlying zone.

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HISTORIC OVERLAY DISTRICT

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Sec. 1.1 Historic Overlay District (-H)

1.1.1 Purpose

- A. The purpose of this [*ordinance*] is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, safety and welfare of the people of the [*Jurisdiction*] by:
1. Providing a mechanism to identify and preserve the historic and architectural characteristics of [*Jurisdiction*] which represents elements of the community's cultural, social, economic, political and architectural history;
 2. Enhancing property values and the stabilization of historic neighborhoods;
 3. Ensuring sustainability through the conservation of building materials and the embodied energy in existing buildings;
 4. Increasing economic and financial benefits through the community's attractiveness to tourists and visitors; and
 5. Providing educational opportunities to increase public appreciation of the community's unique heritage.
- B. The intent of this [*ordinance*] is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the community's unique historic character by ensuring that demolition of, moving, or alterations to properties of historic value must be carefully considered for impact to the property's contribution to the community's heritage.

1.1.2 District Established

The Historic Overlay District (-H) is hereby established. All Historic Overlay Districts must be adopted consistent with this [*ordinance*] and must be shown on the Official Zoning Map.

1.1.3 District Standards

The standards and design guidelines associated with each Historic Overlay District must be established as set forth in this [*ordinance*].

1.1.4 Historic Preservation Commission

Editor's Note: If adopting the Louisiana Land Use Zoning Code, then Section 1.1.4, Historic Preservation Commission may be moved to a common administrative section.

A. Composition

The Historic Preservation Commission shall consist of five voting members, all residents of the [*Jurisdiction*], appointed by the [*Governing Body*].

B. Qualification

The members shall be appointed on the basis of expertise, experience or interest in the area of architectural history, building construction or engineering, historical and architectural preservation.

C. Terms

Members of the Historic Preservation Commission shall be appointed for terms of three years. Of those members first taking office, one shall be appointed for one year, two for two years, and two for three years. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.

D. Officers

1. Officers shall consist of a chairman, vice-chairman selected from the members of the Historic Preservation Commission and a secretary.
2. Officers shall be serve a term of one year and shall be eligible for re-election, but no member shall serve as the same officer for more than two consecutive years.
3. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present.
4. The secretary to the Historic Preservation Commission shall have the following duties:
 - a. Take minutes of each Historic Preservation Commission meeting;

- b. Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Historic Preservation Commission to its members;
- c. Give notice for all public hearings conducted by the Historic Preservation Commission;
- d. Advise the [*Governing Body*] of vacancies on the Historic Preservation Commission and expiring terms of members;
- e. Prepare and submit to the [*Governing Body*] a complete record of the proceedings before the Historic Preservation Commission on any matter requiring [*Governing Body*] consideration.

E. Meetings

A quorum shall consist of a majority of the members. All decisions or actions of the Historic Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at the call of the Chairman. There shall be a minimum of four meetings per year.

F. Voting

1. No member of the Historic Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member.
2. No action shall be taken by the Commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the Historic Preservation Commission.
3. The Chairman, and in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public.
4. The Preservation Commission keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records if its examinations

and other official actions, all of which shall be immediately filed in the office of the Preservation Commission and shall be a public record.

G. Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

1. To adopt its own procedural regulations;
2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas;
3. To investigate and recommend to the [*Governing Body*] the adoption of ordinances designating properties or structures having special historic, community, or architectural value as landmarks;
4. To investigate and recommend to the [*Governing Body*] the adoption of ordinances designating properties or structures having special historic, community or architectural value as historic districts;
5. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
6. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
7. To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places;
8. To inform and educate citizens concerning the historic and architectural heritage of the community by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
9. To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated

landmarks or structures or historic districts and issue or deny Certificates of Appropriateness for such actions;

10. To develop specific guidelines for the alteration, demolition, construction, or removal of landmarks or property and structures within historic districts;
11. To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated landmarks and historic districts. Such review shall be made prior to the hearing by the [*Governing Body*] or the Board of Adjustment;
12. To administer on the behalf of the community any property or full or partial interest in real property that the community may have or accept as a gift or otherwise, upon designation by the [*Governing Body*];
13. To accept and administer on behalf of the community, upon designation by the [*Governing Body*], such gifts, grants and money as may be appropriate for the purpose of this [*ordinance*];
14. To call upon available staff members as well as other experts for technical advice;
15. To delegate to the Administrator such minor Certificate of Appropriateness decisions as the Commission considers appropriate; and
16. To testify before all boards and commissions, including the Planning Commission and the Board of Adjustment, on any matter affecting historically and architecturally significant property and landmarks.

H. Training

Members of the Historic Preservation Commission shall participate in a minimum of eight hours annual training related to preservation theory and decision-making procedures. The training may be conducted by the Commission and its staff, or it may involve participating in training programs organized by other groups involved in historic preservation.

I. Surveys and Research

1. The Historic Preservation Commission shall undertake an ongoing survey and research effort in the community to identify neighborhoods,

areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value.

2. As part of the survey, the Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs.
3. The Historic Preservation Commission shall identify potential landmarks and historic districts and adopt procedures to nominate them in groups based upon the following criteria:
 - a. The potential landmarks in one identifiable neighborhood or district geographical area of the community;
 - b. The potential landmarks associated with a particular person, event, or historical period;
 - c. The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman; and
 - d. Such other criteria as may be adopted by the Historic Preservation Commission to assure systematic survey and nomination of all potential landmarks within the community.
4. Key, character-defining features should be described on the survey form to inform property owners and decision-makers which elements are most important in preserving the character of the resource.

1.1.5 Landmark Designation

A. Nominations

Nominations shall be made to the Historic Preservation Commission on a form provided by the Commission. A filing fee may be required.

B. Action on Nomination

1. The Historic Preservation Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:

- a. Significant value as part of the historic, heritage or cultural characteristics of the community, parish, state or nation;
 - b. Its identification with a person or persons who significantly contributed to the development of the community, parish, state or nation;
 - c. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;
 - d. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, parish, state or nation;
 - e. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
 - f. Its character as a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance; or
 - g. Area that has yielded or may be likely to yield, information important in history or prehistory.
2. The landmark must be at least 50 years old, unless the resource is found to be exceptionally important in other significant criteria.
 3. A preliminary determination as to whether a property, structure, or area meets one or more of the criteria shall be made within 15 days of filing of a nomination with the Historic Preservation Commission.

C. Landmark Designation Procedures

1. The Historic Preservation Commission shall schedule a public hearing within 60 days after the filing of a nomination.
2. The owner, the Historic Preservation Commission, or any organization with an established interest in historic preservation may request a landmark designation for any structure, building or site within the boundaries of [*Jurisdiction*] which may have historic or architectural significance. A landmark may be designated without the consent of the property owner.
3. A Certificate of Appropriateness shall be required for alteration, con-

struction, removal or demolition of a proposed landmark from the date when the nomination form is presented to the Historic Preservation Commission until the final disposition of the request.

4. A public hearing shall be held by the Historic Preservation Commission and an opportunity afforded the public to consider the landmark designation. During the public hearing, the Commission shall review and evaluate the application according to the criteria above.
5. Written notice of the purpose, time and place of such hearing shall be published in the official journal at least once and at least a minimum of seven days before said hearing; and such written notice may be affixed to a prominent place at or near the main entrance of the building, hall or room where meetings of the [*Governing Body*] are usually held.
6. The Historic Preservation Commission shall submit a final written report to the [*Governing Body*] within 30 days after the public hearing and the report and recommendation shall contain:
 - a. A complete description of the site;
 - b. A map or sketch showing the boundaries of the site; and
 - c. Suggestions for a proposed ordinance designed to implement and carry out the recommendation and the provisions of this [*ordinance*].
7. The owners of record shall be notified promptly by a letter containing information of the Commission's decision.
8. A simple majority vote by the [*Governing Body*] is necessary for approval of a landmark designation. If the [*Governing Body*] approves the application for a designation, a notice will be sent to the property owner and recorded with the Parish Recorder of Deeds.
9. Buildings designated as landmarks shall be subject to issuance of Certificates of Appropriateness.

1.1.6 Historic District Designation

A. Nominations

Nominations shall be made to the Historic Preservation Commission on a form provided by the Commission. A filing fee may be required.

B. Action on Nomination

1. The Historic Preservation Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether an area possesses the integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:
 - a. The district is a geographically definable area including a concentration, linkage or continuity of buildings. The district is related by a pattern of either physical elements or social activities. District boundaries are defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
 - b. The district must be at least 50 years old, unless the resources are found to be exceptionally important in other significant criteria.
 - c. Historic districts shall meet one or more of the following:
 - i. Architectural
 - a) Exemplifies specific elements of an architectural period or style.
 - b) Example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally.
 - c) Demonstrates superior craftsmanship or high artistic value.
 - d) Represents an innovation in construction, materials, or design.
 - e) Style particularly associated with area.
 - f) Represents a built environment of a group of people in an era of history.
 - ii. Social
 - a) Site of historic event that had an effect upon society.
 - b) Exemplifies cultural, political, economic or social heritage of the community.

- c) An association with a notable person or the work of a notable person.
 - iii. Geographic/Environmental
 - a) Enhances sense of identity of the community.
 - b) An established and familiar natural setting or visual feature of the community.

2. The Historic Preservation Commission may seek an indication of support from property owners within the district.
3. Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and information potential.
4. A preliminary determination as to whether an area meets one or more of the criteria shall be made within 15 days of filing of a nomination with the Historic Preservation Commission.

C. District Designation Procedures

1. The Historic Preservation Commission shall schedule a public hearing within 60 days after the filing of a nomination.
2. An owner, the Historic Preservation Commission, or any organization with an established interest in historic preservation may request a district designation for any area within the boundaries of **[Jurisdiction]** which may have historic or architectural significance.
3. A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a proposed contributing structure from the date when the nomination form is presented to the Historic Preservation Commission until the final disposition of the request.
4. A public hearing shall be held by the Historic Preservation Commission and an opportunity afforded the public to consider the district designation. During the public hearing, the Commission shall review and evaluate the application according to the criteria above.

5. Written notice of the purpose, time and place of such hearing shall be published in the official journal at least once and at least a minimum of seven days before said hearing; and such written notice may be affixed to a prominent place at or near the main entrance of the building, hall or room where meetings of the [*Governing Body*] are usually held.
6. The Historic Preservation Commission shall submit a final written report to the [*Governing Body*] within 30 days after the public hearing and the report and recommendation shall contain:
 - a. A complete description of the area;
 - b. A map or sketch showing the boundaries of the area to be included within any proposed historic preservation district; and
 - c. Suggestions for a proposed ordinance designed to implement and carry out the recommendation and the provisions of this [*ordinance*].
7. The owners of record within the district shall be notified promptly by a letter containing information of the Commission's decision.
8. The [*Governing Body*] shall approve the district designation using the procedures for amending the official zoning map. If the [*Governing Body*] approves the application for a designation, a notice will be sent to the property owner and recorded with the Parish Recorder of Deeds.
9. New construction, alterations or additions within areas designated as districts shall be subject to issuance of Certificates of Appropriateness.

1.1.7 Conservation District Designation

The Historic Preservation Commission may also designate a conservation district using the same procedures as those for an historic district. A conservation district shall not enjoy the full protection of an historic district; however, specific key character-defining elements included in the designating ordinance shall be protected and considered in the Certificate of Appropriateness process. Additional development standards that protect the key, character-defining elements may be adopted at the time of district designation, and modified as required after adoption.

1.1.8 Certificate of Appropriateness

A. Certificate Required

1. A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before a building permit, or demolition permit is issued for any designated historic landmark or any building, structure or site in an historic district. A certificate is required if the building, structure or site will be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of such building or structure. Such major changes include, but are not limited to:
 - a. Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;
 - b. Any new construction and demolition in whole or in part requiring a permit from the [*Jurisdiction*];
 - c. Moving a building;
 - d. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.
2. Similarly, if earthworks of historical or archaeological importance exists in the historic district, there shall be no excavating or moving of earth, rock or subsoil without a certificate of appropriateness.
3. The style, scale, material, size and location of outdoor advertising signs and bill posters within an historic preservation district shall also be under the control of such commission.
4. An exception to the Certificate of Appropriateness shall be made if the applicant proves to the Commission that a failure to grant the permit will cause an imminent threat to life, health or property.

B. Standards for Certificate of Appropriateness

1. In making a determination whether to approve or deny an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the Secretary of the Interior's "Standards for

Rehabilitation" and any other design guidelines that the Historic Preservation Commission or [*Governing Body*] may adopt.

2. The Historic Preservation Commission shall not consider interior arrangement or use but shall consider the relationship of the exterior of the buildings concerned with all others in the historic district as to avoid incongruity and promote harmony.
3. Nothing in this [*ordinance*] shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design, material, or of the outward appearance; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which is required by the public safety because of an unsafe or dangerous condition.
4. The requirements of this [*ordinance*] shall not apply to work which has begun or for which a permit has been issued prior to the establishment of the historic district.

C. Design Guidelines

Design guidelines for applying the criteria for review of Certificates of Appropriateness shall at a minimum, consider the following architectural criteria:

1. Height

The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

2. Proportions of Windows and Doors

The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.

3. Relationship of Building Masses and Spaces

The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

4. Roof Shape

The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark.

5. Landscaping

Landscaping should be compatible with the architectural character and appearance of the landmark.

6. Scale

The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

7. Directional Expression

Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

8. Architectural Details

Architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district.

9. New Structures

New structures in an historic district shall be compatible with the architectural styles and design in said districts.

10. Character Defining Elements

For any historic property, that key, character-defining elements are preserved, and that the integrity of the property as an historic resource will be maintained.

D. Hearing on Application

1. The Historic Preservation Commission shall hold a public hearing on each application for a Certificate of Appropriateness, except in those instances where the Commission has determined that the application is not a substantive change and that the Commission has determined the Certificate complies with adopted standards and guidelines.
2. Notice of the time and place of said hearing shall be given by publication

in the form of a legal advertisement appearing in the official journal or in a newspaper having general circulation in the area at least seven days before such hearing, and by the posting of such notice on or near the main entrance of any hall or room where the Commission usually meets.

3. Within not more than 45 days after the filing of an application, the Commission shall pass upon it, giving consideration to the adopted standards and guidelines, and shall give written notice of its decision to the applicant setting forth the reasons for the decision.
4. Evidence of approval shall be by certificate of appropriateness issued by the Commission, and whatever its decision, notice in writing shall be given to the applicant.
5. The commission shall keep a record of all applications for certificates of appropriateness and of all its doings under this [ordinance].
6. A Certificate of Appropriateness shall be invalid if changes in the plans review by the Historic Preservation Commission are necessary in obtaining a building permit or if the building permit issued for the work becomes invalid. The Certificate of Appropriateness remains valid for the same period of validity as the building permit.

E. Certificate of Economic Hardship

1. Notwithstanding any of the provisions of this [ordinance] to the contrary, the Historic Preservation Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.
2. An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:
 - a. The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
 - b. The assessed value of the land and improvements thereon according to the two most recent assessments.
 - c. Real estate taxes for the previous two years.

- d. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.
 - e. All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.
 - f. Any listing of the property for sale or rent, price asked and offers received, if any.
 - g. Any consideration by the owner as to profitable adaptive uses for the property.
 - h. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any during the same period.
 - i. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
 - j. Any other information including the income tax bracket of the owner, applicant or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.
3. If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed 90 days. During this period of delay, the Commission shall investigate plans and make recommendations to the [Governing Body] to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to:
 - a. A relaxation of the provisions of this [ordinance];
 - b. A reduction in real property taxes;
 - c. Financial assistance;
 - d. Building code modifications; or
 - e. Changes in zoning regulations.

4. If by the end of this go-day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship.

F. Appeals

1. When a Certificate of Appropriateness or a Certificate of Economic Hardship is approved or denied for either a landmark or a structure within a historic district, the applicant or any interested party may, within 30 days, appeal the Commission's decision to the **[Governing Body]**.
2. The **[Governing Body]** may receive comments on the contents of the record but no new matter may be considered by the **[Governing Body]**.
3. The **[Governing Body]** may affirm the decision or recommend changes by a majority vote after due consideration of the facts contained in the record submitted to the **[Governing Body]** by the Commission,.
4. The **[Governing Body]** may overturn the Commission's decision by a majority vote of a quorum of the **[Governing Body]**.
5. If the **[Governing Body]** decides that a Certificate of Economic Hardship should be issued, the Secretary shall notify the applicant.
6. If the **[Governing Body]** concurs with the Commission's decision not to issue a Certificate of Economic Hardship, the Secretary shall notify the applicant.

G. Natural Destruction or Demolition

In the case of partial or complete natural destruction or demolition of a site within an historic district or of a landmark, the owner will be required to obtain a Certificate of Appropriateness from the Historic Preservation Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

1. The exterior design of the structure prior to damage; and

2. The character of the district.

1.1.9 Enforcement

- A. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated landmark or designated historic district without a Certificate of Appropriateness shall be guilty of a misdemeanor. Every day such violation shall continue to exist shall constitute a separate violation.
- B. The Administrator is authorized to enforce this **[ordinance]**.
- C. The Historic Preservation Commission may institute any appropriate action or proceeding in the name of the community to enjoin, correct or abate any violation of this ordinance.

1.1.10 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Administrator - The person or office designated by the **[Governing Body]** and charged with certain tasks including but not limited to interpreting the provisions of this **[ordinance]**, and other duties prescribed under this **[ordinance]**.

Certificate of Appropriateness - A certificate from the Historic Preservation Commission authorizing plans for alterations, construction, removal or demolition of a landmark or site within a designated historic district.

Overlay District - A district classification superimposed in addition to another (base) district classification. The overlay district includes regulations that either add to or modify the requirements of the underlying zone.

FLOOD DAMAGE REDUCTION

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***Editor's Note:** All communities that participate in the National Flood Insurance Program have adopted a version of the model Flood Damage Prevention Ordinance that is propagated by FEMA. FEMA's model ordinance provides a basic level of protection for communities. The Louisiana Coastal Land Use Toolkit has taken this basic model and made modifications to streamline and clarify the requirements while enhancing select standards to provide better protection for the community and position adopting communities to receive reduced flood insurance premiums through FEMA's Community Rating System. For more information about the Community Rating System please visit: www.fema.gov/business/nfip/crs.shtm*

The section and paragraph numbering of this ordinance differ from the other ordinances in the Coastal Toolkit to better reflect the State's Flood Plain Management support materials. Communities adopting this ordinance should consult with the Louisiana Department of Transportation and Development's office of Floodplain Management. This office serves as the State coordinating agency for the National Flood Insurance Program.

Article 1. Statutory Authorization, Purpose and Methods

Editor's Note: Statutory Authorization and Findings of Fact must be included as part of the whereas provisions but do not need to be codified as part of the ordinance language.

Section A. Statutory Authorization

The Legislature of the State of Louisiana has statute LRS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the **[governing body]** of **[Jurisdiction]**, Louisiana, ordains the following.

Section B. Statement of Purpose

These regulations are intended to exercise the full range of authority available to the **[Jurisdiction]** under Louisiana law to:

1. Protect human life and health;
2. Minimize public and private losses due to flood conditions in specific areas;
3. Minimize expenditure of public money for flood control projects;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business interruptions;
6. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
7. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
8. Ensure that potential buyers are notified that property is in a flood area;

Section C. Methods of Reducing Flood Losses

In order to accomplish its purposes, this **[ordinance]** uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Article 2. Definitions

[*Editor's Note:* Definitions may be moved to a common definitions section at the time of adoption.]

Section A. Definitions in General

The following defined terms apply only to those words or phrases as used in this, Flood Damage Reduction ordinance. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Section B. Defined Terms

Areas of Shallow Flooding - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Areas of Special Flood Hazard - The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the Flood Insurance Rate Map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year – also called the Base Flood.

Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Bioshields - Vegetated buffers that occur along watercourses and around wetlands that serve to slow storm surges and protect development from storm debris.

[**Critical Facilities**] - Hospitals or nursing homes, police stations, fire stations, and emergency operations centers that are needed for flood response activities, public and private utility facilities that are vital to maintaining or restoring normal service to flooded areas, and structures or facilities that produce, or store highly volatile, flammable, explosive, toxic and /or water reactive materials.

Development - Any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building – For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing Structure - For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the Flood Insurance Rate Map or before January 1, 1975, for Flood Insurance Rate Maps effective before that date. "Existing construction" may also be referred to as "existing structures."

Extraordinary Relief – A grant of relief by a community from the terms of a floodplain management regulation.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – An evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an evaluation and determination of mudslide or flood-related erosion hazards.

Floodplain or Flood-Prone Area - Any land area susceptible to being inundated by water from any source (see Flooding).

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations - Zoning ordinances, subdivision regulations, building codes, health regulations, development standards and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System - Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
[Check Use]

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and wastewater facilities, structures and their contents.

Floodway – see Regulatory Floodway

Functionally Dependent Use - A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or;
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Editor's Note: If adopting the Toolkit: Zoning Code then delete this definition for Manufactured home and use the definition of Manufactured home in the Toolkit

Manufactured Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction - For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood-

plain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle - A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine – Relating to, formed by, or resembling a river (including tributaries), stream, canal, etc.

Sand Dunes - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special Flood Hazard Area – see Area of Special Flood Hazard.

Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work

beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any [*combination of repairs,*] reconstruction, rehabilitation, addition, or other improvement of a structure [*taking place in the life of the structure*] the [*cumulative*] cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Editor's Note: The definition of substantial improvement has been modified to account for the cumulative calculation of repairs and improvements over the life of the structure. Communities not looking for CRS points associated with the higher regulatory standards may not want to use the language in **blue italics**.*

Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article 3. General Provisions

Section A. Applicability

The provisions of this Article apply to all areas of special flood hazard within *[Jurisdiction]*.

Section B. Areas of Special Flood Hazard Established

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for *[from the FIS Title]*," dated *[date of latest FIS]*, with accompanying Flood Insurance Rate Maps (FIRM) dated *[date of latest FIRM index]*, and any revisions are hereby adopted by reference and declared to be a part of this *[ordinance]*.

Section C. Site Development Permit Required

A Site Development Permit issued in accordance with *[Insert Citation]* is required for any development activity that is subject to the terms of this Article.

Section D. Compliance

No structure or land shall be located, altered, or have its use changed without full compliance with the terms of this *[ordinance]* and other applicable regulations.

Section E. Rules for Interpretation

The provisions of this *[ordinance]* shall be interpreted as the minimum requirements and liberally construed in favor of the *[Jurisdiction]*. They are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Warning and Disclaimer of Liability

1. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On occasion, greater floods can and will occur and flood heights may be increased by man-made or natural causes.
2. The provisions of this section do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this section shall not create liability on the part of the *[Jurisdiction]* or any official or employee of the *[Jurisdiction]* for any flood damages that result from reliance on the provisions of this section or any administrative decision made under this *[ordinance]*.

Article 4. Administration

Editor's Note: If adopting the Toolkit Zoning Code or Subdivision Code, then the Administrative provisions may be moved and consolidated with the administration section at the time of adoption.

Section A. Designation of the Floodplain Administrator

The **[Insert Official]** is appointed as the Floodplain Administrator to administer and implement the provisions of this **[ordinance]** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

Editor's Note: If adopting the Toolkit Zoning Code or Subdivision Code, then the Toolkit Administrator may be assigned the responsibilities of the Floodplain Administrator in this section. If this is done then the Authority sections below may be consolidated and the term Flood Plain Administrator changed to Administrator.

Section B. Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Interpreting the provisions of this **[ordinance]**;
2. Maintaining holding open for public inspection, all records related to the provisions of this **[ordinance]**;
3. Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding;
4. Review, approve or deny all applications for development permits required by adoption of this ordinance;
5. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental

agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;

6. Notify, in riverine situations, adjacent communities and the Louisiana Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
7. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
8. When base flood elevation data has not been provided in accordance with **Article 3**, Section B, Areas of Special Flood Hazard Established, the Floodplain Administrator must obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of **Article 5**;
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) is permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

Section C. Permit Procedures

1. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by the **[Jurisdiction]** and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of [Article 5, Section B \(2\)](#); and
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
2. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - h. The necessity to the facility of a waterfront location, where applicable; and
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Section D. Variance

1. The [\[Appeal Board or Board of Adjustment\]](#), as established by the [\[Governing Body\]](#), shall hear and render judgment on requests for variances from the requirements of this [\[ordinance\]](#).
2. The [\[Appeal Board or Board of Adjustment\]](#), shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the [\[Appeal Board or Board of Adjustment\]](#) may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator must maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of $\frac{1}{2}$ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [Section C \(2\)](#) of this Article have been fully considered. As the lot size increases beyond the half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this [\[ordinance\]](#).
8. Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not pre-

clude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances may only be issued upon:
 - i. A showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in **Article 4, Section D (1)-(9)** are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Article 5. Provisions for Flood Damage Reduction

Section A. General Standards

The following provisions are required for all new construction and substantial improvements in all areas of special flood hazard.

1. All new construction or substantial improvements must be designed or modified, and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Editor's Note: Paragraph (A) above can be written to allow for floating homes by removing the term flotation from the provision. This will allow floating homes provided they are designed and constructed to prevent lateral movement during flood events.

2. All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements must be constructed with materials resistant to flood damage.
4. All new construction or substantial improvements must be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement wastewater sewer systems must be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
7. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

Section B. Specific Standards

The following provisions are required in areas of special flood hazards where base flood elevation data has been provided in Article 3. Section B, Areas of Special Flood Hazard Established, Article 4. Section B, Duties and Responsibilities of the Floodplain Administrator or Article 5. Section C, Standards for Subdivisions.

1. Residential Construction

Editor's Note: The default 30 inch metric in blue italics below is a free board requirement that runs throughout this model. While free board is highly recommended, communities not looking for CRS points associated with the higher regulatory standards may only want to use the minimum requirement of base flood elevation.

- a. All new construction and substantial improvement of any residential structure must have the lowest floor, including any basement, elevated to **[30 inches]** above the base flood elevation or higher.
- b. A registered professional engineer, architect, or land surveyor must submit a certification to the Floodplain Administrator that the above standard is satisfied.

2. Nonresidential Construction

- a. All new construction and substantial improvements of any nonresidential structure must either:
 - i. Have the lowest floor, including any basement, elevated to **[30 inches]** above the base flood elevation or higher; or coastal high hazard area
 - ii. Be designed so that the area below **[30 inches]** above the base flood elevation, together with all utility and wastewater facilities, is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- b. A registered professional engineer or architect must develop or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for this provision.

3. Critical Facilities

Editor's Note: The following language for Critical Facilities is optional and may not be appropriate in certain sections of Coastal Louisiana. This language is included to provide communities an opportunity to achieve CRS points for higher regulatory standards.

[Critical facilities must be constructed on properly compacted fill and have the lowest floor, including any basement, elevated to 12 inches above the 500-year flood or higher. A critical facility must have access from a road that is no lower than six inches below the 500-year flood.]

4. Enclosures

- a. All new construction and substantial improvement with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Editor's Note: Enclosures are another areas where a community may receive CRS points for achieving higher regulatory standards. If communities are looking to maximize their CRS points they may consider replacing the language of sub-paragraphs 1 and 2 above with the language below.

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation must prohibit finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. Provide at least two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings may be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area must be the minimum necessary to allow for parking of vehicles or limited storage of maintenance equipment used in connection with the premises or entry to the living area.
- c. The interior portion of such enclosed area may not be partitioned or finished into separate rooms.
- d. The total floor area of all such enclosed areas may not exceed 300 square feet

5. Manufactured Homes

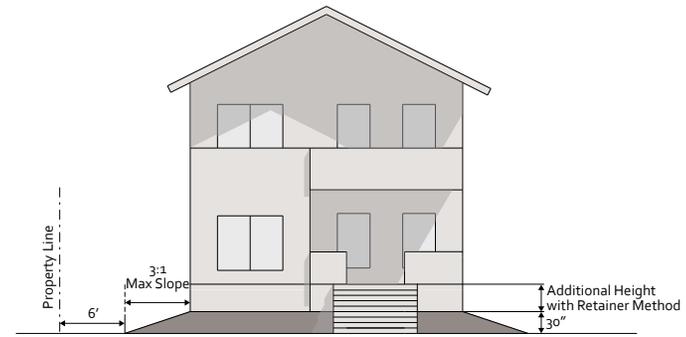
- a. All manufactured homes placed or substantially improved within Zone A of the [Jurisdiction's] Flood Insurance Rate Map must be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.
- b. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the [Jurisdiction's] Flood Insurance Rate Map must be elevated on a permanent foundation such that the bottom of the longitudinal structural I-beam of the manufactured home is elevated to [30 inches] above the base flood elevation or higher and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

6. Recreational Vehicles

- a. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the [Jurisdiction's] Flood Insurance Rate Map must either:
 - i. Be on the site for fewer than 180 consecutive days; or
 - ii. Be fully licensed and ready for highway use; or
 - iii. Meet the permit requirements of Article 4. Section C, Permit Procedures, as well as the elevation and anchoring requirements for Article 5. Section B. 5, Manufactured Homes.
- b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

7. Use of Fill Material on Individual Lots

No fill may be placed on an individual lot except as provided below.



- a. A maximum of [30 inches] of fill material is allowed under the roof line of the principal building without using a retaining wall method of construction.
- b. If more than [30 inches] of fill are used, then retainer methods of construction are required beyond the initial [30 inches] allowed.
- c. Fill for all structures that taper to the natural grade at the edge must slope at a grade not to exceed three horizontal feet for every one vertical foot [3:1]. In any case, this fill may not extend out from any improvement or foundation more than six feet.
- d. No fill may be placed within [six] feet of the property line.
- e. No fill may be placed within [six] feet of a floodway.
- f. No fill may be allowed around existing trees or groups of trees that are required to remain on the lot.
- g. When multiple lots are combined for the purposes of a common development the Floodplain Administrator may treat them as a common lot.

Section C. Standards For Subdivisions

1. All subdivision proposals, including the placement of manufactured home parks, must be consistent with Article 1, Sections B, C, and D of this [ordinance].
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data must be generated for any proposed subdivision, including manufactured home parks, or any other proposed development which is greater than 5 acres, if not otherwise provided pursuant to Article 3, Section B, Areas of Special Flood Hazard Established.
4. Any application for subdivision or a manufactured home park must have adequate drainage provided to reduce exposure to flood hazards.

Editor's Note: The following two paragraphs should also be included in the communities subdivision provisions. The first paragraph should be included in communities where it is feasible to require new streets to be built to just below the base flood elevation.

5. [All new streets, provided as part of a subdivision with a residential component, must be constructed so that the streets will be no more than six inches below the base flood elevation.]
6. Any public utilities and facilities such as sewer, gas, electrical and water systems planned as part of a subdivision, including manufactured home parks or any other proposed development which is greater than 5 acres, must be located and constructed to minimize or eliminate flood damage.

Section D. Standards for Areas of Shallow Flooding

The following provisions apply to areas of shallow flooding, AO or AH zones, designated pursuant to Article 3, Section B, Areas of Special Flood Hazard Established.

1. Generally

- a. A registered professional engineer or architect must submit a certification to the Floodplain Administrator that the standards of this section are satisfied.
- b. Adequate drainage paths around structures on slopes are required within Zones AH and AO to guide flood waters around and away from proposed structures.

2. Residential Structures

All new construction and substantial improvements of any residential structure must have the lowest floor, including any basement, elevated to:

- a. [30 inches] above the base flood elevation or higher; or
- b. [30 inches] above the highest adjacent grade that is at least as high as the depth number specified on the [Jurisdiction's] Flood Insurance Rate Map.

3. Non-Residential Structures

All new construction and substantial improvements of any nonresidential structure must comply with one of the following.

- a. Have the lowest floor, including any basement, elevated to:
 - i. [30 inches] above the base flood elevation or higher; or
 - ii. [30 inches] above the highest adjacent grade that is at least as high as the depth number specified on the [Jurisdiction's] Flood Insurance Rate Map.
- b. Be designed so that the area, below [30 inches] above the base specified flood depth in an AO Zone or below [30 inches] above the base flood elevation in an AH Zone, together with all utility and wastewater facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Section E. Standards for Floodways

The following provisions apply to floodways designated pursuant to Article 3, Section B, Areas of Special Flood Hazard Established.

1. Encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodways, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If the standard above is satisfied, then all new construction and substantial improvements must comply with **Article 5. Provisions for Flood Damage Reduction**.
3. When a regulatory floodway has not been designated, no new construction, substantial improvements, fill or other development may be allowed within Zones A1-30 and AE on the [*Jurisdiction's*] Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section F. Standards for Coastal High Hazard Areas

Editor's Note: This section only applies to communities with Coastal High Hazard Areas. If your community does not contain such an area this section may be removed.

In addition to meeting or exceeding all of the provisions outlined in this section, all property located in the Coastal High Hazard Areas, Zones V1-30, VE, or V, designated pursuant to **Article 3. Section B**, Areas of Special Flood Hazard Established must also comply with the following provisions.

1. Applicants for all new and substantially improved structures must submit the elevation, in relation to mean sea level, of the bottom of the lowest horizontal structural member of the lowest floor or basement.
2. All new construction must be located landward of the reach of mean high tide
3. All new construction and substantial improvements must be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor is elevated to [**30 inches**] above the base flood elevation or higher; and
 - b. The pile or column foundation and structure must be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used must be those associated with the base flood. Wind loading values used must be those required by [*Insert applicable State or local building standards*]. A registered professional engineer or architect must develop or review the structural design, specifications and plans for the construction, and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting this provision.
4. All new construction and substantial improvements must have the space below the lowest floor either free of obstruction, or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse or other structural damage to the elevated portion of the building or supporting foundation system.
5. Any breakaway wall must have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.
6. Use of breakaway walls may exceed a design safe loading resistance of 20 pounds per square foot if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. The breakaway wall collapse must result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on structural and nonstructural building components. Water loading values used must be those associated with the base flood. Wind loading values used must be those required by [*Insert applicable State or local building standards*].

7. If breakaway walls are used, then the enclosed space may be used solely for parking of vehicles, building access, or storage. The enclosed space may not be used for human habitation.
8. The use of fill for structural support of buildings is prohibited.
9. The man-made alteration of sand dunes, mangrove stands, or bioshields that increase potential flood damage is prohibited.
10. All manufactured homes placed or substantially improved within Zone V1-30, V, or VE of the *[Jurisdiction's]* Flood Insurance Rate Map must meet the standards of **Article 5. Section B. 5**, Manufactured Homes, as well as all of the provisions of this section.
11. Recreational vehicles placed on sites within Zones V1-30, V, or VE on the *[Jurisdiction's]* Flood Insurance Rate Map must comply with the standards of **Article 5. Section B. 6**, Recreational Vehicles, as well as all of the provisions of this section.

Section G. Penalties

1. No structure or land may be constructed, located, extended, converted, or altered without full compliance with the terms of this *[section]* and other applicable regulations.
2. Violation of the provisions of this *[section]* by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.
3. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than *[Insert Dollar Amount per Jurisdiction]* or imprisoned for not more than *[Insert Jail Time]*, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case.
4. Nothing shall prevent *[Jurisdiction]* from taking such other lawful action as is necessary to prevent or remedy any violation.

STORMWATER MANAGEMENT

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***Editor's Note:** This ordinance is contains the basic construction phase and post-construction stormwater management provisions. This ordinance does not integrate stormwater management with streetscape and parking lot design but if communities adopt this ordinance with the Toolkit's Landscaping and Parking provisions it will have the same effect.*

Sec. 1.6 General Provisions

1.6.1 Purpose

Editor's Note: Many of the following purpose statements already appear in the Toolkit Zoning Code and/or Subdivision Code. If this ordinance is used in combination of either then the purpose statements must be combined.

These regulations are intended to exercise the full range of authority available to the [Jurisdiction] under Louisiana law to:

- A. Safeguard and enhance property values and protect public and private investment;
- B. Reduce the negative environmental effects of development while protecting and enhancing the value of developed properties and the surrounding area;
- C. Encourage land use planning at the neighborhood and watershed scales that promotes compact, infill development and reduction in total impervious area to protect environmentally sensitive areas, natural resources and to provide reductions in runoff volume and pollutant loads on a per capita basis;
- D. Minimize stormwater runoff from development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- E. Approximate the natural pre-development hydrology, including water quality and water quantity, as closely as possible;
- F. Minimize nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- G. Reduce the peak flows and runoff volumes of stormwater, through stormwater management controls that filter and infiltrate stormwater close to the source;
- H. Establish standards for the incorporation of natural stormwater best management practices that are appropriate to the land use, context and site conditions;

1.6.2 Construction Standards

The standards for the construction of the improvements required under this [Ordinance] shall be in accordance with the technical specifications established by the [Jurisdiction].

1.6.3 Improvement Guarantees

- A. Prior to issuance of a [use and occupancy permit], the applicant must either have installed improvements specified in this [ordinance] as shown on approved construction drawings or have guaranteed the installation of improvements specified under this [ordinance] by a bond with surety accepted by the [Governing Body].
- B. The applicant must submit a cost estimate and time schedule for construction or installation of each phase of improvements.
- C. If the applicant is guaranteeing public stormwater improvements, or other improvements that are tying into public systems, a bond with surety must be required guaranteeing all on-site and off-site improvements. The bond must be for an amount equal to 125 percent of the improvement cost estimate, and in a form approved by the [Jurisdiction] Attorney.
- D. If improvements are proposed in phases, the bond may be reduced by the cost of the installed improvements as each phase of improvements is installed and inspected by [Jurisdiction].

Sec. 1.7 Stormwater Management

Editor's Note: This section also appears in the Toolkit's Subdivision Code. If adopting the Subdivision Code then remove this section.

1.7.1 Applicability

The provisions of this section, apply to all land development at construction phase and post-construction phases. The criteria for when each applies is established below.

A. Construction Phase

Land disturbing activities which are in excess of [5,000] square feet or [500] cubic yards of earth moved must comply with the Construction Phase Stormwater Management standards of 1.2.4, Construction Phase Stormwater Management.

B. Post-Construction Phase

The development or redevelopment of any lot or site [6,000] square feet in size or larger must comply with the Post-Construction Stormwater Management standards of 1.2.5, Post-Construction Stormwater Management.

C. Exempt Activities

The following activities are exempt from all stormwater management requirements:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
2. Any temporary activity that lasts less than two weeks and returns the site to the pre-activity conditions;
3. Expansion in gross floor area or impervious area of less than [10] percent or [2,000] square feet, whichever is less; and
4. Lands used for agricultural purposes.

1.7.2 Site Development Permit Required

Editor's Note: If adopting the Toolkit Zoning Code then the site development permit may be replaced by the zoning permit. The point is to have a mechanism in place that allows for review prior to development.

A Site Development Permit issued in accordance with 1.3.5, Site Development Permit is required for any development activity that is subject to the terms of this section.

1.7.3 Stormwater Management Plan

A. Plan Approval

1. Prior to the approval of a site development permit, the [Administrator] approve a stormwater management plan submitted by the applicant.
2. Modifications to an approved stormwater management plan may be reviewed and approved by the [Administrator].

B. Plan Requirements

1. The stormwater management plan must contain plans for managing the impacts of stormwater during the construction phase and post-construction phase of the project as applicable. Hydrologic parameters that reflect the fully built-out development must be used in all engineering calculations.
2. All stormwater best management practices (BMPs) identified in the plan must be designed and constructed to meet the standards of this section.
3. The post-construction phase of a stormwater management plan must describe how the proposed project will or will not, address the following site design goals:
 - a. Manage rainfall as close to where it falls as possible;
 - b. Use simple, natural, cost-effective stormwater BMPs that are appropriate to the [Context or Character Area] of the project;
 - c. Preserve natural resources, and existing hydrologic patterns as framework for site design; and
 - d. Reduce consumption of land for the sole purpose of stormwater management.
4. Stormwater management plans must be prepared under the seal of an engineer, or landscape architect licensed in the state of Louisiana.

C. Common Development Plans

Projects with multiple lots or sites, developed under a common development plan, are considered a single development and may submit one stormwater management plan that describes how the project as a whole will use BMPs to meet the performance criteria for post-construction stormwater management.

1.7.4 Construction Phase Stormwater Management

Construction phase stormwater management BMPs control erosion and sediment runoff during site clearing, grading and the construction process. All construction phase stormwater BMPs used during construction must meet the following standards.

A. General Standards

1. The applicant must install all BMPs in a manner consistent with the approved stormwater management plan.
2. All BMPs used on a site must be maintained in a continuously effective condition until removed.
3. The **[Administrator]** must approve the removal of all BMPs.
4. All BMPs must meet the design criteria set forth in **[Insert Source or Technical Manual]** and must prevent the runoff of sediment from the site as detailed in the approved stormwater management plan.
5. All site work, materials, plans and test reports must be available at all times for inspection by officials of the **[Jurisdiction]**.

B. Clearing and Grading Standards

1. The clearing and grading of any natural resource area, such as forests and wetlands, are not allowed, except when in compliance with **[Insert Citation to Sec. 1.5, Tree Preservation]**, and all state and federal laws and regulations.
2. All site clearing methods and techniques used, must be as described in the stormwater management plan and be consistent with **[Insert Source or Technical Manual]**.
3. Site clearing may not begin until all sediment control devices have been installed and stabilized.
4. Clearing and grading activities that disturb more than **[20]** acres must be phased. The size and timing of each phase must be established in the stormwater management plan.
5. All site clearing and grading methods should be conducted in a manner that minimizes the alteration or disturbance to natural drainage patterns.

C. Erosion Control Standards

1. Temporary slopes steeper than **[3:1]** must be stabilized with sod, seed and anchored straw mulch, or other approved stabilization measures, within **[14]** days of disturbing the slope. Other BMPs designed to control erosion on steep slopes or drainage ways may be approved in the stormwater management plan.
2. When seeding or another vegetative erosion control method is used, it must be established within **[14]** days or the **[Administrator]** may require the area to be replanted or a nonvegetative option employed.
3. Soil stabilization must be completed within seven days of site clearing or inactivity in construction.
4. Soil stockpiles must be stabilized or covered at the end of each workday.
5. BMPs must be incorporated to prevent the blowing of dust or sediment from the site.
6. Runoff from upland portions of the site must be diverted around any disturbed slope.

D. Sediment Control Standards

1. Runoff from any land disturbing activity must be directed through an approved sediment control device.
2. A settling basin may be installed to allow conversion to an irrigation pond, retention basin or other post-construction stormwater BMP.
3. Adjacent properties must be protected from runoff by the use of a vegetated buffer strip or other perimeter controls.

E. Waterway and Watercourse Protection Standards

1. If a watercourse will be crossed regularly during construction, a temporary crossing must be installed as approved by the **[Administrator]**.
2. The channel of the watercourse must be stabilized before, during, and after any in-channel work.
3. Outlets of any pipes or paved channels must be stabilized to prevent erosion.

F. Drainage Standards

1. The final grade must provide adequate gradients to provide positive drainage away from all building foundations or openings.
2. No applicant may add fill to a site which causes runoff to pond off-site, unless the ponding is in a stormwater BMP serving multiple sites.
3. A splashblock must be installed at the bottom of each downspout unless the downspout is connected by a drain line to an acceptable outlet, reservoir or cistern.

G. Construction Site Access Standards

1. All construction site access points must be designed and constructed to prevent the deposition of sediment and construction materials onto public rights-of-way. This may be accomplished by installing and maintaining a stabilized construction entrance, or by other methods approved as part of the stormwater management plan.
2. Any sediment and construction materials deposited onto public streets must be removed immediately.

1.7.5 Post-Construction Stormwater Management

The post-construction stormwater management addresses structural and non-structural stormwater management facilities. All post-construction stormwater BMPs used on a site or as part of a development must meet the following standards.

A. Performance Criteria

Editor's Note: The numbers in blue italics may be adjusted locally to reflect the community's regulatory threshold or the water quantity and water quality levels required by the EPA, DNR or DEQ as the case may be.

1. Water Quantity

The design and construction of all post-construction stormwater management methods must meet the following performance criteria for managing water quantity either on an individual site or as part of an approved neighborhood or community-wide stormwater management system.

a. Infill Development

The stormwater management system for an infill development must be designed and constructed to manage the [85th percentile] rain event.

b. Greenfield Development

The stormwater management system for a greenfield development must be designed and constructed to manage the [95th percentile] rain event.

2. Water Quality

The stormwater management system must be designed and constructed to remove a minimum of [80 percent] of the average annual post-development total suspended solids load for the water managed on site or as part of an approved neighborhood or community-wide stormwater management system.

3. Groundwater Recharge

Annual groundwater recharge rates must be maintained at pre-development levels.

B. General Standards

1. The applicant must install all post-construction stormwater BMPs consistent with the approved stormwater management plan.
2. All post-construction stormwater BMPs used on a site or project must be maintained in a continuously effective condition until removed.
3. All post-construction stormwater BMPs must meet the design criteria set forth in [Insert Source or Technical Manual] and must manage all stormwater as provided in the approved stormwater management plan.
4. All site work, materials, plans and test reports must be available at all times for inspection by officials of the [Jurisdiction].

C. Post-Construction Stormwater BMPs

Editor's Note: The post-construction BMPs identified in this ordinance are described in detail in the book Light Imprint Handbook: Integrating Sustainability and Community Design by Thomas E. Low. Communities may choose to use the Light Imprint Handbook as a guide that the Administrator may use in approving equivalent alternatives.

1. Organization and Integration

- a. Post-construction stormwater BMPs are organized into one or four categories: paving, channeling, storage, and filtration based on their primary purpose. BMPs may have more than one purpose.
- b. Each BMP may be used individually or combined to create an integrated system capable of managing the post-construction stormwater runoff.
- c. Post-construction stormwater management methods may be integrated into required streetscapes, [Insert Citation to Streetscapes], required surface parking area design [Insert Citation to Parking Area Design], or into any other on site planing or landscaping amenity.

2. [Context or Character] Areas

Not all post-construction stormwater BMPs are appropriate in all parts of the community. Some should be used only in rural areas while others are only appropriate in suburban or urban areas. Each of the BMPs is further organized by the [Context or Character] Area where they should be used.

D. Post-Construction Stormwater BMPs

Editor's Note: The following post-construction stormwater BMPs are organized by Context Area. They are intended for use by communities that are mapping context areas. The recommended BMPs may be calibrated by the community to better reflect their needs. Communities not mapping context areas should use the BMPs organized on the following page.

1. Paving Methods

The BMPs in the table below establish the options for the paving of walkways, plazas, driveways and vehicular use area by Context.

PAVING OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Compacted earth	■	■				
Wood planks	■	■	■			
Crushed stone, gravel or shell		■	■			
Paver blocks		■	■	■		
Grassed cellular plastic or concrete		■	■	■		
Asphalt (conventional or pervious)		■	■	■	■	■
Concrete (conventional or pervious)			■	■	■	■

Blank Cell = Not Recommended ■ = Recommended

2. Channeling Methods

The BMPs in the table below establish the options for channeling stormwater within a site's post-construction stormwater system by Context.

CHANNELING OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Drainage ditch	■	■				
Natural creek	■	■	■			
Vegetative or stone swale	■	■	■			
Stone or rip-rap channel		■	■			
French drain		■	■	■		
Planting strip trench		■	■	■	■	■
Canal		■	■	■	■	■
Concrete pipe			■	■	■	■
Curb and gutter			■	■	■	■
Masonry or concrete trough			■	■	■	■

Blank Cell = Not Recommended ■ = Recommended

3. Storage Methods

The BMPs in the table below establish the options for the storage of stormwater within a site's post-construction stormwater system by Context.

STORAGE OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Irrigation pond		■	■			■
Retention basin		■	■			■
Retention hollow or pond			■	■		■
Detention pond			■	■		■
Dry well			■	■		■
Landscaped tree wells			■	■	■	■
Underground vault, pipe or cistern			■	■	■	■
Grated tree well				■	■	■
Paved basin				■	■	■

Blank Cell = Not Recommended ■ = Recommended

4. Filtration Methods

The BMPs in the table below establish the options for the filtration of stormwater within a site's post-construction stormwater system by Context.

FILTRATION OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Wetland swamp or shallow marsh	■	■	■			■
Filtration pond	■	■	■			■
Natural vegetation or surface landscaping	■	■	■	■	■	■
Constructed wetland		■	■			■
Bio-retention swale		■	■			■
Rain garden		■	■			■
Roof garden		■	■	■	■	■
Vegetative purification bed			■	■	■	■
Waterscape				■	■	■

Blank Cell = Not Recommended ■ = Recommended

E. Post-Construction Stormwater BMPs

Editor's Note: The following post-construction stormwater BMPs are organized by Character Area. They are intended guide communities that are not mapping the various context areas towards appropriate BMPs. The recommended BMPs may be calibrated by the community to better reflect their needs.

1. Paving Methods

a. The BMPs in the table below establish the options for the paving of walkways, plazas, driveways and vehicular use areas in each area.

PAVING OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Compacted earth	■		
Wood planks	■	■	
Crushed stone, gravel or shell	■	■	
Paver blocks	■	■	■
Grassed cellular plastic or concrete	■	■	■
Asphalt (conventional or pervious)	■	■	■
Concrete (conventional or pervious)		■	■

Blank Cell = Not Recommended ■ = Recommended

2. Channeling Methods

The BMPs in the table below establish the options for channeling stormwater within a site's post-construction stormwater system in each area.

CHANNELING OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Drainage ditch	■		
Natural creek	■	■	
Vegetative or stone swale	■	■	
Stone or rip-rap channel	■	■	
French drain	■	■	■
Planting strip trench	■	■	■
Canal	■	■	■
Concrete pipe		■	■
Curb and gutter		■	■
Masonry or concrete trough		■	■

Blank Cell = Not Recommended ■ = Recommended

3. Storage Methods

The BMPs in the table below establish the options for the storage of stormwater within a site's post-construction stormwater system in each area.

STORAGE OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Irrigation pond	■	■	
Retention basin	■	■	■
Retention hollow or pond		■	■
Detention pond		■	■
Dry well		■	■
Landscaped tree wells		■	■
Underground vault, pipe or cistern		■	■
Grated tree well			■
Paved basin			■

Blank Cell = Not Recommended ■ = Recommended

4. Filtration Methods

The BMPs in the table below establish the options for the filtration of stormwater within a site's post-construction stormwater system in each area.

FILTRATION OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Wetland swamp or shallow marsh	■		
Filtration pond	■		
Constructed wetland	■	■	
Bio-retention swale	■	■	
Rain garden	■	■	
Natural vegetation or surface landscaping	■	■	■
Roof garden	■	■	■
Vegetative purification bed		■	■
Waterscape			■

Blank Cell = Not Recommended ■ = Recommended

F. Stormwater Channeling Systems

Stormwater channeling systems must be designed to provide adequate passage for flows leading to, from, and through stormwater management facilities for at least the 25-year, 24-hour design storm event.

G. Stormwater Planting Credits

Editor's Note: If adopting the Landscaping section including the tree canopy requirements then include the language for Stormwater Planting Credits below.

1. The [Administrator] may approve credits towards the tree canopy requirements of 1.5.5, Tree Canopy, for any post-construction stormwater BMPs that include natural and vegetative elements.
2. Post-construction stormwater BMPs that include vegetative elements must be maintained in accordance with Sec. 1.7, Planting and Maintenance.

H. Equivalent Alternative

1. The [Administrator] may approve equivalent alternative post-construction stormwater BMPs as part of the approved stormwater management plan.
2. An alternate stormwater BMP may be deemed equivalent if the proposed stormwater BMP adequately manages the stormwater quantity and quality as required under this section.

I. Waiver of Post-Construction Stormwater Requirements

1. The [Governing Body or Planning Commission] may waive all or a portion of a the post-construction stormwater management requirements for a site, provided that the applicant is able to show that post-construction stormwater management requirements for the site are able to be met as part of an adequate stormwater management facility provided downstream of the proposed development.
2. In making the determination for a full or partial waiver of the requirements of this section the [Governing Body or Planning Commission] must find that:

- a. There will be no negative impact to any downstream property owners;
- b. There will be no negative impact to the water quality of the watershed or increase in flooding in the watershed as a result of the waiver; and
- c. The off-site stormwater management facility has adequate capacity and is able to meet or exceed the water quality and water quantity requirements of this section.

J. Payment-in-Lieu of Post-Construction Stormwater Requirements

1. The [Governing Body] may require a payment-in-lieu of post-construction groundwater recharge requirements, if determined by the [Governing Body] that all or a portion of the on-site, post-construction stormwater management requirements are technically infeasible due to:
 - a. The high density and compact nature of the project design provided the design reduces the per-capita stormwater impact on the watershed;
 - b. Soil types that restrict percolation and on-site stormwater infiltration; or
 - c. Brownfield remediation or other sites where soil contamination may prevent on-site stormwater infiltration.
2. The payment must be deposited by the [Governing Body] in an interest bearing account for the improvement of public stormwater management and must be applied only to the cost of such improvements in the future.
3. All of the payment-in-lieu fees must be made by the applicant prior to the approval of a [major site plan or a preliminary plat for a subdivision or the issuance of any building permit] for the development.

Sec. 1.8 Administration

Editor's Note: If adopting the Toolkit Zoning Code or Subdivision Code, then the Administrative provisions should be moved and consolidated with the administration section at the time of adoption.

1.8.1 Administrator

The Administrator of this [ordinance] shall be the [Insert Official] or other official as designated by the Mayor.

A. General Authority

The Administrator is responsible for:

1. The implementation and administration of this [ordinance];
2. Maintaining written records of all actions taken under this [ordinance]; and
3. Making interpretations of this [ordinance].

B. Authority for Final Action

The Administrator is responsible for final action regarding:

1. Modifications and equivalent alternatives to required streetscapes;
2. Post-construction stormwater management landscaping features;
3. Alternative elevated foundation treatments;
4. On-site bioshield mitigation;
5. Calculation of tree coverage area; and
6. Modifications and equivalent alternatives to required screening.

C. Review Authority

The Administrator is responsible for review and recommendations regarding:

1. The Tree Mitigation Fund;
2. Heritage Tree Removal Permit; and
3. Tree canopy credits.

1.8.2 City Tree Board

A. General Authority

The City Tree Board is established to oversee the care, preservation, removal and planting of trees, shrubs and grasses in accordance with this [ordinance].

B. Authority for Final Action

The City Tree Board is responsible for final action regarding:

1. The Tree Mitigation Fund;
2. Tree Species List;
3. Tree Maintenance Manual;
4. Heritage Tree Removal Permit; and
5. Tree canopy credits.

C. Review Authority

The City Tree Board is responsible for review and recommendations regarding the acceptance of payment-in-lieu of planting obligations.

1.8.3 Tree Mitigation Fund

A. Fund Established

The [Mayor or Administrator] is hereby directed to establish a dedicated account to be entitled the Tree Mitigation Fund.

B. Fund Administration and Management

1. The Tree Mitigation Fund is to be administered by the City Tree Board with the Authority of the [Governing Body].
2. The record keeping and day-to-day management of the Tree Mitigation Fund is the responsibility of the Administrator.

C. Penalties

All funds received from the payment-in-lieu of planting obligations or the payment of mitigation fees pursuant to [Insert Citations] must be deposited and recorded in the Tree Mitigation Fund.

D. Use of Funds

The funds collected from mitigation fees may only be used by the [*Jurisdiction or Tree Board*] to pay for the planting of trees, including a maintenance period not to exceed three years. Generated funds may be used by the city to plant trees on public or private properties.

E. Funds to be Kept Separate

The balance within the Tree Mitigation Fund must be recorded and accounted for in a manner that distinguishes them from other general funds and must be disbursed in a manner consistent with the purposes for which the fund has been established.

1.8.4 Review Procedures

A. General

The following requirements are common to the following procedures, and apply to applications submitted under this [*ordinance*]. Additional details may be included in the specific procedure.

B. Pre-Application Conference

Before submitting an application for a site development permit or a variance, the applicant may choose to schedule an optional pre-application conference with the Floodplain Administrator to discuss the procedures, standards and regulations required for approval.

C. Application

1. Application Forms

Applications, containing all information requested on the application, must be submitted on forms and in such numbers as required by the Floodplain Administrator.

2. Fees

Filing fees shall apply to Site Development Permit or Variance requested under this [*ordinance*]. Prior to review of an application, all associated fees must be paid in full.

3. Complete Applications

- a. All applications shall be complete and sufficient for processing before the Floodplain Administrator is required to review the application.
- b. An application is complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this [*ordinance*].
- c. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this [*ordinance*]. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the Floodplain Administrator as to whether more or less information may be submitted.

4. Concurrent Applications

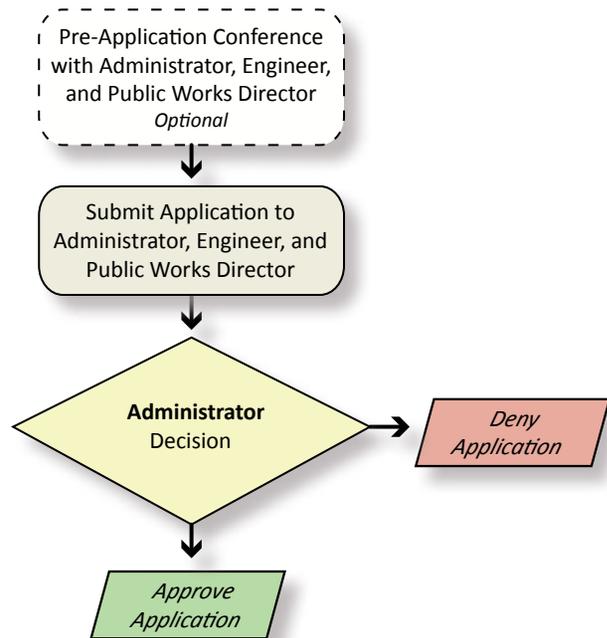
- a. Applications may be filed and reviewed concurrently, at the option of the applicant.
- b. Any application that requires a variance shall not be eligible for final approval until the variance has been granted.
- c. Applications submitted concurrently are subject to approval of all other related applications; denial of any concurrently submitted application shall stop consideration of any related applications until the denied application is resolved.

5. Modification of Application

An application may be modified at the applicant's request following approval of the Floodplain Administrator. Any modification after a hearing but prior to a final decision shall require a new hearing and associated notice.

1.8.5 Site Development Permit

Editor's Note: If adopting the complete Toolkit this section may be replaced with the procedure for zoning permit.



A. When Required

1. A site development permit is required prior to any development activity or change in use that is subject to the terms of this **[ordinance]**.
2. No site clearing or grading, or the construction or altering of any site, building or other structure on a site, including an accessory structure, that results in the expansion in gross floor area or impervious area of less than 10 percent or 2,000 square feet, whichever is less, may occur until a site development permit has been issued.
3. Where a site development permit is required, no certificate of occupancy may be issued until the site development permit has been approved.

B. Application

1. Application Generally

- a. A pre-application conference is optional.
- b. All applications for a site development permit must be submitted, on forms furnished by the **[Jurisdiction]**, to the **[Jurisdiction Engineer or Public Works Director]** and Administrator.
- c. All applications for a site development permit must be made prior to or concurrent with the application for a **[building permit]**.

2. Stormwater Management Requirements

As part of any site development application that contains any stormwater management infrastructure the applicant must submit the following information:

- a. A complete stormwater management plan as outlined in section 1.2.3, Stormwater Management Plan; and
- b. Any other related information as requested by the Administrator.

C. Decision by Administrator

1. The Administrator may refer the application to other affected or interested agencies for review and comment.
2. In deciding to approve, approve with conditions or deny the proposed zoning permit, the Administrator must consider relevant comments of all interested parties and the review criteria below.
3. The decision of the Administrator must be consistent with prior decisions.
4. The Administrator may attach any condition to the permit necessary to ensure compliance with the standards of this **[ordinance]**.

D. Review Criteria

The Administrator must consider the following criteria in approving or denying an application for a site development permit.

1. The proposed development is consistent with the pertinent elements of the **[Jurisdiction]** comprehensive plan and any other adopted plans;

2. The proposed development meets the requirements of this [*ordinance*];
and
3. The proposed development is in compliance with any prior approvals.

E. Appeal

A final decision by the Administrator on a site development permit may be appealed to the Board of Adjustment. See [*Insert Citation*]

F. Expiration

A site development permit expires in the event that no substantial activity takes place during a six month period.

Sec. 1.9 Definitions

1.9.1 Definitions in General

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this [*ordinance*] its most reasonable application.

1.9.2 Defined Terms

Editor's Note: The following definitions should be added to your existing definitions section.

Best Management Practices (BMP) - The methods by which the adverse impacts of development and redevelopment are controlled through their application. They are the schedules of activities, prohibitions of practices, site planning or design approaches, structural or managerial practices, and maintenance procedures that when used singly or in combination, prevent or reduce the release of pollutants into wetlands, marshes, lakes, rivers, streams, bayous, drainage canals and other waterways.

Certified Contractor - A person licensed as a contractor by the State of Louisiana.

Clearing - Any activity that removes the vegetative surface cover.

Drainageway - Any channel that conveys surface runoff throughout the site.

Erosion Control - A measure that prevents erosion.

Erosion and Sediment Control Plan - A set of plans prepared by or under the direction of a licensed professional engineer or landscaped architect indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading - Excavation or fill of material.

Greenfield - Development on a site that had not previously been developed or that was used for agricultural, silviculture or natural uses.

Infill - Development that occurs on a site that was previously developed for a use other than agriculture, silviculture, or natural lands.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - A proposed plan for the completion of a development in increments or stages.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - Any lot, tract or group of connected lots, tracts and/or parcels owned or functionally controlled by the same person or entity, assembled for the purpose of development.

Site Development Permit - A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

PARKING AND SITE ACCESS

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***Editor's Note:** This ordinance may be used in one of two ways. The ordinance may be used as a stand alone parking ordinance for communities not adopting the Toolkit's Zoning Code or it may be used to enhance the basic parking standards in the Toolkit's Zoning Code.*

Communities adopting the Toolkit Zoning Code and looking for higher level of standards should delete the parking standards in the Zoning Code and adopt the standards in this ordinance as a separate Article or as a section of Article 12, Development Standards.

Sec. 1.1 Parking Standards

1.1.1 Applicability

A. Generally

1. Unless specifically exempted in this [ordinance], all existing and proposed development must provide parking facilities and manage access in accordance with this [ordinance]. No certificate of occupancy may be issued until these standards have been met.
2. With the exception of restriping a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing parking facilities must conform to the requirements of this [ordinance].

B. Existing Buildings and Uses

1. Buildings and uses lawfully existing as of the effective date of this [ordinance] may be renovated or repaired without providing additional parking facilities, provided there is no increase in gross floor area or change in use of existing floor area that would increase parking demand.
2. Where a building or use existed as of the effective date of this [ordinance], and the building or use is enlarged in gross floor area or impervious area by 10 percent or 2,000 square feet, whichever is less, parking as specified in this [ordinance] is required for the enlarged area. The addition of an accessory building or structure shall be considered an enlargement of the building or use.
3. A change in use of a building or site that requires additional parking must comply with the requirements of this [ordinance].

C. Expansion of Existing Parking Areas

1. When an existing parking area is increased in size by less than [25] percent, then only the portion of the parking area that is expanded must conform to the requirements of this [ordinance].
2. When an existing parking area is increased in size by [25] percent or more, then the entire parking area must comply with the requirements of this [ordinance].

1.1.2 General Parking Requirements

A. Parking Required

- a. No use may provide less than the minimum number of parking spaces required under this [ordinance].
- b. At the discretion of the property owner or occupier, a fee may be charged for required parking.

B. Location of Parking Spaces

Unless otherwise approved in an alternative parking plan under 1.1.4, Alternative Parking Plan, parking spaces must be located as set forth below.

1. [Residential Buildings] if using building types then [Farm Lot, Single-Family House, Attached House and Row House Building Types]

- a. Required parking spaces must be located on the same lot and may not be located within the required front setback.

Editor's Note: If including the Zoning Code module add the following language from paragraph b below.

- b. Garage and carport placement must meet the requirements of 10.5.1, Garage and Carport Placement.

2. [Non-Residential Buildings] if using building types then [Apartment, Single-Story Shopfront, Mixed Use Building, Industrial and Civic and Open Lot Building Types]

- i. All required parking spaces must be located on the same site or off-site within 500 feet of the building, structure or use served, measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot.
- ii. All off-street parking must be arranged so that no vehicles are forced onto a public street to gain access from one parking aisle to another parking aisle.

C. Clear Sight Distance

No parking lot or vehicular use area shall interfere with a clear sight distance as set forth in [insert citation to clear sight distance (3.4.6) if including the Subdivision Code module].

D. Parking Ratios

Unless specifically reduced in 1.1.3, Parking Reductions or 1.1.4, Alternative Parking Plans, the following parking ratios shall apply to all development.

PARKING RATIOS	Specific Use	Minimum Parking
Residential		
Household Living	Detached living	2.0 per unit
	If on lot less than 30 ft in width	1.0 per unit
	Accessory dwelling	1.0 per unit
	Attached living	1.0 per unit
	Multifamily living, Upper-story living	1.0 per each Studio/unit 1.50 per each 1 bedroom unit 1.75 per each 2 bedroom unit 2.00 per each 3 bedroom unit
	All other uses	2.0 per unit
Group Living	All uses	1.0 per 300 SF of GFA
Social Service	All uses	1.0 per 300 SF of GFA
Public		
Civic	College or university	1.0 per 400 SF of GFA
	Community garden	1.0 per 5,000 SF of outdoor use area
	Convention center	1.0 per 500 SF of GFA
	Place of worship	1.0 per 5 seats in main worship space
	All other uses	1.0 per 300 SF of GFA
Parks & open space	All uses	As determined by Administrator
Utilities	All uses	1.0 per 250 SF of GFA (office)
Commerce		
Day care	All uses	1.0 per 300 SF of GFA
Indoor recreation	All uses	1.0 per 250 SF of GFA
Medical	Hospital	0.50 per bed
	Medical, dental office or chiropractor	1.0 per 150 SF of GFA
	All other uses	1.0 per 250 SF of GFA
Office	All uses	1.0 per 250 SF of GFA
Outdoor recreation	Campground, travel trailer park, RV park	1.0 per space
	Golf course or country club	3.0 per hole + 2.0 per court
	Horse stable, riding academy equestrian center	1.0 per each 5 stalls
	Stadium or arena	1.0 per 4 seats
	All other uses	1.0 per 5,000 SF (outdoor use area)

SF = Square Feet GFA = Floor Area

PARKING RATIOS	Specific Use	Minimum Parking
Commerce (continued)		
Overnight lodging	All uses	1.0 per guest room + 1.0 per 300 SF of conference, banquet, restaurant
Personal service	If less than 4,000 SF of GFA in the RM, MX, or MS districts	1.0 per 1,000 SF of GFA
	All uses over 4,000 SF of GFA or in other districts	1.0 per 500 SF of GFA
Restaurant/Bar		1.0 per 200 SF of GFA
Retail sales	If less than 4,000 SF of GFA	1.0 per 1,000 SF of GFA
	If more than 4,000 SF or GFA	1.0 per 300 SF of GFA
Vehicle sales	All uses	1.0 per 500 indoor SF GFA + 1.0 per 10,000 SF outdoor lot area
Water-oriented	All uses	1.0 per every 3 wet or dry slips
Industrial		
Heavy industrial	All uses	1.0 per 600 SF GFA (office) + 1.0 per 4,000 SF GFA
Light industrial	All uses	1.0 per 600 SF GFA (office) + 1.0 per 4,000 SF GFA
Research & development	All uses	1.0 per 300 SF GFA (office)
Self-service storage	All uses	1.0 per 250 SF GFA (non-storage) + 1.0 per every 50 storage units
Vehicle service	All uses	3.0 per bay or 1.0 per 250 SF GFA, as applicable whichever is greater
Warehouse & distribution	All uses	1 per 500 SF GFA office space + 1 per 4,000 SF indoor storage area
Waste-related service	All uses	1.0 per 250 SF GFA (office) + 1.0 per 4,000 SF GFA
Wholesale trade	All uses	1.0 per 250 SF GFA (office) + 1.0 per 4,000 SF of indoor storage
Open		
Agriculture	All uses	1.0 per 250 SF GFA (office)
Agricultural airstrip	All uses	1.0 per 250 SF GFA (office) + 1.0 per 5,000 SF of hanger area
Resource extraction	All uses	1.0 per 250 SF GFA (office)

SF = Square Feet GFA = Floor Area

E. Calculation of Ratios

1. Mixed Uses

Developments containing more than one use must provide parking spaces in an amount equal to the total of the requirements for all uses.

2. Fractional Measurements

Where fractional spaces result, the parking spaces required may be the next highest whole number.

F. Minimum Parking Ratios

The minimum parking ratios apply to all [*zoning districts or uses*]. The applicant may provide an alternative parking plan with data submitted in support of lower ratios.

G. Maximum Parking Ratios

1. No use may provide more than 150 percent of the minimum required parking unless all parking above the 150 percent threshold is provided on a pervious surface or as structured parking.
2. Where a project is intended to be developed in phases, the Administrator may approve development of a parking area intended to serve current and future development.

H. Unlisted Uses

The parking space requirements for a use not specifically listed in the table shall be the same as for the listed use deemed most similar to the proposed use by the Administrator.

I. Administrative Modification

The Administrator may reduce the required number of spaces by up to 10 percent for reasons of topography, tree protection or other natural conditions specific to the site.

J. Credit for On-Street Spaces

On-street parking spaces immediately abutting the site, may be counted toward meeting these parking requirements.

1.1.3 Parking Reductions

Required parking may be reduced according to the following standards.

A. Bus Transit Availability

Locations within a 660-foot walking distance of an improved bus stop providing both shade and seating may reduce the total number of required parking spaces by 15 percent. Walking distance is measured from the primary entrance of the use to the bus boarding location.

B. Provision of Structured Parking

Where parking is provided in a structure, the required total number of spaces may be reduced by 10 percent.

C. Access to Car-Sharing Program

A residential project or a mixed use project with a residential component providing an active car-share program may reduce the total number of required parking spaces. The reduction shall equal five spaces per car-share vehicle available on-site to residents of the project.

D. Tree Preservation

The Administrator may approve a reduction in the total number of required parking spaces by two spaces for every tree over 24 inches in diameter at breast height preserved within the parking area. The maximum reduction allowed for tree preservation is five percent of the total required parking spaces.

E. Designated Downtown

No parking is required in a designated downtown area [*within a Center Context area*]. Where parking is provided, it must meet the dimensional standards of this [*ordinance*].

1.1.4 Alternative Parking Plans

A. Applicant-Submitted Parking Data

1. The Administrator may modify the parking requirements of this section when an applicant submits parking data, prepared and sealed by a registered engineer in the State of Louisiana with transportation expertise, which illustrates that the standards of this section do not accurately apply to a specific development.

2. The data submitted for an alternative parking plan must include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

B. Off-Site Parking or Shared Parking

The Administrator may approve the location of required parking spaces on a separate lot from the lot on which the principal use is located or may approve the use of shared parking facilities if the off-site parking and shared parking comply with the following standards.

1. Ineligible Activities

- a. Off-site parking may not be used to satisfy the off-street parking requirements for residential uses (except for guest parking).
- b. Required parking spaces reserved for persons with disabilities may not be located off-site.

2. Location

Off-site parking spaces and shared parking spaces must be located within 750 feet of the primary entrance of the use served unless shuttle bus service is provided to the remote parking area.

3. Zoning Classification

Off-site parking areas must be located in a district that permits the use to which such parking is accessory.

4. Shared Parking Study

Applicants for shared parking must submit a shared parking analysis to the Administrator that clearly demonstrates the feasibility of shared parking. The study must address, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking for all uses that will be sharing the parking spaces.

5. Agreement

- a. In the event that an off-site parking area is not under the same ownership as the principal use served, a legally binding written agree-

ment between the record owners of the property establishing the duration and conditions associated with the off-site parking.

- b. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Administrator.
- c. Off-site parking agreements and shared parking agreements may only be rescinded if all required off-street parking spaces will be provided in accordance with this section.

C. Valet Parking

The Administrator may approve valet parking as a means of satisfying parking requirements if the valet parking meets all of the following standards:

1. Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;
2. An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
3. Valet parking drop-off locations shall meet the requirements for stacking areas.
4. The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

D. Recording of Approved Plans

An attested copy of an approved alternative parking plan and any associated agreements must be recorded in the deed records for [Jurisdiction]. The applicant must provide proof of recording prior to approval of the certificate of occupancy.

E. Amendments

An alternative parking plan may be amended by following the same procedure required for the original approval.

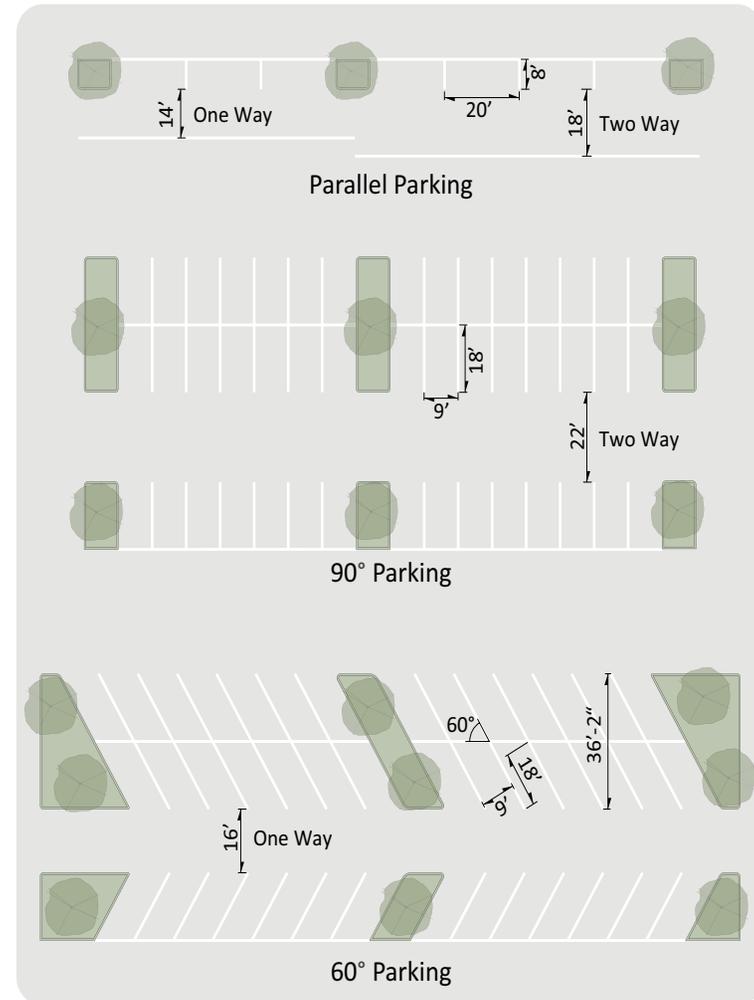
1.1.5 Bicycle Parking

In order to enhance multi-modal transportation opportunities, the following standards for bicycle parking shall be met.

- A. New [*Non-Residential or Apartment, Single-Story Shopfront, Mixed Use Building, Industrial and Civic and Open Lot Building Types*] building types must provide a minimum of four bicycle parking spaces (two high-quality inverted “U” racks). Nonresidential development providing more than 20 vehicle but less than 100 vehicle parking spaces must provide six bicycle parking spaces. An additional bicycle parking space must be provided for each additional 15 vehicle parking spaces. A maximum of 24 bicycle parking spaces are required under this paragraph.
- B. Bicycle parking facilities must be located within 200 feet of the main building entrance, in areas with natural surveillance.
- C. Bicycle parking facilities shall be high-quality, inverted “U” type construction. Alternative high-quality bicycle parking facilities may be approved by the Administrator if they can be shown to:
 - 1. Provide adequate theft protection and security; and
 - 2. Support the bicycle at two points of contact to prevent damage to the bicycle wheels and frame.

1.1.6 Parking Space Standards

- A. Parking space layout shall meet the following minimum dimensions.



- B. Parking spaces using dimensions other than those specified above may be approved if developed and sealed by a registered engineer with expertise in parking facility design, subject to approval by the Administrator.

1.1.7 Parking Area Design

Editor's Note: The Parking Area Design standards are not intended to apply in the Natural or Rural context areas. If your community is not adopting Toolkit Zoning Code or Subdivision Code then consider qualifications that would allow agricultural uses to be exempt from these standards. This section also appears in the Landscaping ordinance. If adopting the landscaping ordinance consider removing this section. It should only appear in your code once.

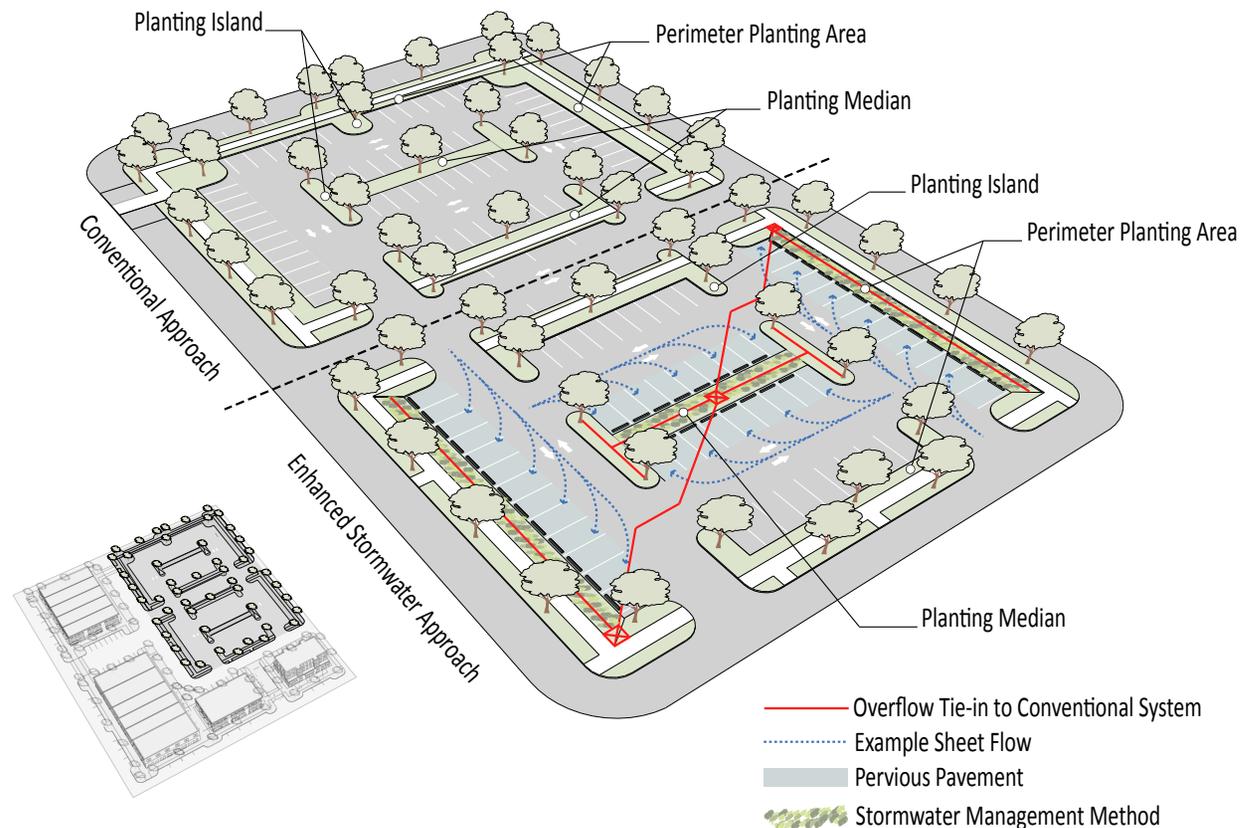
A. General Requirements

1. All off-street surface parking areas in the [Suburban, Urban, Center and Special context areas] consisting of more than [30] parking spaces must be organized into parking pods that are separated by the perimeter, median and island planting areas. No [certificate of occupancy] may be issued until these standards have been met.
2. For purposes of this section, multiple plat- ted lots contained on a single site plan are considered a single parking area.
3. Surface parking areas of any size with frontage on a street right-of-of way (not including an alley) must be screened along the street edge by a perimeter planting area.

B. Parking Pod Design

Editor's Note: The Parking Pod design standards reference specific post-construction stormwater management requirements. If the adopting community does not currently have post-construction stormwater management requirements, then the language below should be modified to remove the reference to specific requirements. It is encouraged that all communities retain the design standards for the optional Enhanced Stormwater Approach.

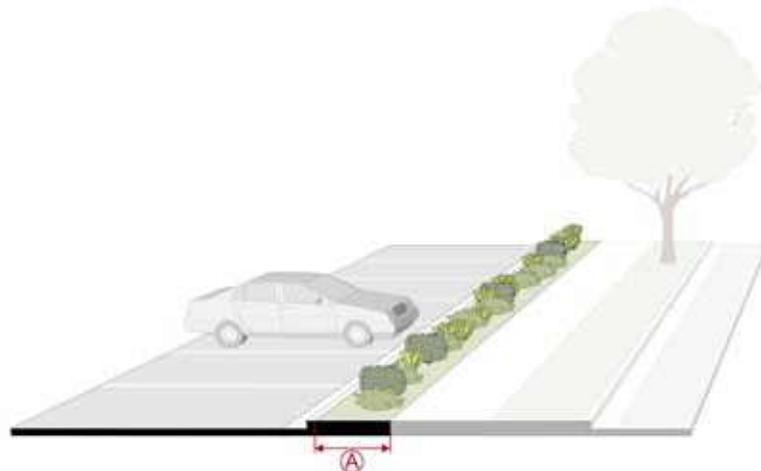
1. Surface parking areas may be designed and constructed using conventional approaches or may be designed and constructed to contribute to a site's post-construction stormwater management requirements.
2. Parking pods contain three separate planting areas. The image below exhibits two possible approaches for how the planting areas may be arranged. The conventional approach meets the minimum requirements of this section, but may require additional post-construction stormwater management. The enhanced stormwater approach integrates post-construction stormwater management methods established in [Insert Citation, Post-Construction Stormwater Management], into a multi-functional approach to parking areas. The standards for each planting area are set forth below.



C. Parking Pod Elements

1. Perimeter Planting Area

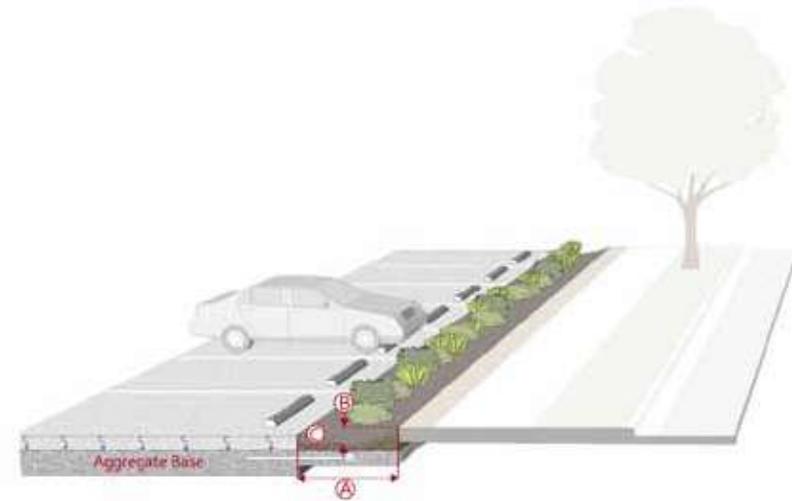
A perimeter planting area must be located on each side of a parking pod. The general standards for the conventional option and the enhanced stormwater option of the perimeter planting area are shown below.



a. Conventional

Dimensions	
Ⓐ Width (min)	8'
Plantings	
Shrubs/grasses (min)	1 per 20 sq. ft.
Screening	
Shrub/grass height at maturity (min)	3'
Brick or stone screening wall may replace planting requirement (min height)*	3'
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curb and gutter

*Height of the screening wall measured from the parking surface.

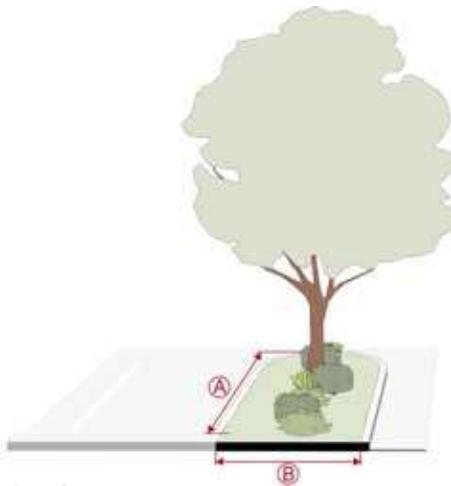


b. Enhanced Stormwater

Dimensions	
Ⓐ Width (min)	8'
Ⓐ Width with adjacent pervious surface (min)	6'
Ⓑ Swale depth (min/max)	6" / 18"
Ⓒ Swale slope (max)	3:1
Plantings	
Shrubs/grasses (min)	1 per 25 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E, Parking Area Surfacing
Curbing types	Wheelstops or curbs with gaps
Subsurface Storage	
Pervious Pavement with vault or cistern system	Recommended
Pervious Pavement with aggregate	Recommended

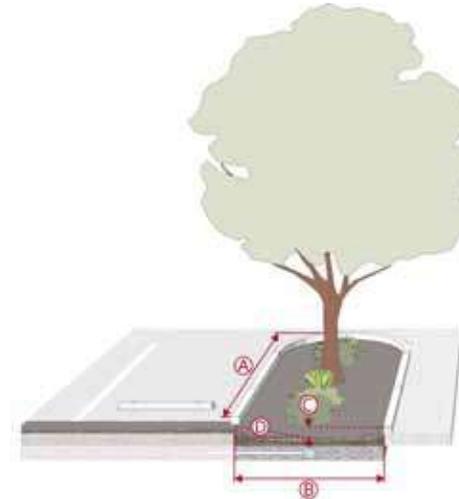
2. Planting Islands

A planting island must be located every [ten] parking spaces and a pair of planting islands must be located at the terminal ends of each planting median. Intervals may be expanded in order to preserve existing trees where approved by the [Administrator]. The general standards for the conventional option and the enhanced stormwater option for a planting island are shown below.



a. Conventional

Dimensions	
Ⓐ Length (min)	18'
Ⓑ Width (min)	8'
Plantings	
Canopy trees (min)	1
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curb and gutter

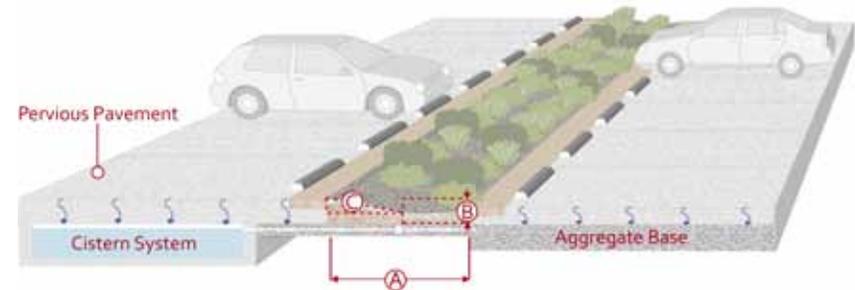
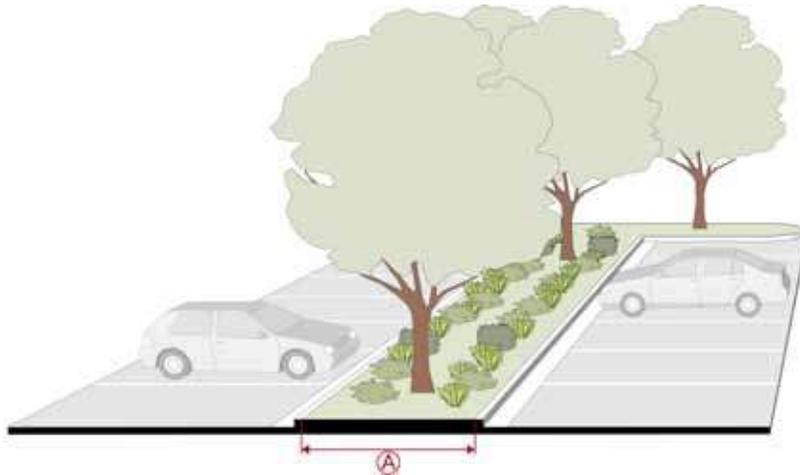


b. Enhanced Stormwater

Dimensions	
Ⓐ Length (min)	16'
Ⓑ Width (min)	6'
Ⓒ Swale depth (min/max)	6" / 18"
Ⓓ Swale slope (max)	3:1
Plantings	
Canopy tree/ornamental tree (min)	1 canopy or 2 ornamental trees
Shrubs/grasses (min)	1 per 25 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curbs with gaps

3. Planting Medians

A planting median must be located between every [six] single parking rows. The general standards for the conventional option and the enhanced stormwater option for the planting median are shown below.



a. Conventional

Dimensions	
Ⓐ Width (min)	12'
Plantings	
Canopy trees (min per 100' of length)	3 canopy trees planted 30' on center
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curb and gutter

b. Enhanced Stormwater

Dimensions	
Ⓐ Width (min)	10'
Ⓐ Width with adjacent pervious surface (min)	8'
Ⓑ Swale depth (min/max)	6" / 24"
Ⓒ Swale slope (max)	3:1
Plantings	
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E, Parking Area Surfacing
Curbing types	Wheelstops or curbs with gaps
Subsurface Storage	
Pervious Pavement with vault or cistern system	Recommended
Pervious Pavement with aggregate base	Recommended

D. Parking Area Surfacing [Context Areas]

Editor's Note: The following provisions establish the parking area surfacing requirements for communities that are mapping context areas. If not mapping context areas then apply the standards of Paragraph F.

1. General Standards

The following paving standards apply to all parking areas regardless of size. Parking areas may use more than one pavement type, provided that the material is consistent with the context of the site.

PARKING AREA PAVING	Natural	Rural	Suburban	Urban	Center	Special
Compacted earth	■					
Crushed stone, gravel or shell		■	■			
Paver blocks		■	■	■		
Grassed cellular plastic or concrete		■	■	■		
Asphalt (conventional or pervious)		■	■	■	■	■
Concrete (conventional or pervious)			■	■	■	■

Blank Cell = Not Allowed ■ = Allowed

2. Specific Standards

- a. Pavement materials that allow infiltration of stormwater are not allowed for use in parking areas of any Heavy Industrial districts or for any uses that have the potential to release significant contaminants into the groundwater (such as convenience stores with gas sales and all vehicle service).
- b. Grassed cellular plastic may only be used for overflow parking areas.
- c. Where an existing tree is adjacent to parking; paver bricks or other pervious surface must be used within the dripline of the tree.

E. Parking Area Surfacing [Non-Context]

Editor's Note: The following provisions establish the parking area surfacing requirements for communities that do not have context areas. If mapping context areas then apply the standards of Paragraph E.

1. General Standards

The following paving standards apply to all parking areas regardless of size. Parking areas may use more than one pavement type.

	Vehicular Use Areas	Non-Vehicular Use Areas
Asphalt (conventional or pervious)	■	
Concrete (conventional or pervious)	■	■
Paver blocks	■	■
Grassed cellular plastic or concrete	■	■
Crushed stone, gravel or shell	■	■

Blank Cell = Not Allowed ■ = Allowed

2. Specific Standards

- a. Pavement materials that allow infiltration of stormwater are not allowed for use in parking areas of any Heavy Industrial districts or for any uses that have the potential to release significant contaminants into the groundwater (such as convenience stores with gas sales and all vehicle service).
- b. Grassed cellular plastic may only be used for overflow parking areas.
- c. Where an existing tree is adjacent to parking; paver bricks or other pervious surface must be used within the dripline of the tree.

F. Accessible Parking

Accessible parking must be provided in compliance with the Americans with Disabilities Act Accessibility Guidelines, as determined by the State Fire Marshal.

G. Setback

1. All off-street parking must observe any required parking setback for the appropriate building type and zoning district.
2. In the event any parking abuts a walkway, sidewalk or street, the parking shall be separated by curbing, wheel stops, bollards or other protective device with a minimum distance of three feet between the protective device and the edge of the walkway, sidewalk or street.
3. All parking must be separated from buildings by a minimum distance of three feet.

H. Curbs and Wheel Stops

1. Where parking facilities or any other vehicular use areas are provided, they must have curbs, wheel stops, bollards or other devices to prevent vehicles from overhanging adjacent property or landscaped areas.
2. Where vehicles hang over medians or islands, shrubs and trees must be planted a minimum of three feet from back of the curb or wheel stop.

I. Equivalent Alternatives

1. The Administrator may approve equivalent alternative parking area designs.
2. An alternate parking area design may be deemed equivalent if the landscaping provided approximates the quantity and quality of the landscaping that would be required under this section.

1.1.8 Site Access

A. General Standards

1. All buildings shall be located on a site abutting a public or private street.

Editor's Note: If including the Subdivision Code module use the following language in place of paragraph 1 above.

All buildings shall be located on a site abutting a public or private street built in accordance with [insert citation to Sec. 3.2, Block and Cul-de-sac Standards], [insert citation to Sec. 3.3, Street and Alley Standards] and [insert citation to Sec. 3.4, Streetscapes].

2. Unless otherwise approved by the [Jurisdiction] Engineer, all liner buildings must take vehicular access from within the site.
3. Unless otherwise approved by the [Jurisdiction] Engineer, all nonresidential sites abutting an arterial street must provide a shared access easement with a minimum paving width of 22 feet when abutting another mixed use or nonresidential property.
4. No vehicle or obstacle may block driveways intended for use as a fire lane, or cross-access easement.

B. Access to Arterial Streets

1. Direct driveway access from any lot to an existing or proposed arterial street shall be prohibited unless the lot meets the minimum widths measured at the right of way of the table below.

Zoning Districts	Lot Width (min)
[insert rural intensity districts]	300'
[insert suburban intensity districts]	150'
[insert urban intensity district]	75'

Editor's Note: If including the Zoning Code module or the Subdivision Code module use the following table in place of the table above.

Context of Lot	Lot Width (min)
Natural, Rural, Special	300'
Suburban	150'
Urban, Center	75'

2. When a non-residential site is abutting an existing or proposed arterial street, access to the arterial street may be limited by one of the following means:
 - a. Driveway access between the site and an arterial street may be located no closer than 300 feet to any other proposed or existing intersecting arterial;
 - b. Sites may be subdivided so as to provide access onto a frontage road; or
 - c. Approval of driveway access between a site and the arterial at an interval less than those specified may be granted only by review and recommendation of the [Jurisdiction] Engineer.

C. Driveways for Residential Uses

Editor's Note: If including the Zoning Code module use the following language in place of the section title of paragraph C. above.

Driveways for Single-Family, Attached House, Row House and Apartment Building Types.

1. Alley Access Required

- a. When an improved alley is provided, all vehicular access must take place from the alley. Access may be taken from the side street on corner lots.
- b. All lots less than 40 feet in width are required to take vehicular access from a rear alley. In the event that a lot existing on the effective date of this [ordinance] is less than 40 feet in width and does not abut an alley, then the lot may take vehicular access from the street.

2. Width of Driveways

- a. Driveways, on lots 40 feet or less in width, may be no less than eight feet and no more than 12 feet in width in the required setback.

- b. Driveways, on lots greater than 40 feet in width, may be no less than eight feet and no more than 20 feet in width in the required setback.

3. Location of Driveways

- a. Non-alley loaded driveways may be no closer than 15 feet from any other driveway.
- b. Unless otherwise approved or required by the [Jurisdiction] Engineer, non-alley loaded residential driveways may intersect a street no closer than 20 feet from the intersection of two street right-of-way lines and no closer than 50 feet from the intersection of an arterial street.

D. Driveways for Mixed Use and Non-Residential Uses

Editor's Note: If including the Zoning Code module use the following language in place of the section title of paragraph D. above.

Driveways for Single-Story Shopfront, Mixed Use, Industrial and Civic Building Types.

1. Width of Driveways

A driveway may be no less than eight feet and no more than 30 feet in width.

2. Location of Driveways

- a. A platted lot is allowed the number of driveways identified in the table below.

Total Site Frontage	Number of Driveways (max)
200 feet of frontage or less	1
201 feet to 400 feet of frontage	2
401 feet to 600 feet of frontage	3
601+ feet of frontage	4

- b. The [Jurisdiction] Engineer may approve or require additional driveways. Such determination must consider site design, pedestrian and vehicle circulation, adjacent uses, topography, speed of traffic on adjacent roads, and other similar considerations.

- c. Driveways must be separated by a distance of not less than 150 feet measured centerline to centerline of the driveways. In the event that an infill lot is unable to meet this separation requirement due to the location of existing driveways on adjacent lots, the infill lot will be allowed one driveway.
- d. Unless otherwise approved or required by the [Jurisdiction] Engineer, the permitted driveway for a corner lot must connect to the street with the lower roadway classification.
- e. Unless otherwise approved or required by the [Jurisdiction] Engineer, non-alley loaded mixed use driveways may intersect a street no closer than 50 feet from the intersection of two street right-of-way lines and no closer than 100 feet from the intersection of an arterial street.
- f. Driveways for mixed use building types must be contained entirely within the property frontage or as part of a joint access easement with an adjacent platted property.

1.1.9 Stacking

The following stacking standards shall apply unless otherwise expressly approved by the Administrator. The Administrator may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Facility	Spaces (min)	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car lubrication stall	2	Entrance to stall
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Day care drop off	3	Passenger loading area
Parking area, controlled entrance	4	Key code box
Restaurant drive through	6	Order box
Restaurant drive through	2	Order box to pick-up window
Valet parking	3	Valet stand
School (public and private)	*	Determined by Administrator
Other	*	Determined by Administrator

B. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. Dimensions

Stacking spaces shall be a minimum of nine feet by 20 feet in size.

2. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of parking spaces.

3. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Administrator for traffic movement and safety.

1.1.10 Off-Street Loading

A. Loading Facilities Required

1. Off-street loading facilities shall be required for uses that regularly handle large quantities of goods, as determined by the Administrator. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.
2. Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
3. Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

B. Design and Layout

1. With the exception of designated downtown areas, loading and unloading activities may not be permitted in any public right-of-way.
2. With the exception of designated downtown areas, loading and unloading activities may not encroach on or interfere with the public use of streets, sidewalks, and lanes by vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.
3. Where off-street loading facilities are provided, they shall be not less than 15 feet in width by 40 feet in length, with not less than 15 feet of vertical clearance.
4. All loading areas shall be screened from view from public right-of-way and adjacent residential districts.

Editor's Note: If including the Landscaping Standards of this module use the following language in place of paragraph 4 above.

All loading areas shall be screened from view from public right-of-way and adjacent residential districts with a low intensity buffer as established in [insert citation for 1.1.3, Required Buffers].

1.1.11 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Administrator - The person or office designated by the [*Governing Body*] and charged with certain tasks including but not limited to interpreting the provisions of this [*ordinance*], and other duties prescribed under this [*ordinance*].

Arterial Street - Any street designated on the [*Jurisdiction*] Comprehensive Plan as an arterial street or any street carrying more than 10,000 vehicles per day.

Clear Sight Distance - The length of street visible to a driver at an intersection or driveway required to make a safe turning movement onto the street.

Easement - A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Pervious Parking Surface - Parking surface which is engineered to allow the infiltration of water, air and nutrients to root systems of adjacent plant material which lie directly under the ground. Loose gravel is not a pervious parking surface.

LANDSCAPING AND TREE PRESERVATION

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***Editor's Note:** The landscaping standards found in this ordinance are more comprehensive and provide more detailed buffer and screening requirements than the landscaping provisions provided in the Zoning Code module.*

Communities adopting the Toolkit Zoning Code and looking for higher level of standards should delete the landscaping standards in the Zoning Code and adopt the standards in this ordinance as a separate Article or as a section of Article 12, Development Standards.

Sec. 1.1 Landscaping Standards

1.1.1 Applicability

- A. Unless specifically exempted below, all existing and proposed development shall provide landscaping in accordance with this [ordinance]. No certificate of occupancy may be issued until these standards have been met.
- B. Buildings and uses lawfully existing as of the effective date of this [zoning code] may be renovated or repaired without providing additional landscaping, provided there is no increase in gross floor area or change in use of existing floor area, or the addition of accessory buildings or structures.
- C. Where a building or use existed as of the effective date of this [zoning code], and the building or use is enlarged in gross floor area or impervious area by 10 percent or 2,000 square feet, whichever is less, landscaping as specified in this section shall be required.

1.1.2 Required Landscaping

Editor's Note: The following required landscape areas are described below. If your community is not including one of these areas then remove it from the list.

A. Use Buffers

Use buffers provide landscaped areas that mitigate the impact of certain uses on adjacent property. Article 11, Use Provisions, establishes all uses that are required to provide a landscaped use buffer.

B. Streetscapes

Streetscapes are the area immediately adjacent to the street. It connects the street and the building, provides a pedestrian network and typically channels stormwater runoff from the street and adjacent property. Streetscape standards are established in [Insert citation to either the zoning code or the subdivision code section on streetscapes].

C. Parking Area Landscaping

Parking area landscaping reduces the heat island effect of large paved areas and can function as a best management practice for stormwater manage-

ment. Parking area landscaping standards are established in [Insert citation to either the zoning code section on parking area design or to the Parking ordinance that is part of the additional modules section].

1.1.3 Use Buffers

Editor's Note: The following standards for Use Buffers are intended to enhance the basic requirements of the Toolkit Zoning Code. If not adopting the Toolkit Zoning Code then remove this section.

A. Generally

1. A use buffer is not commensurate with the term setback. A use buffer is determined exclusive of any required setback; however, the use buffer may be located wholly or partially within a required setback.
2. No principal building on the subject site may be located closer than 10 feet to a use buffer.
3. A purpose of a buffer requirement is to interrupt sight lines from adjacent properties. If the grade of the site, or other condition, prevents the buffer from accomplishing this purpose then the minimum requirements may be modified by the Administrator.
4. Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage, or other service lines may be located within buffers.
5. Required trees and shrubs must be installed a minimum of five feet away from any flow line of a swale.
6. The parking of vehicles is prohibited in a use buffer.
7. Buffer width is calculated on the average width of the buffer per 100 feet or portion of buffer. The minimum width of the buffer at any one point shall not be less than one-half the required width of the buffer.
8. Design variations may be permitted by the Administrator.

B. District Boundary Buffers by Context

1. Low Intensity Buffers

- a. A low intensity buffer is required along the lot boundary line of any lot in a mixed use district that abuts an agricultural or residential district.
- b. A low intensity buffer may be required along perimeter lot lines abutting other lots for certain uses as a use standard under Article 10. Use Provisions.

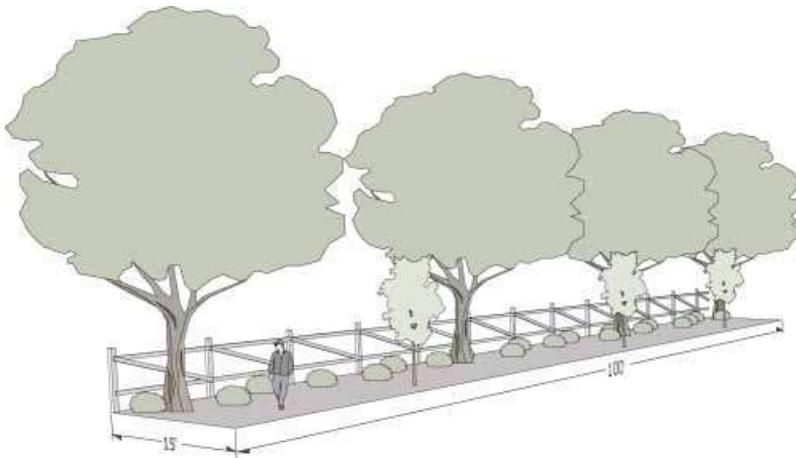
2. High Intensity Buffers

- a. A high intensity buffer is required along the lot boundary line of any lot in a mixed use district that abuts an agricultural or residential district.
- b. A high intensity buffer may be required along perimeter lot lines abutting other lots for certain uses as a use standard under Article 10. Use Provisions.

3. District Boundary Buffers by Context

The following Buffer standards establish the requirements for each 100 lineal feet, or portion thereof, for each buffer intensity level in each applicable context area.

a. Rural Context, Low Intensity



i. Width

The buffer shall be an average of 15 feet wide.

ii. Fence

The required fence shall be a split rail fence, lap rail fence, or post and rail fence constructed of high quality wood or other material approved by the Administrator.

iii. Canopy Trees

The buffer shall contain four canopy trees per 100 lineal feet.

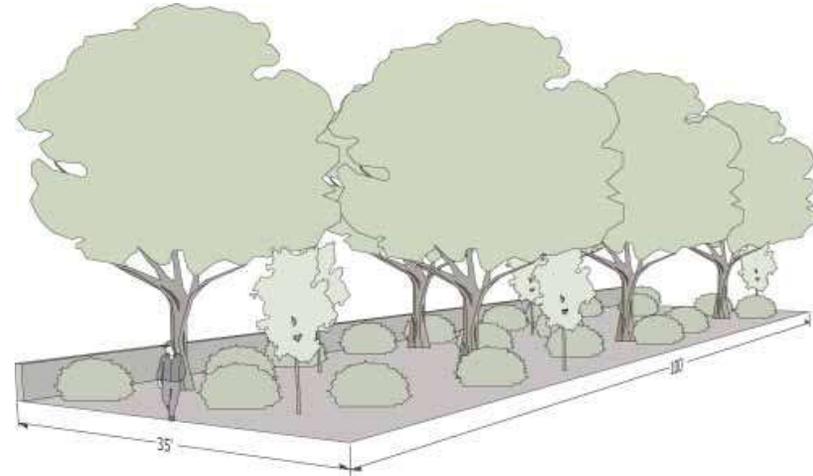
iv. Understory Trees

The buffer shall contain three understory trees per 100 lineal feet.

v. Shrubs

The buffer shall be required to contain 20 shrubs per 100 lineal feet.

b. Rural Context, High Intensity



i. Width

The buffer shall be an average of 35 feet wide.

ii. Wall

The required wall shall be a minimum of three feet in height and constructed of one or a combination of the following: stone; cast-stone; split-faced block; or other material approved by the Administrator.

iii. Canopy Trees

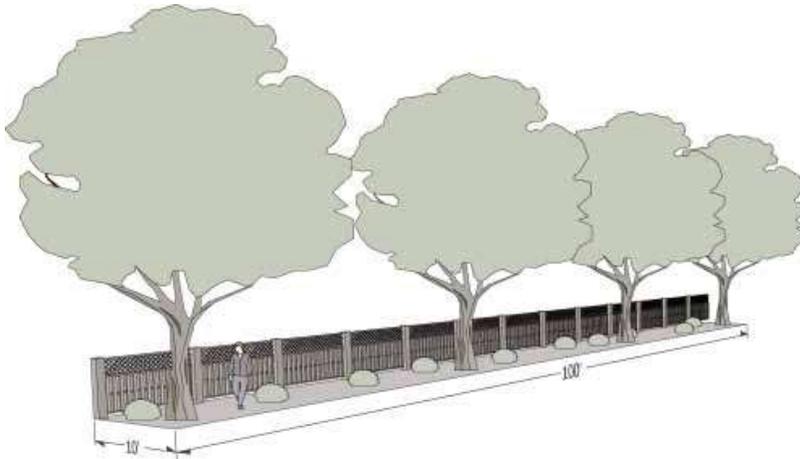
The buffer shall contain six canopy trees per 100 lineal feet.

iv. Understory Trees

The buffer shall contain five understory trees per 100 lineal feet.

v. Shrubs

The buffer shall contain 20 shrubs per 100 lineal feet.

c. Suburban, Low Intensity**i. Width**

The buffer shall be an average of 10 feet wide.

ii. Fence

The required fence shall be a minimum of six feet in height and constructed of materials, such as treated wood or other material approved by the Administrator.

iii. Canopy Trees

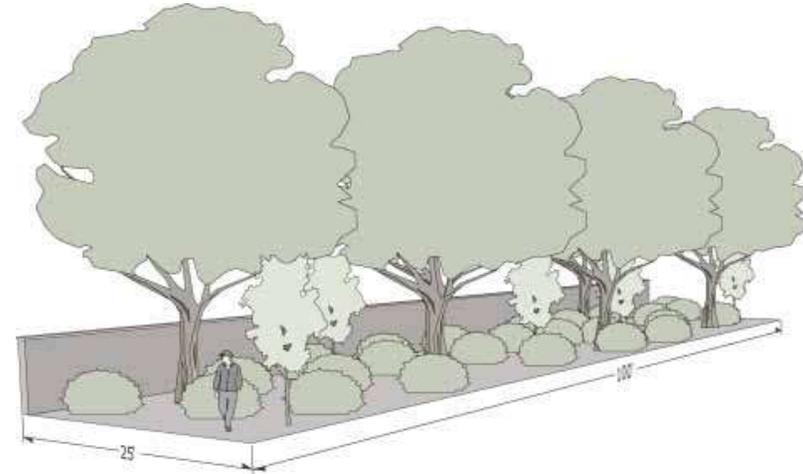
The buffer shall contain four canopy trees per 100 lineal feet.

iv. Understory Trees

Understory trees are not required for this buffer.

v. Shrubs

The buffer shall be required to contain 10 shrubs per 100 lineal feet.

d. Suburban, High Intensity**i. Width**

The buffer shall be an average of 25 feet wide.

ii. Wall

The required wall shall be a minimum of six feet in height and constructed of one or a combination of the following: brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; or other material approved by the Administrator.

iii. Canopy Trees

The buffer shall contain six canopy trees per 100 lineal feet.

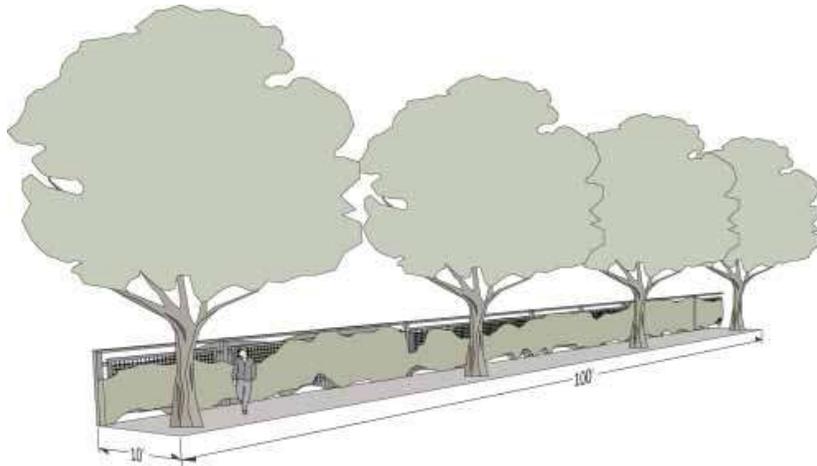
iv. Understory Trees

The buffer shall contain five understory trees per 100 lineal feet.

v. Shrubs

The buffer shall be required to contain 25 shrubs per 100 lineal feet.

e. Urban, Low Intensity



i. Width

The buffer shall be an average of 10 feet wide.

ii. Fence

The required living fence shall be a minimum of six feet in height and constructed of materials, such as treated wood, wrought iron or other material approved by the Administrator and shall be planted so as to create an evergreen wall.

iii. Canopy Trees

The buffer shall contain four canopy trees per 100 lineal feet.

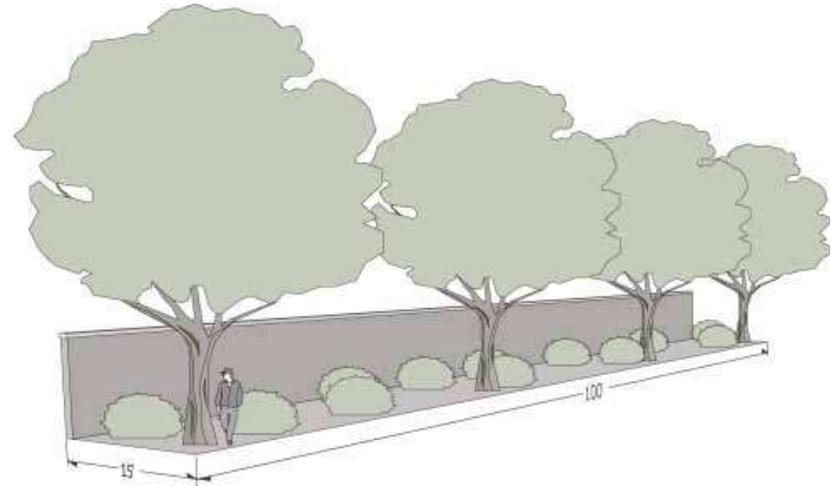
iv. Understory Trees

Understory trees are not required for this buffer.

v. Shrubs

Shrubs are not required for this buffer.

f. Urban, High Intensity



i. Width

The buffer shall be an average of 15 feet wide.

ii. Fence

The required wall shall be a minimum of six feet in height and constructed of one or a combination of the following: brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; or other material approved by the Administrator.

iii. Canopy Trees

The buffer shall contain four canopy trees per 100 lineal feet.

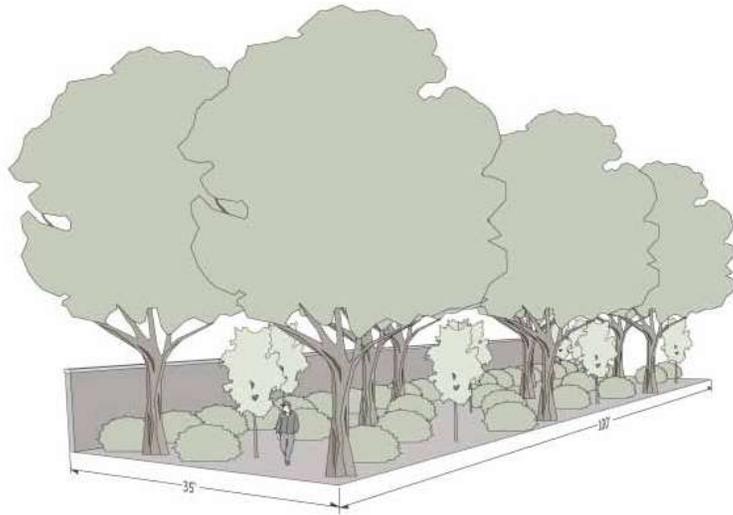
iv. Understory Trees

Understory trees are not required for this buffer.

v. Shrubs

The buffer shall be required to contain 12 shrubs per 100 lineal feet.

g. Special, High Intensity



i. Width

The buffer shall be an average of 35 feet wide.

ii. Fence

The required wall shall be a minimum of eight feet in height and constructed of one or a combination of the following: brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; or other material approved by the Administrator.

iii. Canopy Trees

The buffer shall contain 10 canopy trees per 100 lineal feet.

iv. Understory Trees

The buffer shall contain nine understory trees per 100 lineal feet.

v. Shrubs

The buffer shall be required to contain 35 shrubs per 100 lineal feet.

1.1.4 Streetscapes

Editor's Note: The Streetscapes section is intended to apply to the streetscapes associated with new street cross sections established in Sec. 3.3 Street and Alley Standards as well as the streetscapes associated with existing streets.

A. Applicability

1. General

Unless specifically exempted below, all new development or redevelopment must provide streetscapes in accordance with this section. No [certify-*cate of occupancy*] may be issued until these standards have been met.

- a. Along any new public or private street created as part of the new development or redevelopment; or
- b. Along any existing street when the development or redevelopment is on a site larger than two acres or contains 200 feet or more of total street frontage.

2. Existing Uses

Buildings and uses lawfully existing as of the effective date of this [subdivision *code*] may be renovated or repaired without meeting the streetscape standards of this section, provided there is no increase in gross floor area.

3. Change in Use

A change in use does not trigger application of the streetscape requirements of this [subdivision *code*].

4. Exemptions

The streetscape requirements of this section do not apply to the following:

- a. Lands used for agricultural purposes;
- b. Any structures or uses in the Natural context area; or
- c. The development of a [Farm Lot, Single-Family house or Attached house] built on a lot that was platted before the effective date of this [subdivision *code*].

B. Streetscape Generally

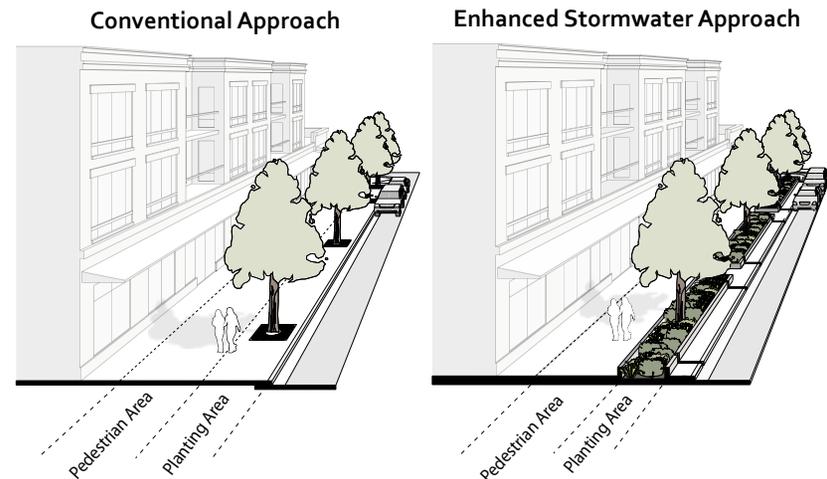
The streetscape is the area immediately adjacent to the street. It connects the street and the building, provides a pedestrian network and typically channels stormwater runoff from the street and adjacent property. There are two areas within each required streetscape.

1. Planting Area

The planting area provides a buffer between the street and the pedestrian area. It may be designed to collect, channel, store or filter stormwater runoff and may include stormwater management BMPs as credit for meeting the requirements of Sec. 3.5, Stormwater Management. The width and allowed design may vary but is typically between 5 and 18 feet.

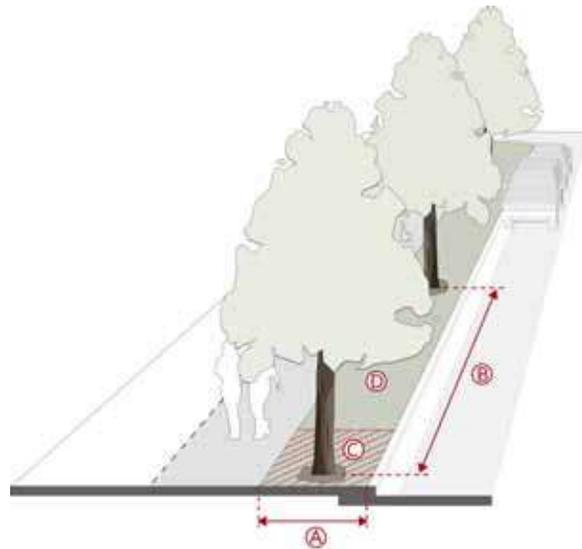
2. Pedestrian Area

The pedestrian area serves as the primary area for pedestrian travel. The pedestrian area is typically abuts the building side of the planting area. It may be designed to include stormwater management paving option BMPs as credit for meeting the requirements of Sec. 3.5, Stormwater Management. The width and allowed design may vary but is typically between 5 and 10 feet.



C. Streetscape Planting Area Standards

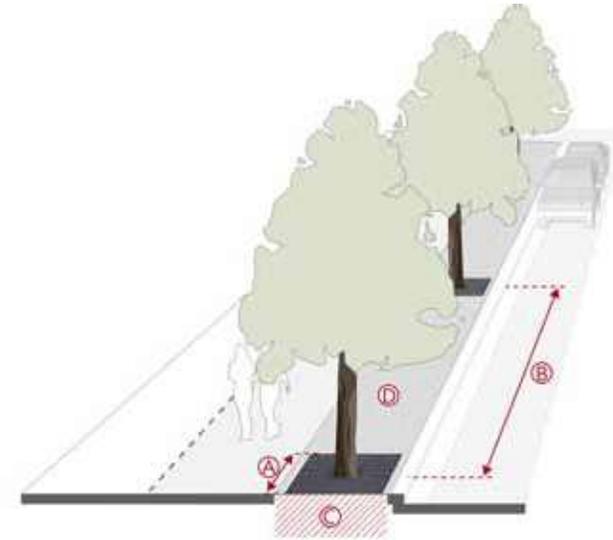
One of the following options must be applied to the planting area of the streetscape.



1. Tree Lawn Option

The tree lawn is typically located adjacent to residential or commercial streets with curb and gutter and a low to moderate level of pedestrian activity. Required street trees may be either canopy trees or ornamental. When using the tree lawn the following standards apply.

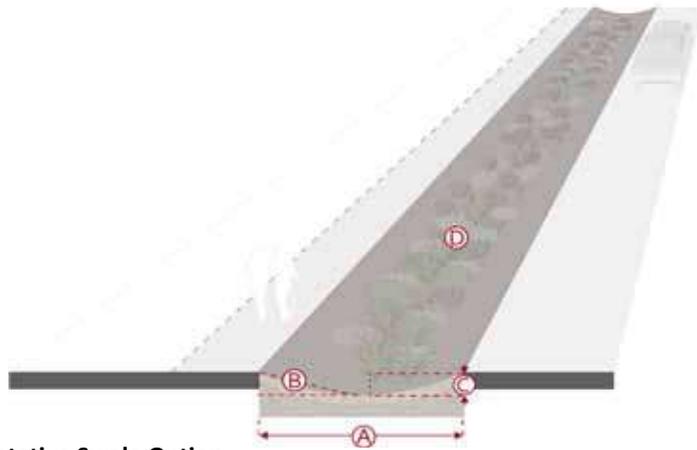
	Canopy	Ornamental
Dimensions		
Ⓐ Street tree lawn width (min)	8'	8'
Street Tree Planting Standards		
Ⓑ Average street tree planting rate (feet on center)	40'	30'
Ⓑ Distance between street trees (max)	60'	40'
Planting Area		
Ⓒ Planting area (min sq. ft.)	64	30
Ground Cover		
Ⓓ Required ground treatment between trees	Xeriscaping, turf or ground cover	
[Context Areas]		
The tree lawn option is recommended in the following context areas	Suburban Urban	Suburban Urban Center



2. Tree Grate Option

The tree grate is typically located adjacent to streets with a moderate to high level of pedestrian activity. Curb and gutters are present and on-street parking is frequent. Required street trees may be either canopy trees or ornamental trees. When using the tree grate, the following standards apply.

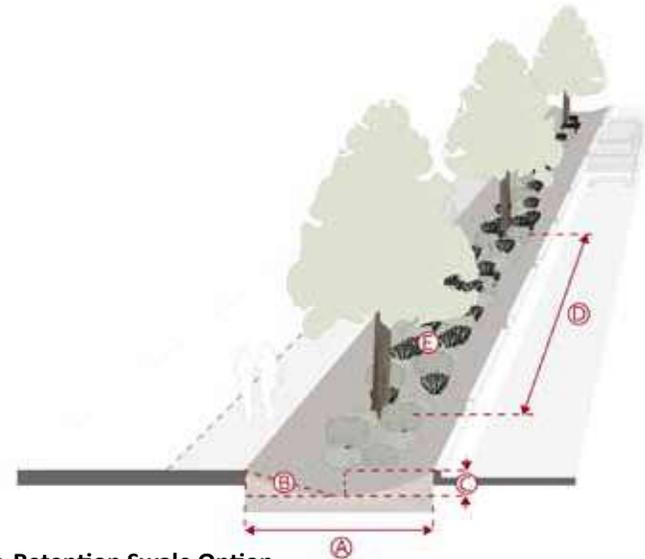
	Canopy	Ornamental
Dimensions		
Ⓐ Street tree grate width (min)	6'	6'
Street Tree Planting Standards		
Ⓑ Average street tree planting rate (feet on center)	40'	30'
Ⓑ Distance between street trees (max)	60'	40'
Planting Area		
Ⓒ Planting area (min sq. ft.)	64	30
Paving		
Ⓓ Required paving between tree grates	Concrete, pervious concrete or paver blocks	
[Context Areas]		
The tree grate option is recommended in the following context areas	Urban	Urban Center



3. Vegetative Swale Option

The vegetative swale is typically located adjacent to rural or residential streets and is used to collect and filter stormwater runoff. It is typically shallow and planted with vegetation to help with filtration and to help control erosion. When using the vegetative swale, the following standards apply.

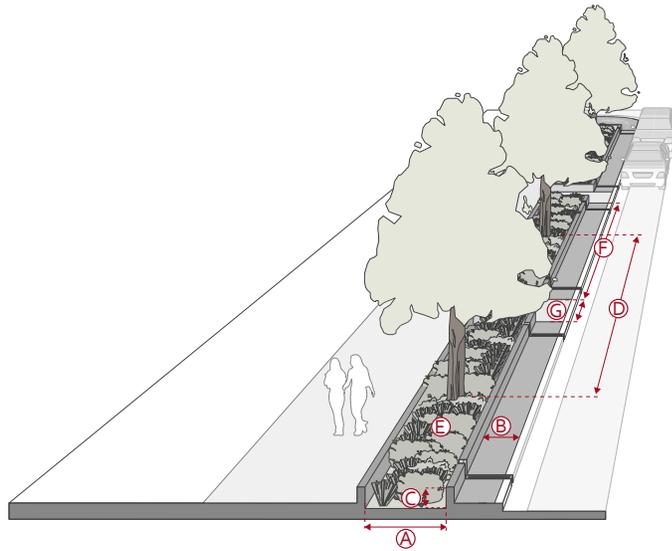
Dimensions	
(A) Swale width (min)	12'
(B) Swale slope (max)	3:1
(C) Swale depth (max)	36"
Planting Standards	
(D) Native plants and grasses tolerant of both wet and dry conditions	Required
Street trees	Optional
Soil Standards	
Existing top soil	Preferred
Loose stone base	Allowed
Curb Standards	
Curb and gutter	None
[Context Areas]	
The vegetative swale option is recommended in the following context areas	Rural Suburban



4. Bio-Retention Swale Option

The bio-retention swale is typically located adjacent to rural or residential streets and is used to collect and filter stormwater runoff. It typically has a sand base covered by a layer of top soil. When using the bio-retention swale, the following standards apply.

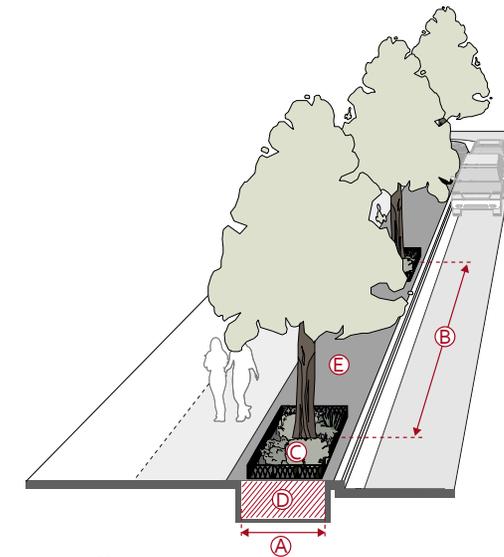
	Canopy Trees	Street Trees
Dimensions		
(A) Swale width (min)	10'	8'
(B) Swale slope (max)	3:1	3:1
(C) Swale depth (max)	24"	24"
Planting Standards		
(D) Average street tree planting rate (feet on center)	40'	30'
(D) Distance between street trees (max)	60'	45'
(E) Native plants and grasses tolerant of both wet and dry conditions		Required
Soil Standards		
Sand base		Preferred
Curb Standards		
Curb and gutter		None or periodic
[Context Areas]		
The bio-retention swale option is recommended in the following context areas	Rural Suburban	Rural Suburban



5. Planting Strip Trench Option

The planting strip trench is typically located adjacent to streets with a moderate to high level of pedestrian activity. They are used to collect, channel and filter stormwater runoff. The curb and gutter system periodically allow water into the trench. When using the planting strip trench, the following standards apply.

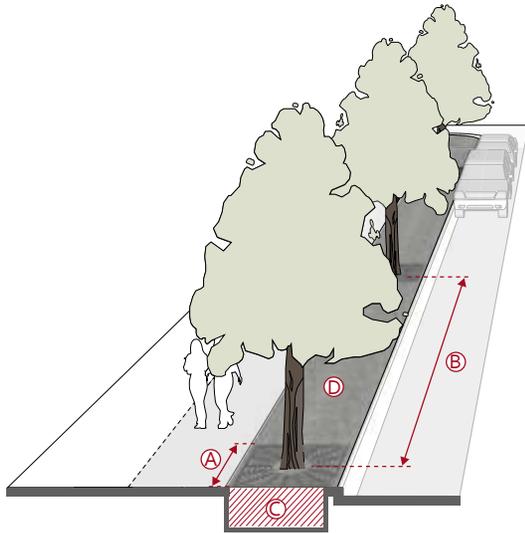
	Canopy Trees	Ornamental
Dimensions		
(A) Planting strip trench width (min)	8'	6'
(B) Parking ledge when on-street parking is allowed (min)	3'	3'
(C) Trench depth (max)	36"	36"
Planting Standards		
(D) Average street tree planting rate (feet on center)	40'	30'
(D) Distance between street trees (max)	60'	45'
(E) Native plants and grasses tolerant of both wet and dry conditions	Required	
Pedestrian Crossing Standards		
(F) Distance between crossings (max)	60'	60'
(G) Pedestrian crossing width (min)	5'	5'
Curb Standards		
Curb and gutter	Periodic water inlets required	
[Context Areas]		
The planting strip trench option is recommended in the following context areas	Suburban Urban	Suburban Urban



6. Landscaped Tree Well Option

The landscaped tree well is typically located adjacent to streets with a moderate to high level of pedestrian activity. They are used to collect and store stormwater runoff. Tree wells are closed vaults planted with a street tree and other small plants and grasses tolerant of dry conditions. When using the landscaped tree well, the following standards apply.

	Ornamental
Dimensions	
(A) Tree well width (min)	6'
Planting Standards	
(B) Average street tree planting rate (feet on center)	30'
(B) Distance between street trees (max)	40'
(C) Plants and grasses tolerant of dry conditions	Required
Planting Vault Area	
(D) Tree well vault area (min sq. ft.)	36'
Paving	
(E) Required paving between street tree wells	Concrete or paver blocks
[Context Areas]	
The landscaped tree well option is recommended in the following context areas	Suburban Urban



7. Covered Tree Well Option

The covered tree well is typically located adjacent to streets with a high level of pedestrian activity. They are used to collect and store stormwater runoff. Covered tree wells are closed vaults planted with a street tree. When using the landscaped tree well, the following standards apply.

	Ornamental
Dimensions	
Ⓐ Tree well width (min)	6'
Planting Standards	
Ⓑ Average street tree planting rate (feet on center)	30'
Ⓑ Distance between street trees (max)	40'
Vault Area	
Ⓒ Tree well vault area (min sq. ft.)	30'
Paving	
Ⓓ Required paving between street tree wells	Pervious concrete or paver blocks
[Context Areas]	
The covered tree well option is recommended in the following context areas	Urban Center

D. Streetscape Pedestrian Area Standards

The following standards apply to the pedestrian area of the streetscape.

1. Generally
 - a. All sidewalks and curb ramps shall be constructed by the developer in accordance with the [Jurisdiction's] design standards.
 - b. New sidewalks must transition to any existing sidewalks.

2. Width

The width of the pedestrian area may vary depending on the character and the level of anticipated pedestrian activity. The following standards apply to all pedestrian zones.

- a. The minimum width for any pedestrian area is five feet.
- b. The typical width of the pedestrian area adjacent to streets where a moderate level of pedestrian activity is anticipated is six to eight feet.
- c. The typical width of the pedestrian area located adjacent streets where a high level of pedestrian activity is anticipated is eight to twelve feet.

3. Pavement Material

The following materials may be used as pavement for the pedestrian area.

a. Crushed Stone, Gravel or Shell

The crushed stone, gravel or shell option is recommended for use along streets in [Natural and Rural context areas].

b. Paver Blocks

The paver block sidewalk is recommended for use along streets in [Urban and Center context areas]. Paver blocks may be made with concrete, asphalt, brick or wood. The joints between paver blocks may be filled with mortar, sand, soil or a pervious material such as pea gravel or other loose aggregate.

c. Concrete

The concrete sidewalk is recommended for use along streets in [*Suburban, Urban, and Center context areas*].

d. Pervious Concrete

The pervious concrete sidewalk is recommended for use along streets in [*Suburban, Urban, and Center context areas*].

4. Street Furniture

Street furniture, including but not limited to light poles, utility poles, newspaper stands, trash cans, pedestrian-scale street lights and benches may be located in the pedestrian zone provided a minimum clear path of four feet is maintained at all times.

E. Streetscape Integration**1. Connections**

Modifications to the streetscape requirements may be approved by the Administrator to facilitate the connection of new streetscapes with existing streetscapes.

2. Equivalent Alternatives

- a. The Administrator may approve equivalent alternative streetscape designs.
- b. An alternate streetscape design may be deemed equivalent if the proposed planting area and proposed pedestrian area approximate the quality of the planting and pedestrian areas that would be required under this section.

3. Payment-in-Lieu of Streetscape Improvements

- a. If determined by the [*Governing Body*] that construction of improvements at the time of development would result in the improvement of less than one-half of a linear block face; an equivalent payment in lieu of construction may be required.
- b. The payment must be deposited by the [*Governing Body*] in an interest bearing account for the improvement of streetscapes and may be applied only to the cost of such improvements in the future.

- c. All of the payment-in-lieu fees must be made by the applicant prior to the approval of a [*major site plan or a preliminary plat for a subdivision or the issuance of any building permit*] for the development.

1.1.5 Parking Area Design

Editor's Note: The Parking Area Design standards are not intended to apply in the Natural or Rural context areas. If your community is not adopting Tool-kit Zoning Code or Subdivision Code then consider qualifications that would allow agricultural uses to be exempt from these standards. This section also appears in the Parking ordinance. If adopting the Parking ordinance consider removing this section. It should only appear in your code once.

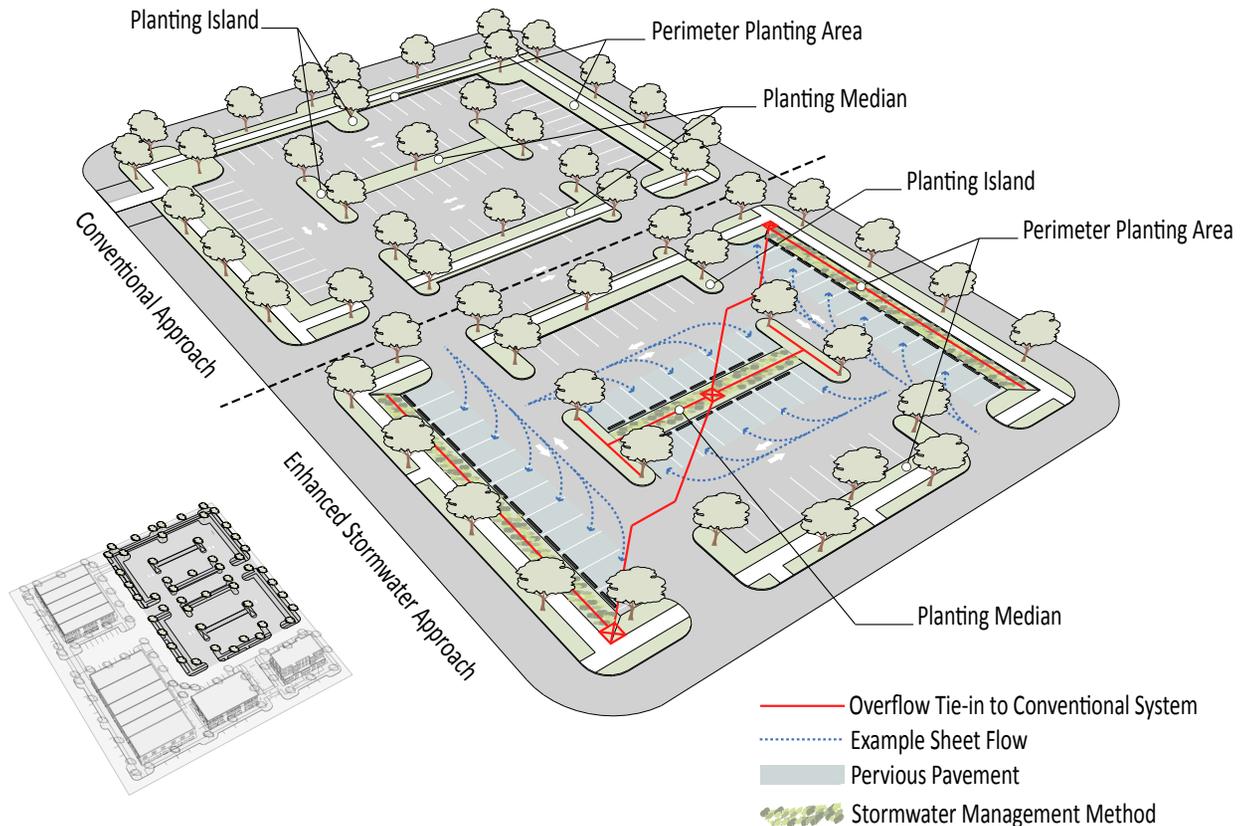
A. General Requirements

1. All off-street surface parking areas in the [Suburban, Urban, Center and Special] contexts consisting of more than [30] parking spaces must be organized into parking pods that are separated by the perimeter, median and island planting areas. No [certificate of occupancy] may be issued until these standards have been met.
2. For purposes of this section, multiple platted lots contained on a single site plan are considered a single parking area.
3. Surface parking areas of any size with frontage on a street right-of-way (not including an alley) must be screened along the street edge by a perimeter planting area.

B. Parking Pod Design

Editor's Note: The Parking Pod design standards reference specific post-construction stormwater management requirements. If the adopting community does not currently have post-construction stormwater management requirements, then the language below should be modified to remove the reference to specific requirements. It is encouraged that all communities retain the design standards for the optional Enhanced Stormwater Approach.

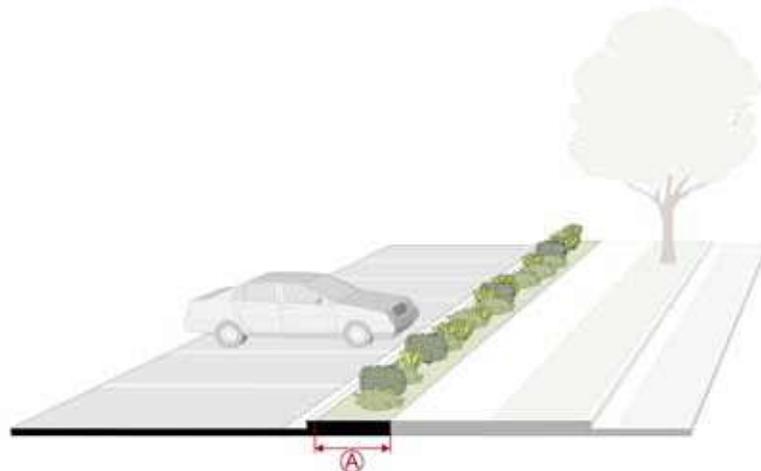
1. Surface parking areas may be designed and constructed using conventional approaches or may be designed and constructed to contribute to a site's post-construction stormwater management requirements.
2. Parking pods contain three separate planting areas. The image below exhibits two possible approaches for how the planting areas may be arranged. The conventional approach meets the minimum requirements of this section, but may require additional post-construction stormwater management. The enhanced stormwater approach integrates post-construction stormwater management methods established in [Insert Citation, Post-Construction Stormwater Management], into a multi-functional approach to parking areas. The standards for each planting area are set forth below.



C. Parking Pod Elements

1. Perimeter Planting Area

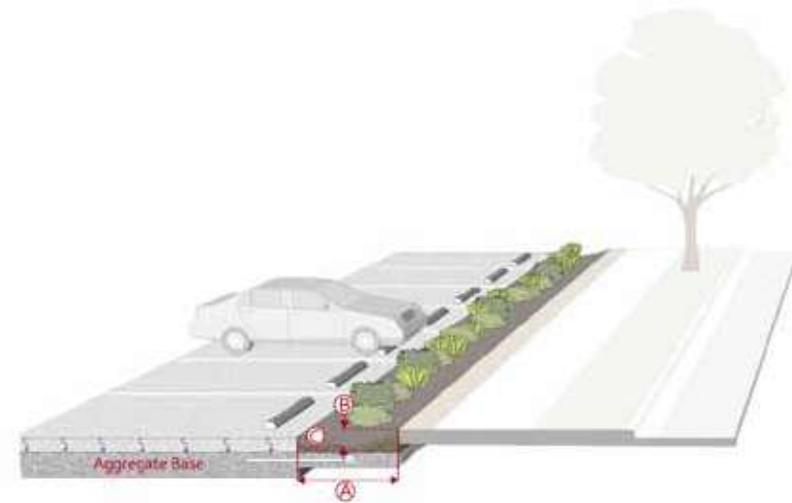
A perimeter planting area must be located on each side of a parking pod. The general standards for the conventional option and the enhanced stormwater option of the perimeter planting area are shown below.



a. Conventional

Dimensions	
Ⓐ Width (min)	8'
Plantings	
Shrubs/grasses (min)	1 per 20 sq. ft.
Screening	
Shrub/grass height at maturity (min)	3'
Brick or stone screening wall may replace planting requirement (min height)*	3'
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curb and gutter

*Height of the screening wall measured from the parking surface.

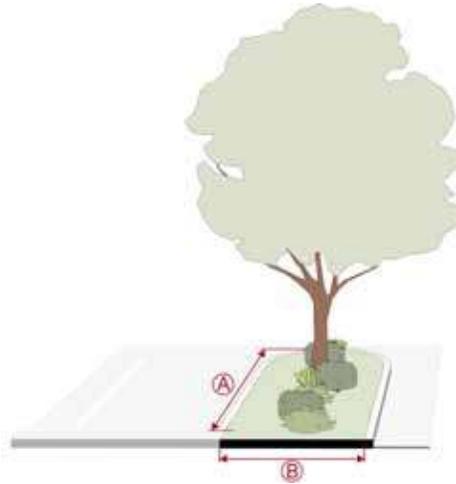


b. Enhanced Stormwater

Dimensions	
Ⓐ Width (min)	8'
Ⓐ Width with adjacent pervious surface (min)	6'
Ⓑ Swale depth (min/max)	6" / 18"
Ⓒ Swale slope (max)	3:1
Plantings	
Shrubs/grasses (min)	1 per 25 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E, Parking Area Surfacing
Curbing types	Wheelstops or curbs with gaps
Subsurface Storage	
Pervious Pavement with vault or cistern system	Recommended
Pervious Pavement with aggregate	Recommended

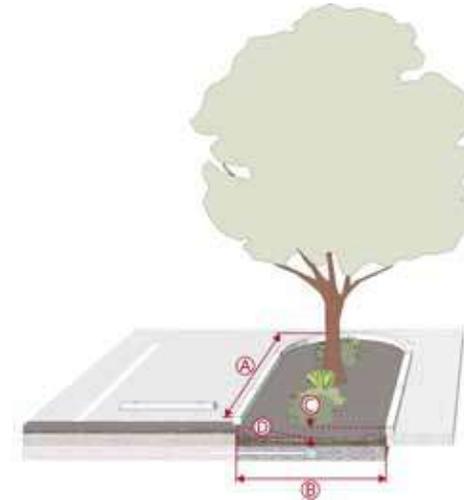
2. Planting Islands

A planting island must be located every [ten] parking spaces and a pair of planting islands must be located at the terminal ends of each planting median. Intervals may be expanded in order to preserve existing trees where approved by the [Administrator]. The general standards for the conventional option and the enhanced stormwater option for a planting island are shown below.



a. Conventional

Dimensions	
Ⓐ Length (min)	18'
Ⓑ Width (min)	8'
Plantings	
Canopy trees (min)	1
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curb and gutter

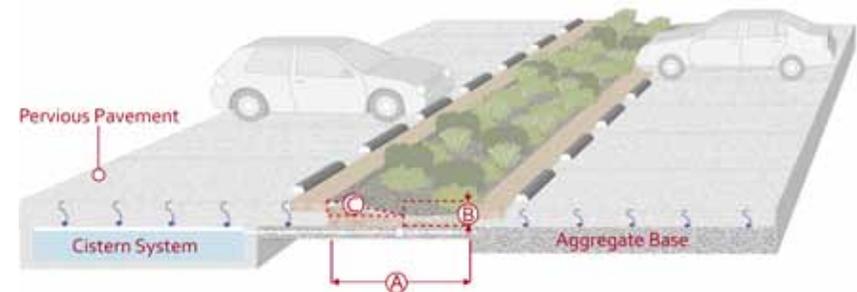
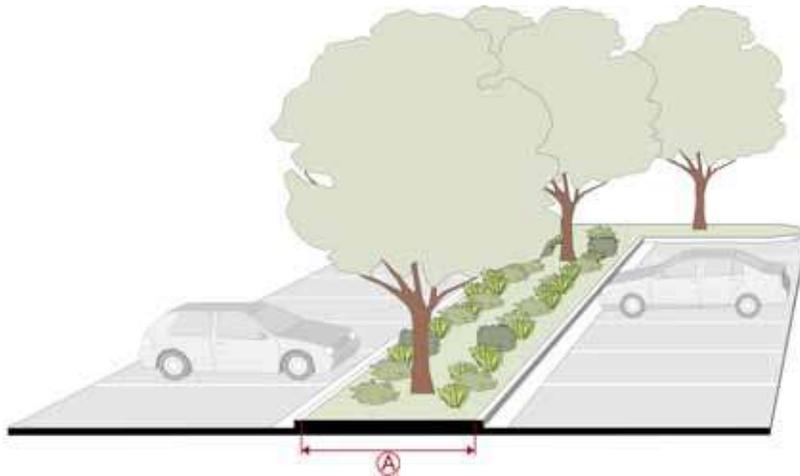


b. Enhanced Stormwater

Dimensions	
Ⓐ Length (min)	16'
Ⓑ Width (min)	6'
Ⓒ Swale depth (min/max)	6" / 18"
Ⓓ Swale slope (max)	3:1
Plantings	
Canopy tree/ornamental tree (min)	1 canopy or 2 ornamental trees
Shrubs/grasses (min)	1 per 25 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curbs with gaps

3. Planting Medians

A planting median must be located between every [six] single parking rows. The general standards for the conventional option and the enhanced stormwater option for the planting median are shown below.



a. Conventional

Dimensions	
Ⓐ Width (min)	12'
Plantings	
Canopy trees (min per 100' of length)	3 canopy trees planted 30' on center
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E, Parking Area Surfacing
Curbing types	Curb and gutter

b. Enhanced Stormwater

Dimensions	
Ⓐ Width (min)	10'
Ⓐ Width with adjacent pervious surface (min)	8'
Ⓑ Swale depth (min/max)	6" / 24"
Ⓒ Swale slope (max)	3:1
Plantings	
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E, Parking Area Surfacing
Curbing types	Wheelstops or curbs with gaps
Subsurface Storage	
Pervious Pavement with vault or cistern system	Recommended
Pervious Pavement with aggregate base	Recommended

D. Parking Area Surfacing [Context Areas]

Editor's Note: The following provisions establish the parking area surfacing requirements for communities that are mapping context areas. If not mapping context areas then apply the standards of Paragraph F.

1. General Standards

The following paving standards apply to all parking areas regardless of size. Parking areas may use more than one pavement type, provided that the material is consistent with the context of the site.

PARKING AREA PAVING	Natural	Rural	Suburban	Urban	Center	Special
Compacted earth	■					
Crushed stone, gravel or shell		■	■			
Paver blocks		■	■	■		
Grassed cellular plastic or concrete		■	■	■		
Asphalt (conventional or pervious)		■	■	■	■	■
Concrete (conventional or pervious)			■	■	■	■

Blank Cell = Not Allowed ■ = Allowed

2. Specific Standards

- a. Pavement materials that allow infiltration of stormwater are not allowed for use in parking areas of any Heavy Industrial districts or for any uses that have the potential to release significant contaminants into the groundwater (such as convenience stores with gas sales and all vehicle service).
- b. Grassed cellular plastic may only be used for overflow parking areas.
- c. Where an existing tree is adjacent to parking; paver bricks or other pervious surface must be used within the dripline of the tree.

E. Parking Area Surfacing [Non-Context]

Editor's Note: The following provisions establish the parking area surfacing requirements for communities that do not have context areas. If mapping context areas then apply the standards of Paragraph E.

1. General Standards

The following paving standards apply to all parking areas regardless of size. Parking areas may use more than one pavement type.

	Vehicular Use Areas	Non-Vehicular Use Areas
Asphalt (conventional or pervious)	■	
Concrete (conventional or pervious)	■	■
Paver blocks	■	■
Grassed cellular plastic or concrete	■	■
Crushed stone, gravel or shell	■	■

Blank Cell = Not Allowed ■ = Allowed

2. Specific Standards

- a. Pavement materials that allow infiltration of stormwater are not allowed for use in parking areas of any Heavy Industrial districts or for any uses that have the potential to release significant contaminants into the groundwater (such as convenience stores with gas sales and all vehicle service).
- b. Grassed cellular plastic may only be used for overflow parking areas.
- c. Where an existing tree is adjacent to parking; paver bricks or other pervious surface must be used within the dripline of the tree.

1.1.6 Screening

A. Service Areas

1. Trash collection, trash compaction, recycling collection and other similar service areas must meet the following standards:
 - a. Be located on the side or rear of the building;
 - b. Be effectively screened from view from residential properties and public rights-of-way; and
 - c. Be placed on an impervious surface and surrounded by curbs or other device to prevent runoff or leakage from disposed liquids.
2. Enclosures shall be fully screened by opaque walls or fences at least eight feet high with self-closing access doors. Wall or fence materials shall be compatible with the primary structure.

B. Loading Areas

1. All loading areas visible from residential districts or public rights-of-way shall provide a 100 percent opaque, year-round screen.
2. This screen shall consist of walls, fences, plant material or combination totaling eight feet in height at installation. Wall or fence materials shall be compatible with the primary structure.

C. Mechanical Equipment

1. All roof, ground and wall-mounted mechanical equipment (e.g. air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from ground level view from residential districts or public rights-of-way.
2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers painted to blend with the primary structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
 - a. Planted vegetative screens;

- b. Brick, stone, reinforced concrete or other similar masonry materials; or
- c. Redwood, cedar, pressure-treated wood or other similar materials.

D. Utilities

With the exception to those located in the right-of-way, all above-ground utilities and appurtenances to underground utilities which require above-ground installation, shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access points to these utilities are exempt from screening.

E. Fencing and Walls

1. No fence or wall may be more than nine feet in height. A fence or wall in any required front yard shall not exceed four feet in height.
2. No wall or fence may be located within any required drainage, utility or similar easement.
3. All fences and walls shall be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; treated wood; wrought iron; or other material approved by the Administrator. No wall containing more than 50 percent exposed standard concrete masonry blocks may be allowed, whether painted or not.
4. Electrified fences, barbed wire or concertina wire shall not be permitted.
5. Chain-link fences are not allowed in any front yard setback or any street facing side setback.
6. Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.
7. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections or a change in material.

1.1.7 Planting and Maintenance

A. Applicability

1. With the exception of 1.7.3 Planting in Clear Sight Distance and 1.7.5 Plant Protection, the planting and maintenance standards of this section apply only to those planting and screening improvements required by this **[ordinance]**.
2. Section 1.7.3 Planting in Clear Sight Distance and 1.7.5 Plant Protection, apply to all planting installed within the **[Jurisdiction]**.

B. Planting Elements

1. General

- a. The Administrator may not issue a permanent certificate of occupancy until all seeding, trees and plant material have been placed in accordance with the requirements of this section.
- b. A temporary certificate of occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended an additional 90 days upon request.
- c. All landscaping must be installed in accordance with accepted standards of the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by the Louisiana Nursery and Landscape Association.
- d. Plant material must be true to name, variety and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
- e. Plant materials must be cold hardy for the specific location where they are to be planted.
- f. Trees and shrubs must be salt-tolerant in coastal areas.
- g. Trees and shrubs used as part of a stormwater management system should be water tolerant and able to survive on natural rainfall once established with no loss of health.
- h. All other trees and shrubs should be drought-tolerant and able to survive on natural rainfall once established with no loss of health.

2. Canopy Trees

Editor's Note: Many landscape codes classify tree types as A Trees and B Trees. In this code Canopy Trees are roughly the equivalent of A Trees. Canopy Trees are defined in the Definitions.

- a. Canopy trees selected for planting must meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
- b. All single trunk trees must have a minimum **[2.5]** inch caliper and must be a minimum of **[10]** feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.
- c. Multi-trunk trees must have main stems with a minimum **[1.5]** inch caliper per trunk, a minimum of three main stems, and must be a minimum of **[10]** feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.

3. Ornamental Trees

Editor's Note: Many landscape codes classify tree types as A Trees and B Trees. In this code Ornamental Trees are roughly the equivalent of B Trees. Ornamental Trees are defined in the Definitions.

- a. Ornamental trees selected for planting must meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
- b. All single trunk trees must have a minimum **[1.5]** inch caliper and must be a minimum of **[eight]** feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.
- c. Multi-stem trees must have main stems with a minimum **[one]** inch caliper per stem, a minimum of three main stems, and must be a minimum of **[eight]** feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.

4. Street Trees

Street Trees may be either Canopy Trees or Ornamental Trees provided that the following requirements for are met

- a. All street trees must have a single trunk and must have a minimum [two] inch caliper and must measure a minimum of [12] feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.
- b. All street trees must be pruned with a clear trunk to a minimum of seven feet in height.

5. Shrubs and Grasses

- a. Shrubs and gasses selected for planting must meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
- b. All required shrubs and grasses must be a minimum of [20] inches in height or a minimum [three] gallon container.
- c. Shrubs and grasses must be of a species that under average conditions will reach a minimum height of [24] inches within [12] months.
- d. When planted as a hedge, the maximum spacing for [20] inch high shrubs shall be [36] inches on center. Spacing for other size shrubs and for grasses shall be approved by the [Administrator].

6. Fences and Walls

- a. No fence or wall may be more than [nine] feet in height. A fence or wall in any [front setback or front yard] must not exceed [four] feet in height.
- b. No wall or fence may be located within any required drainage, utility or similar easement.
- c. All fences and walls must be constructed of high quality materials including one or a combination of decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, treated wood, wrought iron, or other material approved by the Administrator. No wall containing more than [50] percent exposed standard concrete masonry blocks may be allowed.
- d. Electrified fences and concertina wire are not allowed in the Suburban, Urban or Center Context Area.

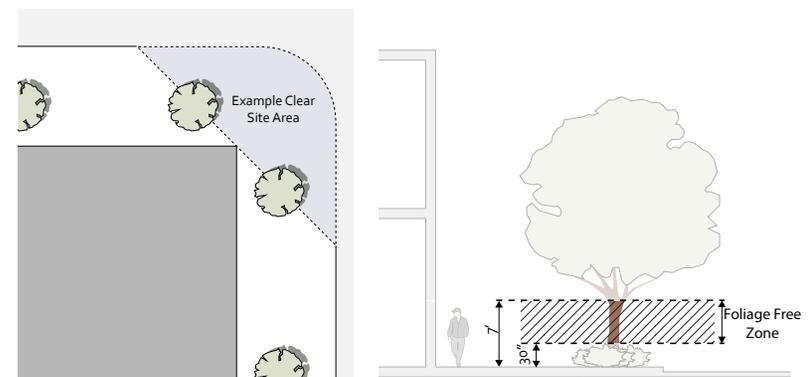
- e. Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.
- f. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane is 100 feet. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

7. Soils

- a. The compaction of soils in planting areas during the construction process shall be avoided.
- b. Preferred planting soils are [sandy loam]. When planting near streets or sidewalks structural soils may be used.
- c. Alternative soils may be approved by the [Administrator] to accommodate needed infiltration rates.

C. Planting in Clear Sight Distance

1. A clear sight distance, excluding street trees 12 inches or less DBH, must be established at the intersection of a driveway and a street and on all corner lots (the intersection of two streets) as set forth in [Insert Citation].
2. All established street trees interfering with the clear sight distance must be maintained by the abutting property owner and must be kept free of foliage for seven feet measured up from the base of the tree. Shrubs within the clear sight distance area may not exceed 30 inches in height.



D. Planting Maintenance

1. Responsibility

The responsibility for maintenance of a planting area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee.

2. Maintenance

- a. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming must be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.
- c. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
- d. Landscape structural features such as walls, fences, berms or water features must be maintained in a structurally safe and attractive condition.

3. Failure to Maintain

- a. In the event that the owner of a landscaped area fails to maintain the area according to the standards of this paragraph, the *[Jurisdiction]* reserves the right to recover the cost of enforcement, including reasonable attorney fees.
- b. The *[Jurisdiction]* may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the landscaped area.

E. Plant Protection

1. Tree Protection During Construction

- a. Existing trees to remain on the site as required planting or tree canopy must be protected from vehicular movement and material storage over their root spaces during construction. An undisturbed area with a porous surface must be reserved below the dripline of each tree or group of trees.
- b. Trees designated for protection must be completely enclosed by a temporary fence. Fencing must be in place prior to any clearing or site work. Fencing must remain in place until all construction has been completed.

2. Root Protection Zone

- a. A root protection zone, defined by an average radius extending outward from the trunk of the tree a distance of one linear foot for each inch (DBH), must be established around the trunk of each tree preserved or planted.
- b. No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts may occur closer to the trunk than one-half the root protection zone radius. In parking areas where approved alternative materials and methods are used, construction may be as close as five feet from the root flares on one side of the tree.
- c. The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half the root protection zone radius. The construction of sidewalks is allowed in the root protection zone, as long as excavation does not exceed three inches.
- d. The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used.

F. Issuance of Certificate of Occupancy

1. The Administrator shall not issue a permanent certificate of occupancy until all seeding, trees and plant material have been placed in accordance with the requirements of this [*ordinance*].
2. A temporary certificate of occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request.

G. Constrained Sites

Alternative landscaping may be approved by the Administrator only where the required landscaping in this [*ordinance*] cannot be physically met on the site for one of the following reasons:

1. Redevelopment of an existing site requires landscaping to be added, but a building, pavement or stormwater facility already exists; or
2. The site has lost area from existing landscaping due to adjacent road widening.

Sec. 1.2 Tree Preservation

Editor's Note: This section also appears in the Toolkit's Stormwater Management and Natural Resource Protection ordinance. If adopting that ordinance then remove this section.

1.2.1 Applicability

A. Generally

Unless specifically exempted below, the tree preservation requirements of this section apply to:

1. The development or redevelopment of any lot or site [20,000] square feet in size or larger;
2. Any site plan for a parcel [two] acres or greater; and

B. Exemptions

1. Exempt Activities

- a. Lands used for agricultural purposes.
- b. The clearing of understory trees and shrubs necessary to perform boundary surveying or to conduct tree surveys or inventories.
- c. Buildings and uses lawfully existing as of the effective date of this [ordinance] may be renovated or repaired without providing additional tree conservation and heritage tree preservation, provided there is no change in use of existing floor area, or an increase of less than [10] percent or [2,000] square foot in expansion or the addition of accessory buildings or structures.

2. Exempt Trees

- a. Any heritage tree or areas of tree canopy determined by the [Jurisdiction] to be diseased, dying or dead.
- b. Any heritage tree or areas of tree canopy determined to be causing a danger or be in hazardous condition as a result of a natural event such as hurricane, tornado, storm, flood or other natural event that endangers the public health, welfare or safety and requires immediate removal.

Editor's Note: If not using the Toolkit's building types then replace c. below with the language in d.

- c. Any heritage trees or areas of tree canopy within [50] feet of a [Farm Lot, Single-Family House or Attached House].
- d. Any heritage trees or areas of tree canopy within [50] feet of a residential building.
- e. Trees or areas of tree canopy that interfere with the clear sight distance for roadways as determined by the [Jurisdiction] Engineer.

1.2.2 Tree Preservation Generally

- A. The tree preservation requirements of this section address three elements:
 1. The preservation of protective bioshields;
 2. Heritage tree preservation; and
 3. Tree canopy coverage.
- B. Once the minimum tree preservation requirements have been determined for a site, the applicant may comply with the requirements through one or a combination of the following methods:
 1. Preservation of existing trees;
 2. Planting of new trees; or
 3. Payment into a tree mitigation fund.
- C. All trees required to be preserved or planted under this section must be planted and maintained in accordance with the provisions of Sec.1.7, Planting and Maintenance.
- D. For the purposes of this section, projects with multiple lots or sites, developed under a common development plan, may be considered a single site.

1.2.3 Bioshield Preservation Requirements

A. Bioshields Generally

Bioshields are vegetated buffers that occur along watercourses and around wetlands that serve to slow storm surges and protect development from storm debris.

B. Bioshields

There are two types of bioshields that may be required to be conserved on a site.

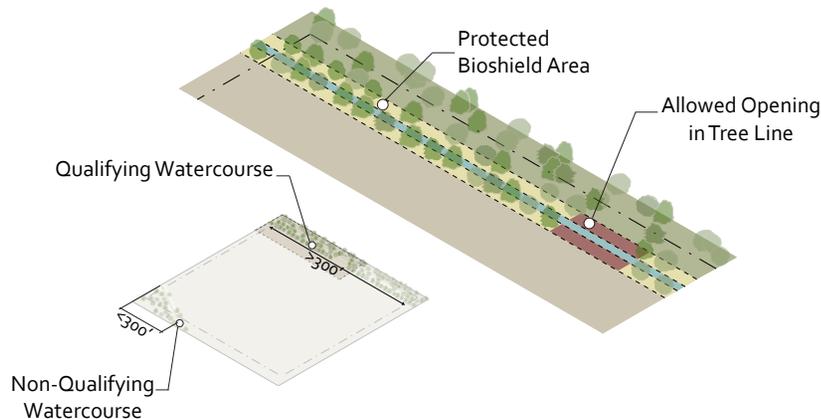
1. Watercourse Bioshield

- A watercourse bioshield is a vegetative buffer of trees and native understory vegetation that occurs along the bank of a bayou, canal, or other watercourse.
- When a site located in the **[Natural, Rural or Suburban Context]** contains **[300]** feet or more of bank length, the conservation of a watercourse bioshield, a minimum of **[100 feet wide]** is required.

Editor's Note: If adopting the Water Frontage in the Toolkit Zoning Code then add the following language.

The watercourse bioshield is not required along watercourses that have been designated with a Water Frontage as established in Sec. 9.1, Water Frontage.

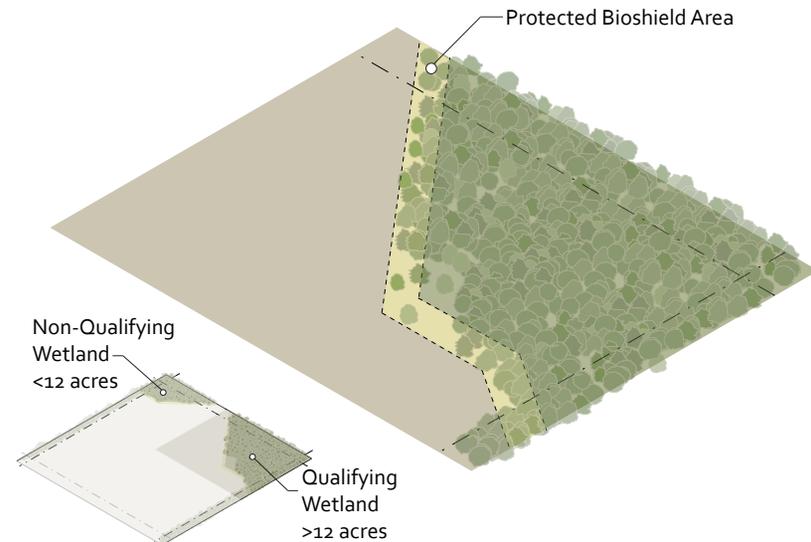
- The bank length is measured from property line to property line along the centerline of the watercourse.



- Periodic openings not to exceed **[20]** percent of the total length of the bioshield are allowed to provide access to the watercourse.
- A watercourse bioshield is recommended to be preserved or established along the banks of any bayou, canal, or other watercourse when a site contains less than **[300]** feet of bank length.

2. Wetland Bioshield

- A wetland bioshield is a vegetative buffer of trees and native understory vegetation that may occur along the edge of wetland.
- When a site is located in the **[Natural, Rural or Suburban Context]** and contains a wetland areas larger than **[12 acres]**, the conservation of a wetland bioshield, a minimum of **[100 feet wide]** is required between the wetland and the developable land.



- A wetland bioshield is recommended to be preserved or established along the edges of wetlands less than **[12]** acres in size.

C. Bioshield Mitigation Standards

In the event that all or a portion of a required bioshield must be cleared, mitigation of the bioshield area is required and may occur in one of the following ways.

1. On-site Replacement

Upon approval of the **[Administrator]**, the conserved bioshield may be reduced provided the following standards are met.

- The reduction in bioshield is mitigated in another on-site bioshield at a replacement ratio of **[2:1]**; or

- b. The reduction in bioshield is mitigated in the same bioshield at a replacement ratio of [1.5:1].

2. Payment to Tree Mitigation Fund

- a. When the conservation of a bioshield is infeasible, the applicant may request that the [Governing Body] allow a payment-in-lieu of bioshield conservation to the Tree Mitigation Fund.
- b. The request for payment-in-lieu must be presented to the [Administrator/Tree Board] for review and recommendation of approval or denial.
- c. The [Governing Body] may approve or deny any application for a payment-in-lieu of bioshield establishment to the Tree Mitigation Fund as provided in [Insert Citation].

1.2.4 Heritage Tree Preservation

A. Heritage Trees Generally

Editor's Note: Heritage tree requirements should be specified by each community. They may include the Storm Strong trees identified below or other trees the community considers worthy of protection.

A heritage tree is any tree or group of trees with the following characteristics:

1. Any tree with a DBH of [20] inches or more;
2. Any [Live Oak, Southern Magnolia or Bald Cypress], with a DBH of [10] inches or more; or
3. Any tree or group of trees specifically designated by the [Governing Body] for protection because of its historical significance, special character or community benefit.
4. Any additional tree designated on the [Jurisdiction's] Heritage Tree List maintained by the [Administrator].

B. Heritage Tree Removal Prohibited

1. The removal of any heritage tree is prohibited unless the [Administrator/Tree Board] issues a tree removal permit.

2. The applicant for a tree removal permit must submit a heritage tree mitigation plan including, but not limited to, the following information:
 - a. Location and type of tree to be removed;
 - b. Number, size and type of replacement trees;
 - c. Location of replacement trees;
 - d. Whether the applicant is seeking additional mitigation credit; and
 - e. Whether the applicant will pay into to the Tree Mitigation Fund.
3. In the case of emergency, when a heritage tree is hazardous or dangerous to life or property, it may be removed without a tree removal permit.

C. Heritage Tree Mitigation Standards

Mitigation of the removal of a heritage tree may occur in one of the following ways.

1. On-site Replacement

When an applicant is proposing to mitigate the removal of a heritage tree with on-site replacement, the following standards apply.

a. Replacement Tree Criteria

- i. Each heritage tree must be replaced at a ratio of [3:1] replacement tree DBH to heritage tree DBH.
- ii. The replacement trees must be a minimum of [3] inches DBH at the time of planting.

b. Replacement Tree Credits

Replacement trees that are planted as part of the following best practices may replace a heritage tree at a ratio of [2:1] (replacement tree DBH to heritage tree DBH).

- i. Replacement trees that are planted as part of one of the following post-construction stormwater management best practices:
 - a). Vegetative swale;
 - b). Planting strip trench;
 - c). Retention basin or hollow;

- d). Landscaped tree well;
 - e). Bio-retention swale; or
 - f). Rain garden.
- ii. Replacement trees that are planted as part of an addition to a required bioshield.

2. Payment to Tree Mitigation Fund

- a. When heritage tree replacement is infeasible, the applicant may request that the **[Governing Body]** allow a payment-in-lieu of tree replacement to the Tree Mitigation Fund.
- b. The request for payment-in-lieu of tree replacement must be presented to the **[Administrator/Tree Board]** for review and recommendation of approval or denial.
- c. The **[Governing Body]** may approve or deny any application for a payment-in-lieu of tree replacement to the Tree Mitigation Fund as provided in **[Insert Citation]**.

1.2.5 Tree Canopy

A. Tree Canopy Generally

Tree canopy coverage is intended to reduce the impacts of stormwater runoff and urban heat island associated with increased impervious surface and developed area.

B. Tree Canopy Calculation

- 1. Tree canopy cover includes individual trees, groups of trees, forested areas, future forest areas, or planted trees.
- 2. Tree coverage area may be determined by aerial photograph, tree survey, proposed site plan or by other means approved by the Administrator.
- 3. Total tree canopy coverage is calculated by dividing the tree canopy cover in square feet by the total land area of the site or lot.
- 4. In calculating total tree canopy coverage:
 - a. All land within the regulatory floodplain is exempt from calculation;

- b. Tree canopy coverage is measured after meeting all of the heritage tree preservation and planting requirements of this Article; and
 - c. The applicant may use the anticipated mature tree canopy of all trees to be planted.
5. In the event of a common development, calculation of the total tree canopy may consider the entire common development.

C. Minimum Tree Canopy Coverage [Context]

Editor's Note: Communities that are mapping context areas should use the tree canopy coverage standards for context area. Communities not mapping context areas should use the tree canopy coverage standards for development type.

- 1. Minimum tree canopy coverage requirements apply only in the **[Suburban, Urban and Center]** context areas.
- 2. Each site must provide a minimum final tree canopy cover based on its context area and whether the project provides a mix of residential and commercial uses or is a single use project.

Context Area	Single Use	Mixed Use
	(min % of tree cover)	(min % of tree cover)
Suburban	[30%]	[25%]
Urban	[25%]	[20%]
Center	[15%]	[10%]

- 3. For purposes of this section, multiple platted lots developed under a common development plan, are considered a single site.
- 4. In the event that a site contains more than one context area the tree canopy coverage will be weighted proportionally.

D. Minimum Tree Canopy Coverage [Non-Context]

- 1. Each site must provide a minimum final tree canopy cover as listed below for the entire project area.
- 2. For purposes of this section, multiple platted lots developed under a common development plan, are considered a single site.

	Greenfield Project (min % of tree cover)	Infill Project (min % of tree cover)
Proposed Development Type		
Residential	[30%]	[25%]
Non-residential	[25%]	[20%]
Mixed use	[20%]	[15%]

- Residential development types include single-family, two-family, and multi-family development projects with no commercial or office elements.
- Non-residential development types include commercial, office or industrial development projects with no residential elements.
- Mixed use development types include residential mixed with commercial or office uses.

E. Tree Canopy Credits

The [Administrator/Tree Board] may grant the applicant credit toward the required tree canopy coverage for the following activities.

1. Heritage Tree Canopy Credit

A tree canopy cover credit of [two] times the tree canopy area of a heritage tree preserved may be counted toward meeting the final tree canopy coverage.

2. Stormwater Management Credit

A tree canopy credit of [two] times the tree canopy area of vegetative post-construction stormwater management areas listed in [Insert citation to post-construction stormwater BMPs] may be counted toward meeting the final tree canopy coverage.

3. Environmentally Sensitive Areas

A tree canopy credit of [two] times the tree canopy area preserved in environmentally sensitive areas may be counted toward meeting the final tree canopy coverage.

4. Energy Conservation Credit

A tree canopy credit of [1.5 times] the tree canopy area established along the western or southern exposures of a habitable building may be counted toward meeting the final tree canopy coverage.

F. Tree Canopy Mitigation

- When the minimum tree canopy coverage is infeasible, the applicant may request that the [Governing Body] allow a payment-in-lieu of the minimum tree canopy coverage to the Tree Mitigation Fund.
- The request for payment-in-lieu of the minimum tree canopy coverage must be presented to the [Administrator/Tree Board] for review and recommendation of approval or denial.
- The [Governing Body] may approve or deny any application for a payment-in-lieu of minimum tree canopy coverage to the Tree Mitigation Fund as provided in [Insert Citation].

Sec. 1.3 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Abutting - The property directly touches another piece of property.

Adjacent - see Abutting.

Administrator - The person or office designated by the [*Governing Body*] and charged with certain tasks including but not limited to interpreting the provisions of this [*ordinance*], and other duties prescribed under this [*ordinance*].

Buffer - A specified area of land containing landscaping, open space, fences or walls located parallel to and within the outer perimeter of a lot and extending to the lot line. A buffer is used to physically separate or screen, one use or property from another so as to visually shield or block noise, lights or other nuisances.

Caliper - The diameter of plant material, measured at six inches above grade.

DBH - Diameter at Breast Height.

Greenfield - Development on a site that had not previously been developed or that was used for agricultural, silviculture or natural uses.

Infill - Development that occurs on a site that was previously developed for a use other than other than agriculture, silviculture, or natural lands.

Tree Canopy Cover - The land area covered by a tree crown or crowns, as measured in square feet. For a site or lot it may be expressed as the percent of the land area covered by tree canopy and is calculated by dividing the anticipated mature tree canopy cover in square feet by the total land area of the site or lot.

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BORROW PITS

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***Editor's Note:** This ordinance provides basic standards for the excavation and reclamation of borrow pits. If adopting the Toolkit's Zoning Code then this ordinance is included as a use standard in Article 11, Use Provisions and is not necessary.*

Sec. 1.10 General Provisions

1.10.1 Purpose

Editor's Note: Many of the following purpose statements already appear in the Toolkit Zoning Code and/or Subdivision Code. If this ordinance is used in combination of either then the purpose statements must be combined.

These regulations are intended to exercise the full range of authority available to the [Jurisdiction] under Louisiana law to:

- A. Safeguard and enhance property values and protect public and private investment;
- B. Reduce the negative environmental effects of development while protecting and enhancing the value of developed properties and the surrounding area;
- C. Mitigate the negative impacts of borrow pit activity and ensure the safe and beneficial reclamation of land used for borrow pits.

1.10.2 Construction Standards

The standards for the construction of the improvements required under this [Ordinance] shall be in accordance with the technical specifications established by the [Jurisdiction].

1.10.3 Improvement Guarantees

- A. Prior to issuance of a [use and occupancy permit], the applicant must either have installed improvements specified in this [ordinance] as shown on approved construction drawings or have guaranteed the installation of improvements specified under this [ordinance] by a bond with surety accepted by the [Governing Body].
- B. The applicant must submit a cost estimate and time schedule for construction or installation of each phase of improvements.
- C. If the applicant is guaranteeing borrow pit reclamation improvements, a bond with surety must be required guaranteeing all on-site and off-site improvements. The bond must be for an amount equal to 125 percent of the improvement cost estimate, and in a form approved by the [Jurisdiction] Attorney.
- D. If improvements are proposed in phases, the bond may be reduced by the cost of the installed improvements as each phase of improvements is installed and inspected by [Jurisdiction].

Sec. 1.11 Borrow Pits

1.11.1 Applicability

The following standards apply any borrow pit larger than [20,000]square feet located within [Jurisdiction].

1.11.2 General Provisions

- A. A borrow pit occurs in two phases. The site excavation phase and the site reclamation phase.
- B. No borrow pits are allowed in [Jurisdiction] without an approved [Zoning Permit or Site Development Permit] issued in accordance with [Insert citation to Site Development Permit or Zoning Permit].
- C. No borrow pits may be located on a site less than [20] acres in size.

1.11.3 Excavation and Reclamation Plan

No [Zoning Permit or Site Development Permit] for a borrow pit may be approved without an approved excavation and reclamation plan. Every excavation and reclamation plan must contain the following elements.

A. Excavation Site Plan

Each excavation and reclamation plan must contain a site plan identifying the location, depth and design of the borrow pit, fill storage areas, sedimentation and erosion control methods, location and design of required buffer areas and the location and design of access drives.

B. Environmental Impacts

All applicable state and federal permits must be attached as part of the excavation and reclamation plan.

Editor's Note: Communities that wish to apply additional environmental safeguards could do so here.

C. Excavation Schedule

Each excavation and reclamation plan must contain an excavation schedule establishing the duration of the excavation phase and the times during which excavation activities may take place.

D. Reclamation Plan

Each excavation and reclamation plan must contain a plan for how the borrow pit will be reclaimed, excavation impacts mitigated, and include a post-excavation site plan and reclamation phase schedule.

E. Plan Modifications

Modifications to an approved excavation and reclamation plan may be reviewed and approved by the Administrator.

1.11.4 Excavation Standards

- A. No borrow pit may be located within [150] feet of a property line, public drainage ditch, water body, or wetland.
- B. A [100]foot wide no disturbance area must be established around the perimeter of the borrow pit and between the borrow pit and any property line, water body, or wetland. The no disturbance area may contain a drive to provide site access.
- C. Existing vegetation must remain within the 100 foot no disturbance area.
- D. All borrow pits must have a barrier controlling access to the public while not in use.
- E. Any non-working face of an active borrow pit deeper than 15 feet must maintain a slope not to exceed [2:1]. The working face of a borrow pit may exceed a slope of [2:1].
- F. The design and construction of all borrow pit site entrances and exits must be approved by the [Jurisdiction] Engineer and must be designed and constructed so as not to cause damage to any [Jurisdiction] or State road.
- G. Methods must be incorporated to prevent the blowing of dust or sediment from the site.
- H. All utility easements must be observed and encroachment into the utility right-of-way is allowed only with written approval of the easement holder.
- I. All operating borrow pits must comply with the standards established in [Insert citation to Construction Phase Stormwater Management].

1.11.5 Reclamation Standards

A. General Standards

1. The stripping and stockpiling of the upper [six] inches of soil is required for the reclamation phase. These required stockpiles of soil must be seeded and only used for reclamation purposes.
2. No inactive borrow pit may have a slope greater than [2.5:1].
3. All slopes must be stabilized, equipment and structures removed from the pit, stockpiled top soil placed and planted, banks and slopes rounded, and other reclamation activities completed in accordance with the reclamation plan within 18 months of the cessation of excavation activities.
4. Borrow pits may be reclaimed as wetlands, ponds or lakes provided they are designed and constructed to support a healthy eco-system.

B. Standards for Retention and Detention Ponds

1. Any borrow pit that is reclaimed as a retention or detention pond, or as a lake or other water body deeper than five feet, must be designed and constructed to have an aquatic shelf or wetland bench that is planted with emergent plants and natural grasses.
2. No slope of a retention or detention pond, or lake or other water body deeper than five feet may exceed a [3:1] ratio unless supported by a bulkhead.
3. A pond aerator is required for any pond, lake or water body that is anticipated to maintain water for more than [five] days after a storm event.

1.11.6 Permit Revocation

The [Zoning or Site Development] permit for a borrow pit may be revoked if a borrow pit is not conducted in a manner consistent with the approved excavation and reclamation plan.

Sec. 1.12 Definitions

1.12.1 Definitions in General

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this [*ordinance*] its most reasonable application.

1.12.2 Defined Terms

Editor's Note: The following definitions should be added to your existing definitions section.

Borrow Pit - An area of excavation [*20,000 square feet*] or larger used to extract sand, gravel, clay, dirt or other material for fill on another site.

Erosion Control - A measure that prevents erosion.

Grading - Excavation or fill of material.

Phase - A proposed plan for the completion of a development in increments or stages.

Site - Any lot, tract or group of connected lots, tracts and/or parcels owned or functionally controlled by the same person or entity, assembled for the purpose of development.

Site Development Permit - A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

Stabilized - The use of practices that prevent exposed soil from eroding.

OUTDOOR LIGHTING

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Sec. 1.1 Outdoor Lighting Standards

1.1.1 Applicability

- A. Unless specifically exempted below, all existing and proposed development must meet the provisions of this [ordinance].
- B. Buildings lawfully existing as of the effective date of this [ordinance], may be renovated or repaired without modifying outdoor lighting in conformance with this [ordinance], provided there is no increase in gross floor area in the building or the impervious area of the site.
- C. Where a building existed as of the effective date of this [ordinance], and the building is enlarged in gross floor area or impervious area on the site by 10 percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this [ordinance] must be provided.

1.1.2 Prohibited Sources

The following light fixtures and sources may not be used where the source of the direct light emitted is visible from adjacent lots:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

1.1.3 Design Requirements

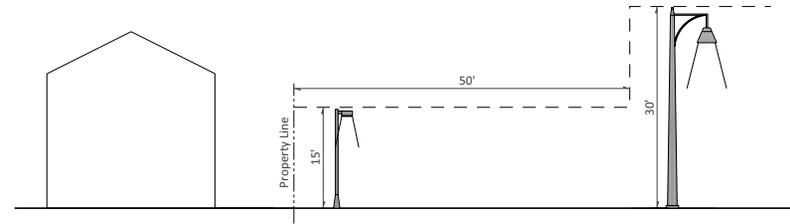
Outdoor lighting must primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures must be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed to illuminate any portion of a site must meet the following requirements:

A. Fixture (Luminaire)

The light source must be concealed and must not be visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures must be cutoff fixtures.

B. Fixture Height

Lighting fixtures may be a maximum of 30 feet in height within parking areas and may be a maximum of 15 feet in height within non-vehicular pedestrian areas. Light fixtures located within 50 feet of the property line of any ground floor residential use may not exceed 15 feet in height.



C. Light Source (Lamp)

Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. The same light source type must be used for the same or similar types of lighting throughout the development.

D. Mounting

Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

E. Limit Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses.

1.1.4 Specific Lighting

A. Security Lighting

1. Building-mounted security light fixtures such as wall packs may not project above the fascia or roof line of the building and must be shielded.
2. Security fixtures, including but not limited to floodlights and wall packs, may not face ground floor residential uses.
3. Security fixtures may not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

B. Accent Lighting

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture must be located, aimed or shielded to minimize light spill into the night sky.

C. Canopy Area Lighting

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations must use a cutoff fixture with a recessed lens cover flush with the bottom surface of the canopy that provides a shielded light distribution.

D. Entrances to Mixed Use Building Types

All entrances to mixed use building types, and all entrances in apartment building types containing more than four units, must be adequately lighted to ensure the safety of persons and the security of the building.

E. Commercial Parking Area Lighting

All commercial parking areas must be required to provide lighting consistent with the design requirements of this [ordinance] during nighttime hours of operation.

F. Outdoor Recreation

1. Lighting for outdoor recreation fields must be arranged to prevent direct glare onto any public or private property or streets.
2. Field illumination must utilize a shielded light at the edge of the regular field so that light cast beyond the shield does not exceed one foot-candle.
3. No luminaries or light shield shall be visible from adjoining residential districts.

G. Excessive Illumination

1. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this [ordinance].

2. Lighting may not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of either drivers or pedestrians.

1.1.5 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Abutting - The property directly touches another piece of property.

Adjacent - see Abutting.

Cutoff fixture - A type of light fixture with no light emitted above horizontal, no light dispersion or direct glare shines above a 90-degree, horizontal plane from the base of the fixture.

Footcandle - A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

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OUTDOOR STORAGE AND DISPLAY

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Sec. 1.1 Outdoor Storage and Display Standards

1.1.1 Applicability

- A. Any merchandise, material or equipment stored outside of a completely enclosed building is subject to the requirements of this [ordinance].
- B. Where merchandise, material or equipment is stored outside of a completely enclosed building in the [insert agricultural or rural zoning districts here], and the storage area lies more than 100 feet from any adjacent right-of-way or property line, the provisions of this [ordinance] do not apply.

Editor's Note: If including the Subdivision Code module use the following language in place of paragraph B above.

Where merchandise, material or equipment is stored outside of a completely enclosed building in the Natural or Rural contexts and the storage area lies more than 100 feet from any adjacent right-of-way or property line, the provisions of this [ordinance] do not apply.

- C. Vehicles for sale, lease or rent as part of a permitted use (including boats and manufactured housing) are not considered merchandise, material or equipment subject to the requirements of this [ordinance].

1.1.2 Outdoor Storage

Materials stored in outdoor storage are not normally brought indoors overnight. Outdoor storage is broken into the following two categories.

A. Limited Outdoor Storage

1. Limited outdoor storage includes storage that is secondary to the principal use on the site. Storage activities include but are not limited to the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
2. Limited outdoor storage is only permitted in the mixed use, commercial,

and industrial districts following approval of a site plan illustrating the extent of the permitted area for limited outdoor storage and provided it meets the standards below.

- a. Limited outdoor storage may not be more than 12 feet in height and must be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen.
- b. All limited outdoor storage must be located at least 15 feet from the public right-of-way and any abutting residential district.
- c. Limited outdoor storage must be located in the rear yard.
- d. Limited outdoor storage may be located to the side of a building, provided it is not located within the side setback.
- e. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

B. General Outdoor Storage

1. General outdoor storage includes uses and activities that by the size and scale of their operations require the outdoor storage of products. Typical uses include but are not limited to salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
2. General outdoor storage is only permitted in the industrial districts following review of a site plan illustrating the extent of the permitted area for general outdoor storage and provided it meets the standards below.
 - a. General outdoor storage must be screened by a 100 percent opaque visual barrier or screen. Screening must be high enough to completely conceal all outdoor storage from view from adjacent rights-of-way and any residential district.
 - b. All general outdoor storage must be located at least 15 feet from the public right-of-way and any abutting residential district.
 - c. No general outdoor storage is allowed in a street yard or otherwise forward of the front building line.
 - d. General outdoor storage may be located in the side or rear yard.

1.1.3 Outdoor Display

- A. Outdoor display is the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines is considered outdoor display. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered outdoor storage).
- B. Outdoor display is permitted in association with any nonresidential use following approval of a site plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.
 - 1. Outdoor display is permitted adjacent to the primary façade (façade with principal customer entrance) and may extend no more than eight feet from such façade.
 - 2. Outdoor display may be located no closer than five feet from any public entrance.
 - 3. Outdoor display may occupy no more than 30 percent of the horizontal length of the façade.
 - 4. Outdoor display may not impair the ability of pedestrians to use the sidewalk or parking areas.

1.1.4 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Abutting - The property directly touches another piece of property.

Adjacent - see Abutting.

Completely Enclosed Building - A building separated on all sides from adjacent open space or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and doors.

Facade - The front of the building.

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SIGNS

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Sec. 1.1 Signage Standards

1.1.1 Applicability

This [ordinance] applies to all signs erected, placed, painted, installed or otherwise made visible on private or public property, except as otherwise provided in this [ordinance].

1.1.2 Exempt Signs

The following signs are not subject to the regulations of this [ordinance]:

- A. Signs erected by or on behalf of or pursuant to the authorization of a governmental body or agency.
- B. Flags, pennants, or insignia of any governmental or nonprofit organization, when not displayed in connection with a commercial promotion or as an advertising device. The flag pole may not exceed the allowed height in the district.
- C. Signs directing and guiding traffic on private property that do not exceed four square feet in size each and that bear no advertising message or logo.
- D. Signs not exceeding four square feet in size that are customarily associated with residential use and that are not of a commercial nature, such as signs giving names of occupants, signs on mailboxes and newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- E. Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent. The real estate sign may not exceed 16 square feet in size for developments under two acres, and may not exceed 32 square feet in size or six feet in height for all developments larger than two acres. Only one sign on each street frontage may be erected.
- F. Hanging signs located below a canopy or awning that do not exceed 18 inches in height or five square feet in area, provided there is no more than one such sign per customer entrance and the sign maintains a clear height of eight feet above the ground.
- G. Directory signs (attached or freestanding) that are not visible from the street, provided that no more than one sign per customer entrance is allowed, up to a maximum of 16 square feet in area.
- H. Displays, including lighting, erected in connection with the observance of holidays. Such signs must be removed within 10 days following the holiday.
- I. One on-premises construction project sign, not to exceed 16 square feet in size in a residential district, or 32 square feet in size in all other districts. Construction signs may not be erected prior to site plan or plat approval or the issuance of a building permit, and must be removed within 15 days after final inspection and approval of the project.
- J. Political signs are permitted in all districts. Signs may not exceed 16 square feet in aggregate area per lot. No such sign may be located within or over the public right-of-way.
- K. Signs indicating special events, such as a fair, carnival, festival, grand opening, sale, or similar non-permanent activity to be conducted within the [Jurisdiction]. Such sign may not exceed 32 square feet in area and may be erected for a period not to exceed 30 days. Such signs must be removed within seven days after the event has taken place.
- L. "Yard Sale" signs located on-site and not exceeding four square feet in area, not used in connection with any continuous commercial activity.
- M. "Yard Sale" signs, located off-site from the property where such activity is to occur, may be permitted outside of public rights-of-way. Such signs may not exceed four square feet in size. Signs may not be erected more than 48 hours before the sale date and must be removed within 24 hours of the sale date.

1.1.3 Prohibited Signs

The following signs are expressly prohibited within all zoning districts:

- A. Portable signs, including any signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays. Additionally, any such prohibited sign designed to be portable may not be permitted to be altered so as to be made permanent.
- B. Roof signs.

- C. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons, and no more than two flags, unless specifically exempted above.
- D. Any sign or device set into motion by mechanical, electrical, or other means.
- E. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees or intensity.
- F. Any mechanized or electronic changeable copy sign that flashes, scrolls or is otherwise displayed for less than five minutes at one time. Changeable copy is allowed to replace any portion of an existing or proposed sign, provided the message remains static (no flashing or scrolling) for a period of no less than five minutes at one time.
- G. Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- H. Any sign that is attached to the roof of a building that projects above the parapet wall or apex of the roof to which it is attached.
- I. Any off-premises sign not expressly permitted by this [ordinance].
- J. Any sign placed in the right-of-way, other than those erected by a governmental agency.
- K. Any sign attached to utility poles, trees or plants.

1.1.4 Existing Signs or Sign Structures

Existing signs and sign structures that were legally erected must be brought into conformance with this [ordinance] as follows.

- A. Any modification (except for sign maintenance) must be in compliance with this [ordinance]. The act of changing the tenant panel of a multi-tenant sign is exempt from the is requirement.
- B. A nonconforming sign that is within 10 percent of the height or area requirements of this [ordinance] may be reviewed and approved for continuation by the Board of Adjustment.

1.1.5 Sign Permit Required

A zoning permit is required for each sign or series of signs to be installed on a site. The zoning permit shall ensure compliance with this [ordinance] prior to the issuance of any building or other permit for a sign.

1.1.6 Common Sign Plan

A common sign plan must be filed with the Administrator for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the plan. The applicant must indicate the standards of consistency of all signs on the subject property with regard to:

- A. Colors;
- B. Letter/graphics style;
- C. Location of each sign;
- D. Materials used in sign construction; and
- E. Maximum dimensions and proportion.

1.1.7 Variances Allowed

No variance is allowed for:

- A. Sign type;
- B. Building sign area;
- C. Freestanding sign height, area or number; or
- D. Sign illumination.

1.1.8 Noncommercial Message Substitution

A noncommercial message may be substituted for the commercial message allowed on any sign type.

1.1.9 Types of Signs

A. Building Signs

A building sign is an on-premises sign that is directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign.

1. Generally

a. Allowed [*Districts or Context Areas*]

Building signs are allowed in all [*insert applicable zoning districts or insert applicable context areas if using the Zoning Code module*]

b. Size

The maximum size of the sum of the area of all building signs may not exceed 15 percent of the facade area of the tallest floor (typically the ground floor).

c. Number

More than two building signs on separate facades may be erected, provided the total surface area allowed is not exceeded.

d. Height

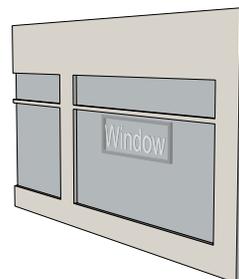
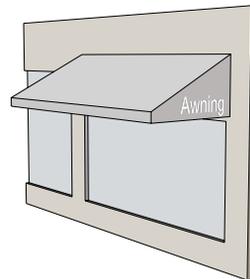
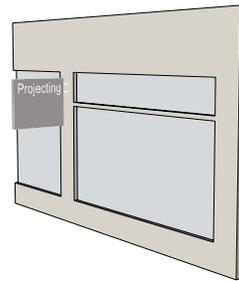
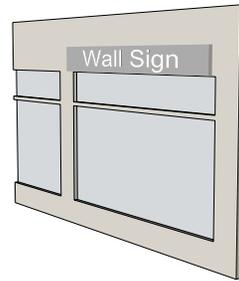
No building sign may extend above the parapet wall or roof line of the building.

e. Projection/Clearance

With the exception of a projecting sign, no building sign may project more than 12 inches from the building wall. All building signs that project more than six inches from the wall must maintain a clear height of eight feet above the ground.

f. Illumination

Building signs may be illuminated either internally or externally, provided that no sign located within 150 feet of a residential district may be illuminated during the hours between 12:00 midnight and 6:00 a.m.



2. Wall Signs

A wall sign is an on-premises sign attached flat to or mounted away from but parallel to the building wall, projecting no more than 12 inches from the building wall.

3. Projecting Sign

- a. A projecting sign is an on-premises sign fastened directly to a supporting building wall, and intersecting the building wall at a right angle. A projecting sign extends more than 12 inches from the building, and may be two or three-dimensional.
- b. The maximum area of any single side of a projecting sign is 20 square feet. No more than one projecting sign is allowed for each tenant. No projecting sign may project closer than three feet to the curb line. No sign may project more than one-half the width of the sidewalk.

4. Awning or Canopy Sign

- a. An awning or canopy sign is a sign which is attached flat to an awning or canopy.
- b. The maximum area of a single awning or canopy sign may not exceed 25 percent of the surface area of the face of the awning or canopy. One awning sign is allowed per awning. No portion of any awning or canopy sign may project closer to the curb line than the awning or canopy to which it is attached.

5. Window Sign

- a. A window sign is an on-premise sign attached flat but parallel to the inside of a window.
- b. Window signs are included in the total area of building signs allowed. No window sign may cover more than 25 percent of the area of the window to which it is attached.

B. Freestanding Signs

A freestanding sign is an on-premises sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure such as a pole, frame or other structure that is not a part of the building.

1. Generally

a. Allowed Contexts

Freestanding signs are not permitted in Main Street (-MS-) Districts.

b. Size

Allocation of sign area is based on the lineal frontage of the project site. A maximum sign area of 1 square foot for each 2 lineal feet of frontage, provided that the maximum surface area may not exceed the following:

- i. Nonresidential uses in residential districts, 16 square feet.
- ii. All other uses, 64 square feet.

c. Number

- i. One freestanding sign is allowed on any lot.
- ii. A pylon sign is only allowed on a lot which contains 100 feet or more of frontage on the street to which the pylon sign is to be oriented.
- iii. If a common sign plan is approved, two freestanding signs may be allowed on a lot or development having a minimum frontage of 300 feet on each of two adjacent streets, or more than 600 lineal feet of frontage on a single street, but only one may be a pylon sign.

d. Setback

No portion of any freestanding sign may extend over any public right-of-way, or be located within 15 feet of any interior side lot line.

e. Height

- i. No pylon sign or any part of the pylon sign (including base or apron, supports, supporting structures, and trim) may exceed 20 feet in height.
- ii. No monument sign may exceed five feet in height.

f. Projection/Clearance

All pylon signs must maintain a clear height of eight feet above the ground.

g. Construction

All freestanding signs must be securely fastened to the ground so that the sign will not be moved by wind or other forces of nature and cause injury to persons or property.

h. Address Number

All freestanding signs must incorporate a street address or address range. Address numbers must be a minimum of eight inches in height. The address number may not be counted against the allowed sign area unless it exceeds twice the minimum height allowed.

i. Lettering Size

Sign lettering must be a minimum of eight inches in height on any street with a designated speed of 45 MPH or greater.

j. Illumination

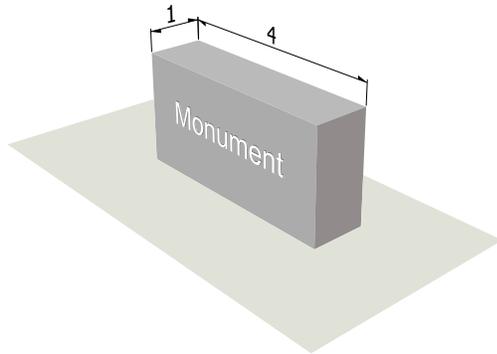
All freestanding signs may be illuminated either internally or externally, provided that no sign located within 150 feet of a residential district may be illuminated during the hours between 12:00 midnight and 6:00 a.m. Lighting directed toward a sign must be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

k. Landscaping

Shrubs, flowers or ground cover with a planting bed area equal to one-half the sign area must be planted around the base of any free-standing sign. Required landscaping is subject to the requirements of *[insert citation to appropriate landscaping standards for design and installation and maintenance]*.

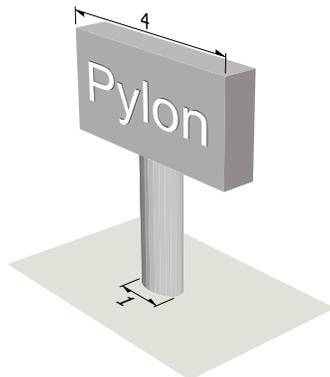
2. Monument Sign

A freestanding sign no more than eight feet in height and having a ratio of less than four to one sign width to narrowest width of support structure. Any sign constructed to the above referenced ratio of support structure to sign width, but in excess of eight feet in height, shall be considered and regulated as a pylon sign.



3. Pylon Sign

A freestanding sign attached to the ground by one or more support structures having a ratio of greater than four to one sign width to narrowest width of support structure.



C. Off-Premises Signs: Billboards

With the exception of Billboards meeting the standards below, all off-premises sign are prohibited.

1. Size

The maximum area of a single side of a billboard may not exceed 200 square feet, with a maximum height of 15 feet, and a maximum width of 20 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members. No advertising message is allowed on the base or apron. Not more than one advertising face is allowed on each side of the display. No side-by-side or stacked billboards are allowed.

2. Spacing

- No part of any billboard may be located less than 5,000 feet from any part of another billboard. The minimum distance between billboards shall apply regardless of the side of the road the billboard is located on.
- Billboards may not be located in such a manner as to obscure or physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a driver's view of approaching, merging, or intersecting traffic.
- No billboard may be located within 660 feet of the edge of the right-of-way of the federal Interstate Highway System.
- For the purpose of this paragraph, measurement shall be made in a straight line, without regard to intervening structures or objects from the property line of the lot containing the billboard to the nearest property line of any other billboard or any highway right-of-way.

3. Setback

Billboards must be placed at least 50 feet off the right-of-way of the road.

4. Height

No billboard or part of a billboard (including base or apron, supports, supporting structures and trim) may exceed the maximum height of the zoning district in which the billboard is located but in no case may a

billboard exceed 65 feet in height, measured from the top of the sign to the ground at the base of the sign or the crown of the roadway, whichever is higher.

5. Projection/Clearance

All billboards must maintain a clear height of eight feet above the ground at the base of the sign or crown of the roadway, whichever is higher.

6. Construction

All billboards must be constructed in accordance with applicable building codes.

7. Illumination

Billboards may be externally illuminated, so long as such lighting is effectively shielded to prevent beams or rays of light from being directed into any portion of the traveled ways of a public street, and is not of such intensity or brilliance as to cause glare or to interfere with any driver's operation of a motor vehicle.

D. Historic Signs

1. A building or freestanding sign that is 50 years or older, or a sign that is particularly unique in character, design, or history, or that is part of the historic character of a business or building.
2. When an attached off-premise sign is determined to have particular historical or culturally significant value, such determination to be made by the [Governing Body], the terms of this section may be waived.

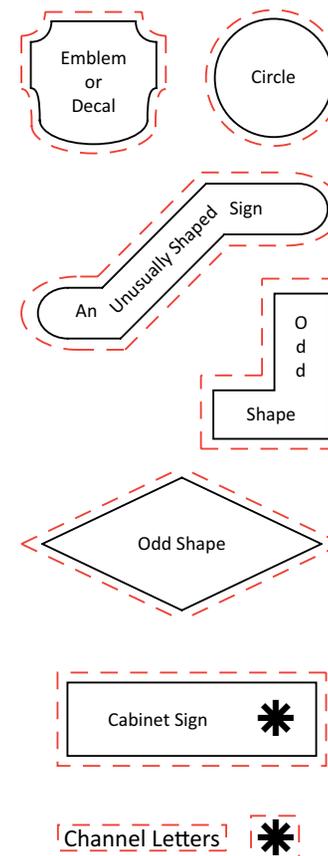
1.1.10 General Sign Regulations

A. Computation of Sign Area

The area of all signs shall be computed as follows:

1. The area of a sign that consists of individual letters erected directly onto a wall or awning is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, copy, or message.
2. The area of any sign with a structure or cabinet is measured by find-

ing the area of the minimum imaginary rectangle or square which fully encloses all extremities of one side of the sign, exclusive of its supports.

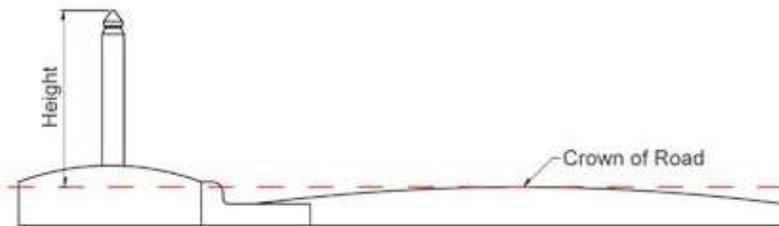


B. Construction Standards

1. All signs must comply with the appropriate provisions of the applicable building code and this [ordinance].
2. Freestanding signs must meet all Louisiana DOT sight distance requirements.
3. Signs must be located in such a way that they maintain sufficient horizontal and vertical clearance from all overhead electrical conductors, provided that no sign, except governmental signs, may be installed closer than 10 feet horizontally or vertically from any conductor or public utility guy wire.
4. In no way may a sign hinder or obstruct the visibility of the right-of-way, either at intersections or points of ingress or egress from parking lots.

C. Height of Sign

The height of a sign shall be measured from the highest point of the sign or supporting structure to the crown of the road adjacent to the sign.



1.1.11 Sign Maintenance

- A. All signs must be maintained in a state of good repair. The Administrator is authorized to inspect each sign periodically to determine that it meets the requirements of this [ordinance]. Whenever it appears to the Administrator that any sign has been structured or is being maintained in violation of this [ordinance], such sign shall be made to conform, or shall be removed at the expense of the owner within 10 days after written notification by the Administrator.

- B. To ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements apply to all signs visible from any street right-of-way:
 1. A sign may have no more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than 30 successive days.
 2. A sign may not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 percent from vertical for a period of no more than 30 successive days.
 3. A sign may not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of no more than 30 successive days.
- C. The sign maintenance requirements may be suspended for up to six months following a natural disaster.

1.1.12 Removal of Obsolete or Deteriorated Signs

A. Obsolete Signs

1. Signs which identify businesses or tenants no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred must be removed by the owner of the premises within 90 days of receipt of notification by the Administrator.
2. When a sign is determined to have particular historical or culturally significant value, such determination to be made by the Board of Adjustment, the terms of this section may be waived.

B. Deteriorated Signs

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the applicable building code, or which is otherwise determined to be unsound or unsafe, must be removed or brought into compliance with all codes within 30 days of notification by the Administrator.

1.1.13 Nonconforming Signs

A. Removal by Abandonment or Change of Business

1. Any nonconforming off-premise sign, the use or copy of which is discontinued or removed for a period of six months, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
2. Any nonconforming on-premise sign, the use or copy of which is discontinued or removed for a period of 365 days, regardless of any intent to resume or not to abandon such sign, shall be deemed to be abandoned and shall not thereafter be re-established. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such sign.
3. Any period of such discontinuance caused by government actions, strikes or acts of God, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for the purposes of this paragraph.

B. Removal by Damage or Destruction

Any nonconforming off-premise sign which is partially damaged or destroyed by any means, to beyond 50 percent of its current market value, that is nonconforming to the requirements of this [ordinance], shall not be restored, but shall be removed or reconstructed in conformance with the provisions of [ordinance].

C. Removal When Not Repaired Within 60 days

Any nonconforming sign removed for any reason, including voluntary removal, whose reconstruction has not commenced within 60 days shall not be permitted to be replaced unless the replacement sign conforms with all requirements of this zoning code. A nonconforming sign repaired within 60 days may only be reconstructed or repaired to its original condition as to height, area and in the same location.

D. Removal Upon Change of Principal Use

Any nonconforming sign shall be removed or brought into compliance with this [ordinance] immediately upon a change in the principal use of the site.

E. Enforcement of Removal

1. If any sign is not removed as required by this section, the Administrator shall initiate the necessary proceedings to secure removal of such illegal or nonconforming sign, or secure compliance with the provisions of this zoning code.
2. Upon the determination of the Administrator that a sign remains nonconforming after termination of the allowable time periods provided for above, the Administrator shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have 30 days after such written notice within which to remove said sign or to appeal the administrative decision.
3. The removal expense may be made a lien upon such real property by the Administrator sending by certified mail to the owner of such real property, a notice of lien for the cost of such removal. The cost of all such mailing and the cost of obtaining the name and address of the owners shall be part of the cost of such removal.

F. Forfeiture

Any private sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this [ordinance]. In addition to other remedies granted by this section, the Administrator shall have the right to recover from the owner or person placing the sign, the full costs of removal and disposal of the sign.

1.1.14 Definitions

Editor's Note: The following definitions should be added to your existing definitions section.

Abutting - The property directly touches another piece of property.

Adjacent - see Abutting.

Facade - The front of the building.

Off-Premise Sign - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

On-Premise Sign - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold or offered at the location on which the sign is located.

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Editor's Note: This ordinance may be used by communities that are adopting a basic version of the Toolkit's zoning or subdivision code or by communities looking for a set of ordinances to better address stormwater and natural resource protection. This ordinance packages together several individual sections of the Toolkit and includes some provisions that are included in the Toolkit's Zoning Code and Subdivision Code. Editor's Notes point out where this overlap may occur and suggests approaches to eliminating redundancy.

Sec. 1.1 General Provisions

1.1.1 Purpose

Editor's Note: Many of the following purpose statements already appear in the Toolkit Zoning Code and/or Subdivision Code. If this ordinance is used in combination of either then the purpose statements must be combined.

These regulations are intended to exercise the full range of authority available to the **[Jurisdiction]** under Louisiana law to:

- A. Safeguard and enhance property values and protect public and private investment;
- B. Reduce the negative environmental effects of development while protecting and enhancing the value of developed properties and the surrounding area;
- C. Encourage land use planning at the neighborhood and watershed scales that promotes compact, infill development and reduction in total impervious area to protect environmentally sensitive areas, natural resources and to provide reductions in runoff volume and pollutant loads on a per capita basis;
- D. Minimize stormwater runoff from development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- E. Approximate the natural pre-development hydrology, including water quality and water quantity, as closely as possible;
- F. Minimize nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- G. Reduce the peak flows and runoff volumes of stormwater, through stormwater management controls that filter and infiltrate stormwater close to the source;
- H. Establish standards for the incorporation of natural stormwater best management practices that are appropriate to the land use, context and site conditions;
- I. Encourage preservation of existing trees and other significant vegetation;
- J. Encourage the selection, installation, and maintenance of trees and plants that result in the conservation of natural resources, including water;
- K. Reduce the "heat island" effect of impervious surfaces, such as parking lots and streets, by cooling and shading the surface area and breaking up large expanses of pavement;
- L. Preserve existing native vegetation along wetlands and watercourses as an integral part of public safety and hazard mitigation;
- M. Promote innovative and cost-effective approaches to the design, installation, and maintenance of landscaping while encouraging xeriscape planting techniques, water and energy conservation;
- N. Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses;
- O. Promote heritage tree preservation, and tree canopy coverage throughout the **[Jurisdiction]**; and
- P. Mitigate the negative impacts of borrow pit activity and ensure the safe and beneficial reclamation of land used for borrow pits.

1.1.2 Construction Standards

The standards for the construction of the improvements required under this **[Ordinance]** shall be in accordance with the technical specifications established by the **[Jurisdiction]**.

1.1.3 Improvement Guarantees

- A. Prior to issuance of a **[use and occupancy permit]**, the applicant must either have installed improvements specified in this **[ordinance]** as shown on approved construction drawings or have guaranteed the installation of improvements specified under this **[ordinance]** by a bond with surety accepted by the **[Governing Body]**.
- B. The applicant must submit a cost estimate and time schedule for construction or installation of each phase of improvements.
- C. If the applicant is guaranteeing public stormwater improvements, or other improvements that are tying into public systems, or borrow pit reclamation improvements, a bond with surety must be required guaranteeing all on-site and off-site improvements. The bond must be for an amount equal to 125 percent of the improvement cost estimate, and in a form approved by the **[Jurisdiction]** Attorney.
- D. If improvements are proposed in phases, the bond may be reduced by the cost of the installed improvements as each phase of improvements is installed and inspected by **[Jurisdiction]**.

Sec. 1.2 Stormwater Management

Editor's Note: This section also appears in the Toolkit's Subdivision Code. If adopting the Subdivision Code then remove this section.

1.2.1 Applicability

The provisions of this section, apply to all land development at construction phase and post-construction phases. The criteria for when each applies is established below.

A. Construction Phase

Land disturbing activities which are in excess of [5,000] square feet or [500] cubic yards of earth moved must comply with the Construction Phase Stormwater Management standards of 1.2.4, Construction Phase Stormwater Management.

B. Post-Construction Phase

The development or redevelopment of any lot or site [6,000] square feet in size or larger must comply with the Post-Construction Stormwater Management standards of 1.2.5, Post-Construction Stormwater Management.

C. Exempt Activities

The following activities are exempt from all stormwater management requirements:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
2. Any temporary activity that lasts less than two weeks and returns the site to the pre-activity conditions;
3. Expansion in gross floor area or impervious area of less than [10] percent or [2,000] square feet, whichever is less; and
4. Lands used for agricultural purposes.

1.2.2 Site Development Permit Required

Editor's Note: If adopting the Toolkit Zoning Code then the site development permit may be replaced by the zoning permit. The point is to have a mechanism in place that allows for review prior to development.

A Site Development Permit issued in accordance with 1.8.5, Site Development Permit is required for any development activity that is subject to the terms of this section.

1.2.3 Stormwater Management Plan

A. Plan Approval

1. Prior to the approval of a site development permit, the [Administrator] approve a stormwater management plan submitted by the applicant.
2. Modifications to an approved stormwater management plan may be reviewed and approved by the [Administrator].

B. Plan Requirements

1. The stormwater management plan must contain plans for managing the impacts of stormwater during the construction phase and post-construction phase of the project as applicable. Hydrologic parameters that reflect the fully built-out development must be used in all engineering calculations.
2. All stormwater best management practices (BMPs) identified in the plan must be designed and constructed to meet the standards of this section.
3. The post-construction phase of a stormwater management plan must describe how the proposed project will or will not, address the following site design goals:
 - a. Manage rainfall as close to where it falls as possible;
 - b. Use simple, natural, cost-effective stormwater BMPs that are appropriate to the [Context or Character Area] of the project;
 - c. Preserve natural resources, and existing hydrologic patterns as framework for site design; and
 - d. Reduce consumption of land for the sole purpose of stormwater management.
4. Stormwater management plans must be prepared under the seal of an engineer, or landscape architect licensed in the state of Louisiana.

C. Common Development Plans

Projects with multiple lots or sites, developed under a common development plan, are considered a single development and may submit one stormwater management plan that describes how the project as a whole will use BMPs to meet the performance criteria for post-construction stormwater management.

1.2.4 Construction Phase Stormwater Management

Construction phase stormwater management BMPs control erosion and sediment runoff during site clearing, grading and the construction process. All construction phase stormwater BMPs used during construction must meet the following standards.

A. General Standards

1. The applicant must install all BMPs in a manner consistent with the approved stormwater management plan.
2. All BMPs used on a site must be maintained in a continuously effective condition until removed.
3. The **[Administrator]** must approve the removal, upgrade or replacement of any perimeter BMPs.
4. All BMPs must meet the design criteria set forth in **[Insert Source or Technical Manual]** and must prevent the runoff of sediment from the site as detailed in the approved stormwater management plan.
5. All site work, materials, plans and test reports must be available at all times for inspection by officials of the **[Jurisdiction]**.

B. Clearing and Grading Standards

1. The clearing and grading of any natural resource area, such as forests and wetlands, are not allowed, except when in compliance with the provisions of **Sec. 1.5**, Tree Preservation, and all other state and federal laws and regulations.
2. All site clearing methods and techniques used, must be as described in the stormwater management plan and be consistent with **[Insert Source or Technical Manual]**.
3. Site clearing may not begin until all sediment control devices have been installed and stabilized.
4. Clearing and grading activities that disturb more than **[20]** acres must be phased. The size and timing of each phase must be established in the stormwater management plan.
5. All site clearing and grading methods should be conducted in a manner

that minimizes the alteration or disturbance to natural drainage patterns.

C. Erosion Control Standards

1. Temporary slopes steeper than **[3:1]** must be stabilized with sod, seed and anchored straw mulch, or other approved stabilization measures, within **[7]** days of disturbing the slope. Other BMPs designed to control erosion on steep slopes or drainage ways may be approved in the stormwater management plan.
2. When seeding or another vegetative erosion control method is used, it must be established within **[7]** days or the **[Administrator]** may require the area to be replanted or a nonvegetative option employed.
3. Soil stabilization must be completed within seven days of site clearing or inactivity in construction.
4. Topsoil must be stripped and stockpiled before any clearing occurs. Stockpiled topsoil shall be reused in planting areas.
5. Soil stockpiles must be stabilized or covered at the end of each workday.
6. BMPs must be incorporated to prevent the blowing of dust or sediment from the site.
7. Runoff from upland portions of the site must be diverted around any disturbed slope.

D. Sediment Control Standards

1. Runoff from any land disturbing activity must be directed through an approved sediment control device.
2. A settling basin may be installed to allow conversion to an irrigation pond, retention basin or other post-construction stormwater BMP.
3. Adjacent properties must be protected from runoff by the use of a vegetated buffer strip or other perimeter controls.

E. Waterway and Watercourse Protection Standards

1. If a watercourse will be crossed regularly during construction, a temporary crossing must be installed as approved by the **[Administrator]**.

2. The channel of the watercourse must be stabilized before, during, and after any in-channel work.
3. Outlets of any pipes or paved channels must be stabilized to prevent erosion.

F. Drainage Standards

1. The final grade must provide adequate gradients to provide positive drainage away from all building foundations or openings.
2. No applicant may add fill to a site which causes runoff to pond off-site, unless the ponding is in a stormwater BMP serving multiple sites.

G. Construction Site Access Standards

1. All construction site access points must be designed and constructed to prevent the deposition of sediment and construction materials onto public rights-of-way. This may be accomplished by installing and maintaining a stabilized construction entrance, or by other methods approved as part of the stormwater management plan.
2. Any sediment and construction materials deposited onto public streets must be removed immediately.

1.2.5 Post-Construction Stormwater Management

The post-construction stormwater management addresses structural and non-structural stormwater management facilities. All post-construction stormwater BMPs used on a site or as part of a development must meet the following standards.

A. Performance Criteria

Editor's Note: The numbers in blue italics may be adjusted locally to reflect the community's regulatory threshold or the water quantity and water quality levels required by the EPA, DNR or DEQ as the case may be.

1. Water Quantity

The design and construction of all post-construction stormwater management methods must meet the following performance criteria for managing water quantity either on an individual site or as part of an approved neighborhood or community-wide stormwater management system.

a. Infill Development

The stormwater management system for an infill development must be designed and constructed to manage the [85th percentile] rain event.

b. Greenfield Development

The stormwater management system for a greenfield development must be designed and constructed to manage the [95th percentile] rain event.

2. Water Quality

The stormwater management system must be designed and constructed to remove a minimum of [80 percent] of the average annual post-development total suspended solids load for the water managed on site or as part of an approved neighborhood or community-wide stormwater management system.

3. Groundwater Recharge

Annual groundwater recharge rates must be maintained at pre-development levels.

B. General Standards

1. The applicant must install all post-construction stormwater BMPs consistent with the approved stormwater management plan.
2. All post-construction stormwater BMPs used on a site or project must be maintained in a continuously effective condition until removed.
3. All post-construction stormwater BMPs must meet the design criteria set forth in [Insert Source or Technical Manual] and must manage all stormwater as provided in the approved stormwater management plan.
4. All site work, materials, plans and test reports must be available at all times for inspection by officials of the [Jurisdiction].

C. Post-Construction Stormwater BMPs

Editor's Note: The post-construction BMPs identified in this ordinance are described in detail in the book Light Imprint Handbook: Integrating Sustainability and Community Design by Thomas E. Low. Communities may choose to use the Light Imprint Handbook as a guide that the Administrator may use in approving equivalent alternatives.

1. Organization and Integration

- a. Post-construction stormwater BMPs are organized into one or four categories: paving, conveyance, detention and filtration based on their primary purpose. BMPs may have more than one purpose.
- b. Each BMP may be used individually or combined to create an integrated system capable of managing the post-construction stormwater runoff.
- c. Post-construction stormwater management methods may be integrated into required streetscapes, Sec. 1.3, Streetscapes, required surface parking area design Sec. 1.4, Parking Area Design, or into any other on site planing or landscaping amenity.

2. [Context or Character] Areas

Not all post-construction stormwater BMPs are appropriate in all parts of the community. Some should be used only in rural areas while others are only appropriate in suburban or urban areas. Each of the BMPs is further organized by the [Context or Character] Area where they should be used.

D. Post-Construction Stormwater BMPs

Editor's Note: The following post-construction stormwater BMPs are organized by Context Area. They are intended for use by communities that are mapping context areas. The recommended BMPs may be calibrated by the community to better reflect their needs. Communities not mapping context areas should use the BMPs organized on the following page.

1. Paving Methods

The BMPs in the table below establish the options for the paving of walkways, plazas, driveways and vehicular use area by Context.

PAVING OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Compacted earth	■	■				
Crushed stone, gravel or shell		■	■			
Paver blocks		■	■	■		
Grassed cellular plastic or concrete		■	■	■		
Asphalt (conventional or pervious)		■	■	■	■	■
Concrete (conventional or pervious)			■	■	■	■

Blank Cell = Not Recommended ■ = Recommended

2. Conveyance Methods

The BMPs in the table below establish the options for conveying stormwater within a site's post-construction stormwater system by Context.

CONVEYANCE OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Drainage ditch	■	■				
Natural creek	■	■	■			
Vegetative or stone swale	■	■	■			
Stone or rip-rap channel		■	■			
French drain		■	■	■		
Planting strip trench		■	■	■	■	■
Canal		■	■	■	■	■
Concrete pipe			■	■	■	■
Curb and gutter			■	■	■	■
Masonry or concrete trough			■	■	■	■

Blank Cell = Not Recommended ■ = Recommended

3. Detention Methods

The BMPs in the table below establish the options for the detention of stormwater within a site's post-construction stormwater system by Context.

DETENTION OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Irrigation pond		■	■			■
Retention basin		■	■			■
Retention hollow or pond			■	■		■
Detention pond			■	■		■
Dry pond			■	■		■
Landscaped tree wells			■	■	■	■
Underground vault, pipe or cistern			■	■	■	■
Grated tree well				■	■	■

Blank Cell = Not Recommended ■ = Recommended

4. Filtration Methods

The BMPs in the table below establish the options for the filtration of stormwater within a site's post-construction stormwater system by Context.

FILTRATION OPTIONS	Natural	Rural	Suburban	Urban	Center	Special
Wetland swamp or shallow marsh	■	■	■			■
Filtration pond	■	■	■			■
Natural vegetation or surface landscaping	■	■	■	■	■	■
Constructed wetland		■	■			■
Bioretention swale		■	■			■
Rain garden		■	■			■
Roof garden		■	■	■	■	■
Vegetative purification bed			■	■	■	■
Waterscape				■	■	■

Blank Cell = Not Recommended ■ = Recommended

E. Post-Construction Stormwater BMPs

Editor's Note: The following post-construction stormwater BMPs are organized by Character Area. They are intended guide communities that are not mapping the various context areas towards appropriate BMPs. The recommended BMPs may be calibrated by the community to better reflect their needs.

1. Paving Methods

a. The BMPs in the table below establish the options for the paving of walkways, plazas, driveways and vehicular use areas in each area.

PAVING OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Compacted earth	■		
Crushed stone, gravel or shell	■	■	
Paver blocks	■	■	■
Grassed cellular plastic or concrete	■	■	■
Asphalt (conventional or pervious)	■	■	■
Concrete (conventional or pervious)		■	■

Blank Cell = Not Recommended ■ = Recommended

2. Conveyance Methods

The BMPs in the table below establish the options for conveying stormwater within a site's post-construction stormwater system in each area.

CONVEYANCE OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Drainage ditch	■		
Natural creek	■	■	
Vegetative or stone swale	■	■	
Stone or rip-rap channel	■	■	
French drain	■	■	■
Planting strip trench	■	■	■
Canal	■	■	■
Concrete pipe		■	■
Curb and gutter		■	■
Masonry or concrete trough		■	■

Blank Cell = Not Recommended ■ = Recommended

3. Detention Methods

The BMPs in the table below establish the options for the detention of stormwater within a site's post-construction stormwater system in each area.

STORAGE OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Irrigation pond	■	■	
Retention basin	■	■	■
Retention hollow or pond		■	■
Detention pond		■	■
Dry pond		■	■
Landscaped tree wells		■	■
Underground vault, pipe or cistern		■	■
Grated Tree Well			■

Blank Cell = Not Recommended ■ = Recommended

4. Filtration Methods

The BMPs in the table below establish the options for the filtration of stormwater within a site's post-construction stormwater system in each area.

FILTRATION OPTIONS	Rural Areas	Suburban Areas	Urban Areas
Wetland swamp or shallow marsh	■		
Filtration pond	■		
Constructed wetland	■	■	
Bio-retention swale	■	■	
Rain garden	■	■	
Natural vegetation or surface landscaping	■	■	■
Roof garden	■	■	■
Vegetative purification bed		■	■
Waterscape			■

Blank Cell = Not Recommended ■ = Recommended

F. Stormwater Conveyance Systems

Stormwater conveyance systems must be designed to provide adequate passage for flows leading to, from, and through stormwater management facilities for at least the [25-year, 24-hour] design storm event.

G. Stormwater Planting Credits

Editor's Note: If adopting the Landscaping section including the tree canopy requirements then include the language for Stormwater Planting Credits below.

1. The [Administrator] may approve credits towards the tree canopy requirements of 1.5.5, Tree Canopy, for any post-construction stormwater BMPs that include natural and vegetative elements.
2. Post-construction stormwater BMPs that include vegetative elements must be maintained in accordance with Sec. 1.7, Planting and Maintenance.

H. Equivalent Alternative

1. The [Administrator] may approve equivalent alternative post-construction stormwater BMPs as part of the approved stormwater management plan.
2. An alternate stormwater BMP may be deemed equivalent if the proposed stormwater BMP adequately manages the stormwater quantity and quality as required under this section.

I. Waiver of Post-Construction Stormwater Requirements

The [Governing Body or Planning Commission] may waive all or a portion of a the post-construction stormwater management requirements for a site, provided that the applicant is able to show that stormwater for the site is managed as part of an adequate regional, shared stormwater management facility.

J. Payment-in-Lieu of Post-Construction Stormwater Requirements

1. The [Governing Body] may require a payment-in-lieu of post-construction groundwater recharge requirements, if determined by the [Governing Body] that all or a portion of the on-site, post-construction stormwater management requirements are technically infeasible due to:

- a. The high density and compact nature of the project design provided the design reduces the per-capita stormwater impact on the watershed;
 - b. Soil types that restrict percolation and on-site stormwater infiltration; or
 - c. Brownfield remediation or other sites where soil contamination may prevent on-site stormwater infiltration.
2. The payment must be deposited by the [Governing Body] in an interest bearing account for the improvement of public stormwater management and must be applied only to the cost of such improvements in the future.
 3. All of the payment-in-lieu fees must be made by the applicant prior to the approval of a [major site plan or a preliminary plat for a subdivision or the issuance of any building permit] for the development.

K. Failure to Maintain BMPs

1. In the event the party responsible for maintenance of the stormwater BMPs fails to maintain all or any portion in reasonable order and condition, the [Jurisdiction] may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance.
2. The costs of such maintenance may be charged to the owner of the property; or in the event that the owner is a property owners' association, to the individual property owners that make up the property owner's association. Costs for maintenance may include administrative costs and penalties. Such costs may become a lien on all development properties.

Sec. 1.3 Streetscapes

Editor's Note: This section also appears in the Toolkit's Zoning Code and Subdivision Code. If adopting either then remove this section.

1.3.1 Applicability

A. General

Unless specifically exempted in this [ordinance], all new development or redevelopment must provide streetscapes in accordance with this section. No [certificate of occupancy] may be issued until these standards have been met.

B. Additions

1. Buildings and uses lawfully existing as of the effective date of this [ordinance] may be renovated or repaired without meeting the streetscape standards of this section, provided there is no increase in gross floor area.
2. Where a [non-residential building or list specific building types if using the complete Toolkit] or use existed as of the effective date of this [ordinance], and the building or use is enlarged in gross floor area or impervious area by [25] percent or [2,000] square feet, whichever is less, the streetscape standards specified in this section are required for the enlarged area. The addition of an accessory building or structure is considered an enlargement of the building or use.

C. Change in Use

A change in use does not trigger application of the streetscape requirements of this [ordinance].

D. Exemptions

The streetscape requirements of this section do not apply to the following:

1. Lands used for agricultural purposes;
2. Any structures or uses in the [Natural Context]; or
3. The development of a [Farm Lot, Single-Family house or Attached house] built on a lot that was platted before the effective date of this [ordinance].

1.3.2 Streetscape Generally

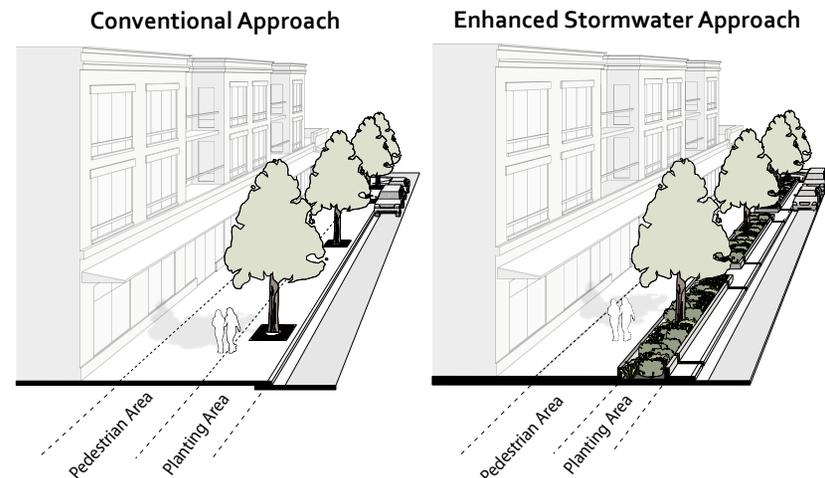
The streetscape is the area immediately adjacent to the street. It connects the street and the building, provides a pedestrian network and typically channels stormwater runoff from the street and adjacent property. There are two areas within each required streetscape.

A. Planting Area

The planting area provides a buffer between the street and the pedestrian area. It may be designed to collect, channel, store or filter stormwater runoff and may include stormwater management BMPs as credit for meeting the requirements of 1.2.5, Post-Construction Stormwater Management. The width and allowed design may vary but is typically between 5 and 12 feet.

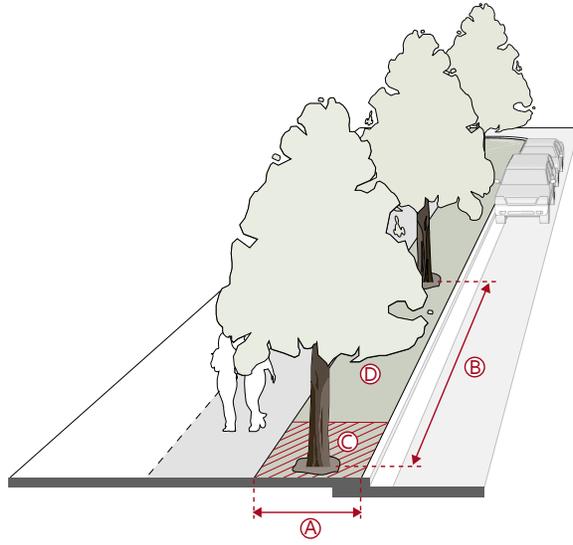
B. Pedestrian Area

The pedestrian area serves as the primary area for pedestrian travel. The pedestrian area is typically abuts the building side of the planting area. It may be designed to include stormwater management paving option BMPs as credit for meeting the requirements of 1.2.5, Post-Construction Stormwater Management. The width and allowed design may vary but is typically between 5 and 10 feet.



1.3.3 Streetscape Planting Area Standards

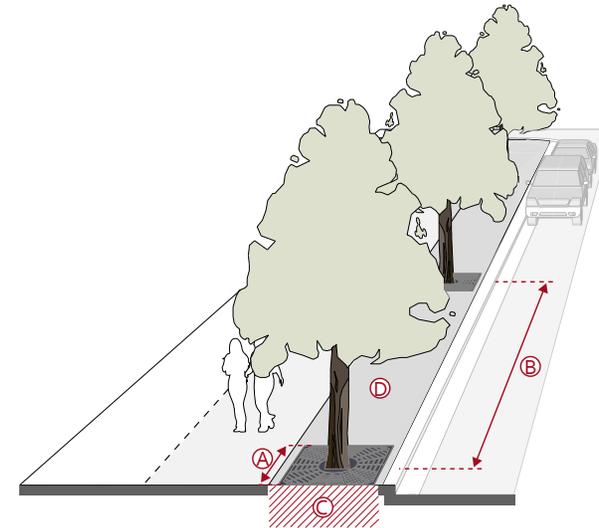
One of the following options must be applied to the planting area of the streetscape.



A. Tree Lawn Option

The tree lawn is typically located adjacent to residential or commercial streets with curb and gutter and a low to moderate level of pedestrian activity. Required street trees may be either canopy trees or ornamental. When using the tree lawn the following standards apply.

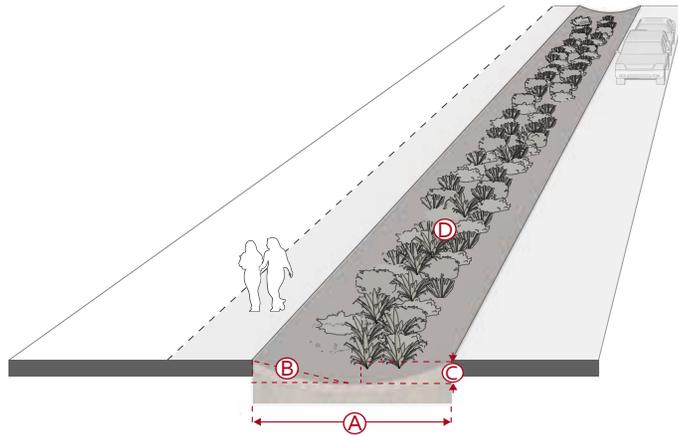
	Canopy Tree	Small Tree
Dimensions		
(A) Street tree lawn width (min)	8'	8'
Street Tree Planting Standards		
(B) Average street tree planting rate (feet on center)	40'	30'
(B) Distance between street trees (max)	60'	40'
Planting Area		
(C) Planting area (min sq. ft.)	64	30
Ground Cover		
(D) Required ground treatment between trees	Xeriscaping, turf or ground cover	
[Context Areas]		
Recommended context areas	Suburban Urban	Suburban Urban Center



B. Tree Grate Option

The tree grate is typically located adjacent to streets with a moderate to high level of pedestrian activity. Curb and gutters are present and on-street parking is frequent. Required street trees may be either canopy trees or ornamental trees. When using the tree grate, the following standards apply.

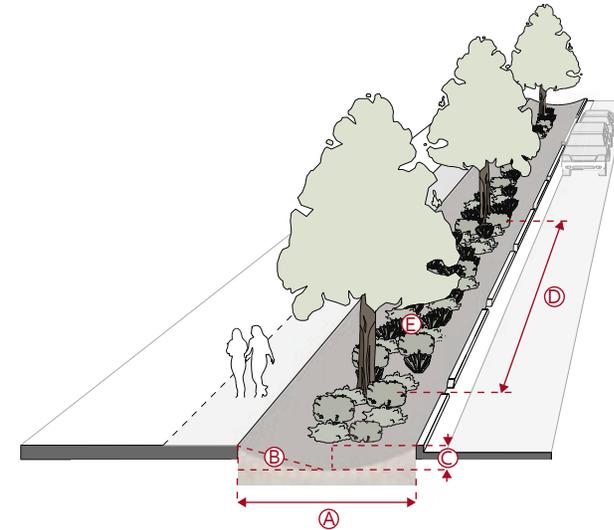
	Canopy Tree	Small Tree
Dimensions		
(A) Street tree grate width (min)	6'	6'
Street Tree Planting Standards		
(B) Average street tree planting rate (feet on center)	40'	30'
(B) Distance between street trees (max)	60'	40'
Planting Area		
(C) Planting area (min sq. ft.)	64	30
Paving		
(D) Required paving between tree grates	Concrete, pervious concrete or other paving, pavers	
[Context Areas]		
Recommended context areas	Urban	Urban Center



C. Vegetative Swale Option

The vegetative swale is typically located adjacent to rural or residential streets and is used to collect and filter stormwater runoff. It is typically shallow and planted with vegetation for filtration erosion control. When using the vegetative swale, the following standards apply.

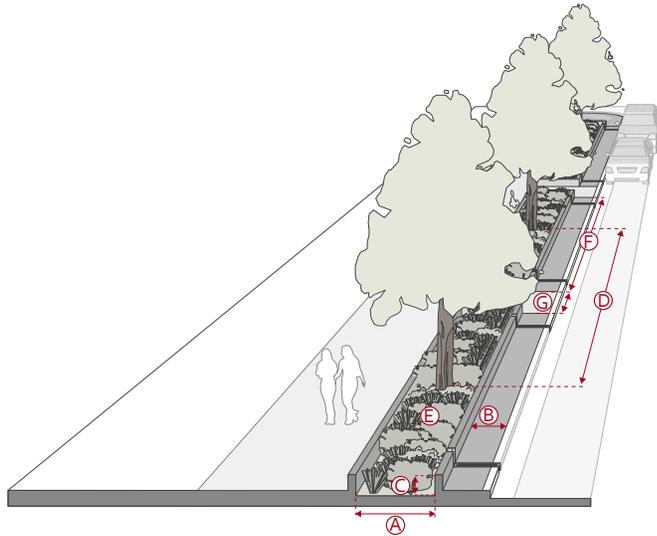
Dimensions	
(A) Swale width (min)	12'
(B) Swale side slope (max)	3:1
(C) Swale depth (min/max)	12" / 30"
Planting Standards	
(D) Native plants and grasses tolerant of both wet and dry conditions	Required
Street trees	Optional
Soil Standards	
Existing top soil, amended as needed	Preferred
Loose stone or aggregate base	Allowed
Curb Standards	
Curb and gutter	None
[Context Areas]	
Recommended context areas	Rural Suburban



D. Bioretention Swale Option

The bioretention swale is typically located adjacent to rural or residential streets and is used to collect and filter stormwater runoff. It typically has a sand or aggregate base covered by a layer of top soil. When using the bioretention swale, the following standards apply.

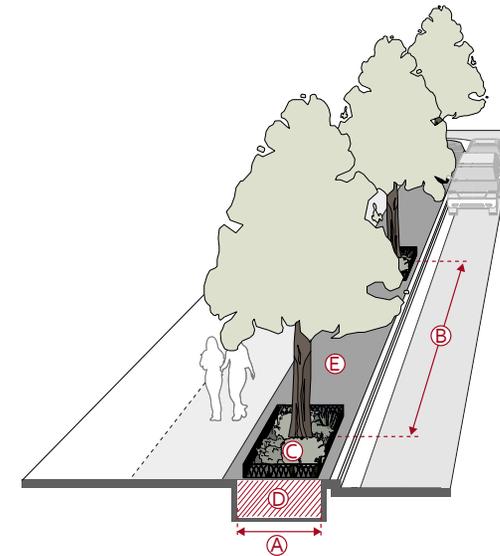
	Canopy Tree	Small Tree
Dimensions		
(A) Swale width (min)	10'	8'
(B) Swale side slope (max)	3:1	3:1
(C) Swale depth (min/max)	12" / 24"	12" / 24"
Planting Standards		
(D) Average street tree planting rate (feet on center)	40'	30'
(D) Distance between street trees (max)	60'	45'
(E) Native plants and grasses tolerant of both wet and dry conditions		Required
Soil Standards		
Sand or aggregate base, amended native soil		Preferred
Curb Standards		
Curb and gutter		None or With Inlet Gaps
[Context Areas]		
Recommended context areas	Rural Suburban	Rural Suburban



E. Planting Strip Trench Option

The planting strip trench is typically located adjacent to streets with a moderate to high level of pedestrian activity. They are used to collect, convey and filter stormwater runoff. The curb and gutter system periodically allow water into the trench. When using the planting strip trench, the following standards apply.

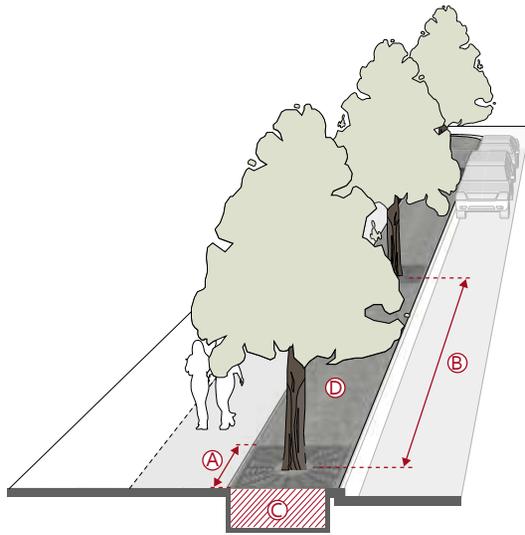
	Canopy Tree	Small Tree
Dimensions		
(A) Planting strip trench width (min)	8'	6'
(B) Parking ledge if on-street parking (min)	3'	3'
(C) Trench depth (max)	30"	30"
Planting Standards		
(D) Average street tree planting rate (feet on center)	40'	30'
(D) Distance between street trees (max)	60'	45'
(E) Native plants and grasses tolerant of both wet and dry conditions	Required	
Pedestrian Crossing Standards		
(F) Distance between crossings (max)	60'	60'
(G) Pedestrian crossing width (min)	5'	5'
Curb Standards		
Curb and gutter	With Inlet Gaps	
[Context Areas]		
Recommended context areas	Suburban Urban	Suburban Urban



F. Tree Well Option

The tree well is typically located adjacent to streets with a moderate to high level of pedestrian activity. They are used to collect and detain stormwater runoff. Tree wells are closed vaults planted with a street tree and other small plants and grasses tolerant of dry conditions. When using the tree well, the following standards apply.

	Small Tree
Dimensions	
(A) Tree well width (min)	6'
Planting Standards	
(B) Average street tree planting rate (feet on center)	30'
(B) Distance between street trees (max)	40'
(C) Plants and grasses tolerant of dry conditions	Required
Planting Vault Area	
(D) Tree well vault area (min)	36 SF
Paving	
(E) Required paving between street tree wells	Concrete or pavers
[Context Areas]	
Recommended context areas	Suburban Urban



G. Covered Tree Well Option

The covered tree well is typically located adjacent to streets with a high level of pedestrian activity. They are used to collect and store stormwater runoff. Covered tree wells are closed vaults planted with a street tree. When using the covered tree well, the following standards apply.

Small Tree	
Dimensions	
(A) Tree well width (min)	6'
Planting Standards	
(B) Average street tree planting rate (feet on center)	30'
(B) Distance between street trees (max)	40'
Vault Area	
(C) Tree well vault area (min sq. ft.)	30'
Paving	
(D) Required paving between street tree wells	Pervious concrete or other paving, pavers
[Context Areas]	
Recommended context areas	Urban Center

1.3.4 Streetscape Pedestrian Area Standards

The following standards apply to the pedestrian area of the streetscape.

A. Width

The width of the pedestrian area may vary depending on the character and the level of anticipated pedestrian activity. The following standards apply to all pedestrian zones.

1. The minimum width for any pedestrian area is five feet.
2. The typical width of the pedestrian area located adjacent to commercial or mixed use streets where a moderate level of pedestrian activity is anticipated is six to eight feet.
3. The typical width of the pedestrian area located adjacent to commercial or mixed use streets where a high level of pedestrian activity is anticipated is eight to twelve feet.

B. Pavement Material

The following materials may be used as pavement for the pedestrian area.

1. Crushed Stone, Gravel or Shell

The crushed stone, gravel or shell option is recommended for use along streets in [*Natural and Rural context areas*].

2. Pavers

Pavers are recommended for use along streets in [*Urban and Center context areas*]. Paver blocks may be made with concrete, stone, cast stone, asphalt or brick. The joints between paver blocks may be filled with mortar, sand, soil or a pervious material such as pea gravel or other loose aggregate.

3. Concrete

The concrete sidewalk is recommended for use along streets in [*Suburban, Urban, and Center context areas*].

4. Pervious Concrete

The pervious concrete sidewalk is recommended for use along streets in [*Suburban, Urban, and Center context areas*].

C. Street Furniture

Street furniture, including but not limited to light poles, utility poles, newspaper stands, trash cans, pedestrian-scale street lights and benches may be located in the pedestrian zone provided a minimum clear path of four feet is maintained at all times.

1.3.5 Streetscape Integration

A. Connections

Modifications to the streetscape requirements may be approved by the Administrator to facilitate the connection of new streetscapes with existing streetscapes.

B. Equivalent Alternatives

1. The Administrator may approve equivalent alternative parking area designs.
2. An alternate parking area design may be deemed equivalent if the landscaping provided approximates the quantity and quality of the landscaping that would be required under this section.

C. Payment-in-Lieu of Streetscapes

1. If determined by the [*Governing Body*] that construction of improvements at the time of development would result in the improvement of less than one-half of a linear block face; an equivalent payment in lieu of construction may be required.
2. The payment must be deposited by the [*Governing Body*] in an interest bearing account for the improvement of streetscapes and may be applied only to the cost of such improvements in the future.
3. All of the payment-in-lieu fees must be made by the applicant prior to the approval of a [*major site plan or a preliminary plat for a subdivision or the issuance of any building permit*] for the development.

1.3.6 Planting Credits

1. The [*Administrator*] may approve credits towards the tree canopy requirements of 1.5.5, Tree Canopy, for any streetscapes that include natural and vegetative elements.
2. Streetscapes that include vegetative elements must be maintained in accordance with Sec. 1.7, Planting and Maintenance.

Sec. 1.4 Parking Area Design

Editor's Note: This section also appears in the Toolkit's Zoning Code and Parking and Site Access Ordinance. If adopting either then remove this section.

1.4.1 Applicability

A. Generally

1. All off-street surface parking areas in the [*Suburban, Urban, Center and Special context areas*] consisting of more than [30] parking spaces must be organized into parking pods that are separated by the perimeter, median and island planting areas. No [*certificate of occupancy*] may be issued until these standards have been met.
2. For purposes of this section, multiple platted lots contained on a single site plan are considered a single parking area.
3. Surface parking areas of any size with frontage on a street right-of-way (not including an alley) must be screened along the street edge by a perimeter planting area.

B. Expansion of Existing Parking Areas

1. When an existing parking area is increased in size by less than [25] percent, then only the portion of the parking area that is expanded must conform to the requirements of this section.
2. When an existing parking area is increased in size by [25] percent or more, then the entire parking area must comply with the requirements of this section.

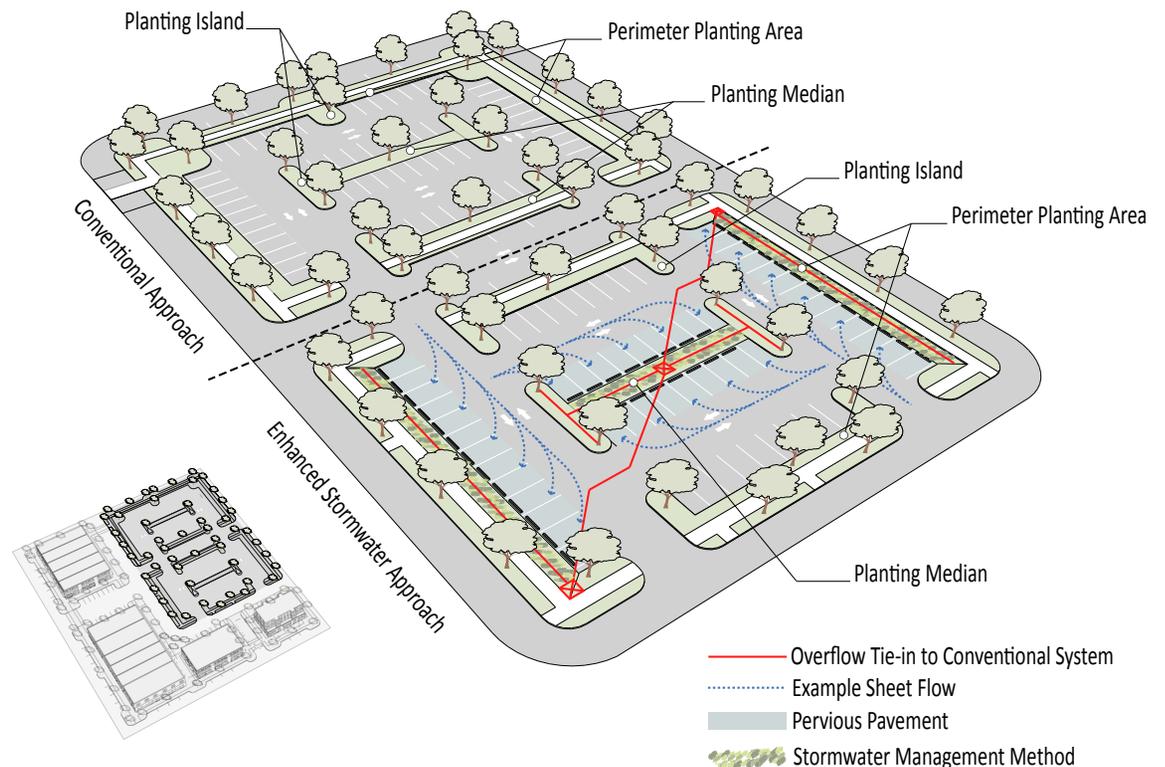
C. Exempt Parking Areas

The requirements of this section do not apply to the following:

1. Parking areas associated with agricultural uses; or
2. Any parking areas in the [*Natural or Rural Context*].

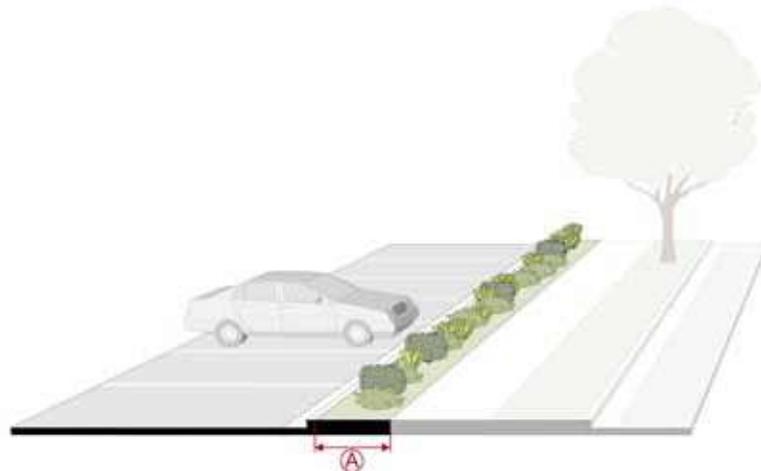
1.4.2 Parking Pod Design

- A. Surface parking areas may be designed and constructed using conventional approaches or may be designed and constructed to contribute to a site's post-construction stormwater management requirements.
- B. Parking pods contain three separate planting areas that form a parking pod. The image below exhibits two possible approaches for how the planting areas may be arranged. The conventional approach meets the minimum requirements of this [*ordinance*] but may require additional post-construction stormwater management. The enhanced stormwater approach integrates post-construction stormwater management methods established in 1.2.5, Post-Construction Stormwater Management, into a multi-functional approach to parking areas. The standards for each planting area are set forth below.



C. Perimeter Planting Area

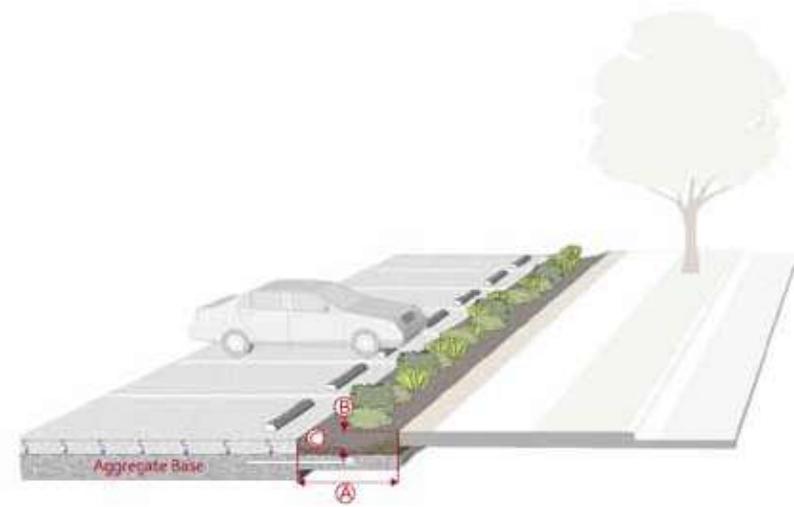
A perimeter planting area must be located on each side of a parking pod. The general standards for the conventional option and the enhanced stormwater option of the perimeter planting area are shown below.



1. Conventional

Dimensions	
Ⓐ Width (min)	8'
Plantings	
Shrubs/grasses (min)	1 per 20 sq. ft.
Screening	
Shrub/grass height at maturity (min)	3'
Brick or stone screening wall may replace planting requirement (min height)*	3'
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E Parking Area Surfacing
Curbing types	Curb and gutter

*Height of the screening wall measured from the parking surface.

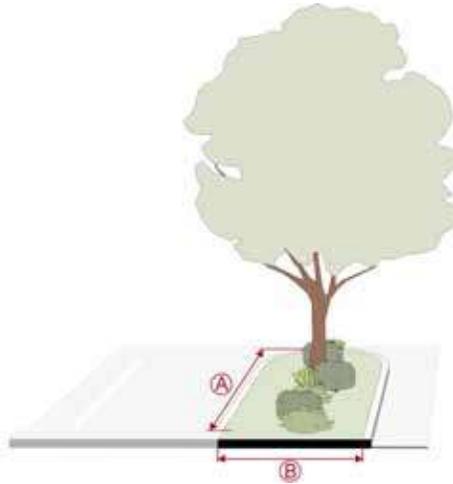


2. Enhanced Stormwater

Dimensions	
Ⓐ Width (min)	8'
Ⓐ Width with adjacent pervious surface (min)	6'
Ⓑ Swale depth (min/max)	6" / 18"
Ⓒ Swale slope (max)	3:1
Plantings	
Shrubs/grasses (min)	1 per 25 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E Parking Area Surfacing
Curbing types	Wheelstops or curbs with gaps
Subsurface Storage	
Pervious Pavement with vault or cistern system	Recommended
Pervious Pavement with aggregate	Recommended

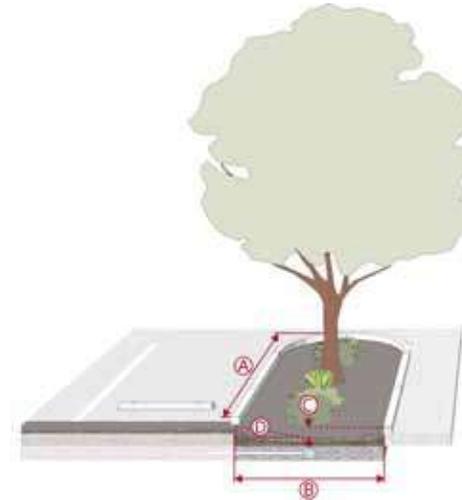
D. Planting Islands

A planting island must be located every [ten] parking spaces and a pair of planting islands must be located at the terminal ends of each planting median. Intervals may be expanded in order to preserve existing trees where approved by the [Administrator]. The general standards for the conventional option and the enhanced stormwater option for a planting island are shown below.



1. Conventional

Dimensions	
Ⓐ Length (min)	18'
Ⓑ Width (min)	8'
Plantings	
Canopy trees (min)	1
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E Parking Area Surfacing
Curbing types	Curb and gutter

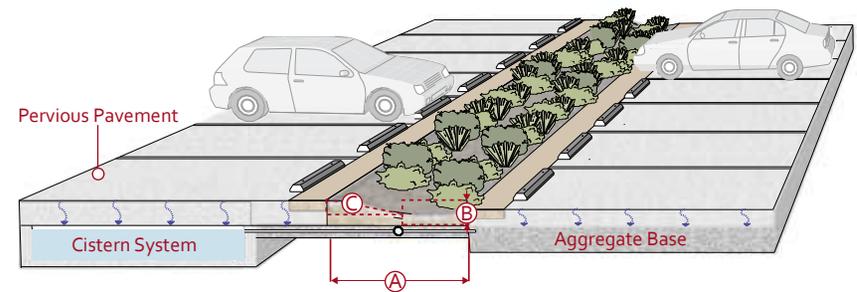
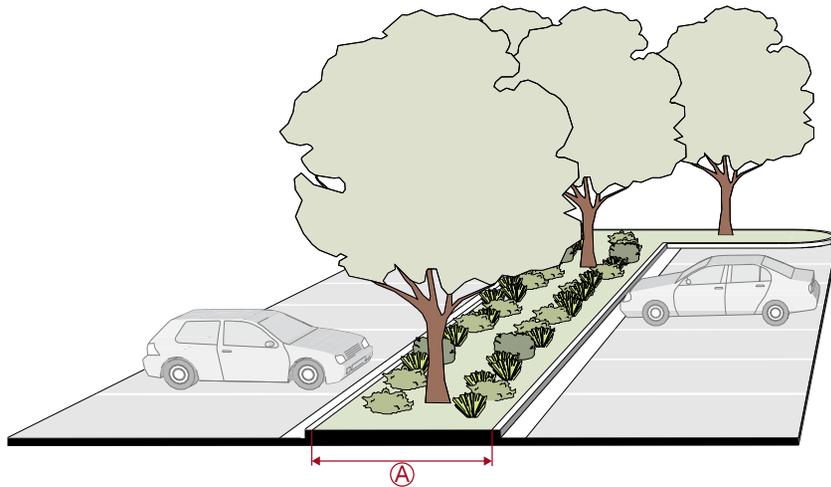


2. Enhanced Stormwater

Dimensions	
Ⓐ Length (min)	16'
Ⓑ Width (min)	6'
Ⓒ Swale depth (min/max)	6" / 18"
Ⓓ Swale slope (max)	3:1
Plantings	
Canopy tree/ornamental tree (min)	1 canopy or 2 ornamental trees
Shrubs/grasses (min)	1 per 25 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E Parking Area Surfacing
Curbing types	Curbs with gaps

E. Planting Medians

A planting median must be located between every [six] single parking rows. The general standards for the conventional option and the enhanced stormwater option for the planting median are shown below.



1. Conventional

Dimensions	
Ⓐ Width (min)	12'
Plantings	
Canopy trees (min per 100' of length)	3 canopy trees planted 30' on center
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Top soil
Stone, mulch or groundcover required	Yes
Paving and Curbing	
Paving options	See 12.1.4. E Parking Area Surfacing
Curbing types	Curb and gutter

2. Enhanced Stormwater

Dimensions	
Ⓐ Width (min)	10'
Ⓐ Width with adjacent pervious surface (min)	8'
Ⓑ Swale depth (min/max)	6" / 24"
Ⓒ Swale slope (max)	3:1
Plantings	
Shrubs/grasses (min)	1 per 20 sq. ft.
Soils and Drainage	
Planting medium	Amended soil recommended
Stone, mulch or groundcover required	Yes
Sub-structure	Gravel
Overflow protection	Underdrain or other approved overflow device required
Paving and Curbing	
Paving	See 12.1.4. E Parking Area Surfacing
Curbing types	Wheelstops or curbs with gaps
Subsurface Storage	
Pervious Pavement with vault or cistern system	Recommended
Pervious Pavement with aggregate base	Recommended

F. Equivalent Alternatives

1. The Administrator may approve equivalent alternative parking area designs.
2. An alternate parking area design may be deemed equivalent if the landscaping provided approximates the quantity and quality of the landscaping that would be required under this section.

1.4.3 Parking Area Pavement Standards [Context]

Editor's Note: The following provisions establish the parking area pavement requirements for communities that are mapping context areas.

A. General Standards

The following paving standards apply to all parking areas regardless of size. Parking areas may use more than one pavement type provided that the material is consistent with the context of the site.

PARKING AREA PAVING	Natural	Rural	Suburban	Urban	Center	Special
Compacted earth	■					
Crushed stone, gravel or shell		■	■			
Paver blocks		■	■	■		
Grassed cellular plastic or concrete		■	■	■		
Asphalt (conventional or pervious)		■	■	■	■	■
Concrete (conventional or pervious)			■	■	■	■

Blank Cell = Not Allowed ■ = Allowed

B. Specific Standards

1. Pavement materials that allow infiltration of stormwater are not allowed for use in parking areas of any Heavy Industrial districts or for any uses that have the potential to release significant contaminants into the groundwater (such as convenience stores with gas sales and all vehicle service).
2. Grassed cellular plastic may only be used for overflow parking areas.

1.4.4 Parking Area Pavement Standards [Non-Context]

Editor's Note: The following provisions establish the parking area pavement requirements for communities that are do not have context areas.

A. General Standards

The following table establishes the pavement materials allowed for use within any parking area.

	Vehicular Use Areas	Non-Vehicular Use Areas
Asphalt (conventional or pervious)	■	
Concrete (conventional or pervious)	■	■
Paver blocks	■	■
Grassed cellular plastic or concrete	■	■
Crushed stone, gravel or shell	■	■

Blank Cell = Not Allowed ■ = Allowed

B. Specific Standards

1. Pavement materials that allow infiltration of stormwater are not allowed for use in parking areas of any Heavy Industrial districts or for any uses that have the potential to release significant contaminants into the groundwater (such as convenience stores with gas sales and all vehicle service).
2. Grassed cellular plastic may only be used for overflow parking areas.

Sec. 1.5 Tree Preservation

Editor's Note: This section also appears in the Toolkit's Landscaping and Tree Preservation ordinance. If adopting that ordinance then remove this section.

1.5.1 Applicability

A. Generally

Unless specifically exempted below, the tree preservation requirements of this section apply to:

1. The development or redevelopment of any lot or site [20,000] square feet in size or larger;
2. Any site plan for a parcel [two] acres or greater; and

B. Exemptions

1. Exempt Activities

- a. Lands used for agricultural purposes.
- b. The clearing of understory trees and shrubs necessary to perform boundary surveying or to conduct tree surveys or inventories.
- c. Buildings and uses lawfully existing as of the effective date of this [ordinance] may be renovated or repaired without providing additional tree conservation and heritage tree preservation, provided there is no change in use of existing floor area, or an increase of less than [10] percent or [2,000] square foot in expansion or the addition of accessory buildings or structures.

2. Exempt Trees

- a. Any heritage tree or areas of tree canopy determined by the [Jurisdiction] to be diseased, dying or dead.
- b. Any heritage tree or areas of tree canopy determined to be causing a danger or be in hazardous condition as a result of a natural event such as hurricane, tornado, storm, flood or other natural event that endangers the public health, welfare or safety and requires immediate removal.

Editor's Note: If not using the Toolkit's building types then replace c. below with the language in d.

- c. Any heritage trees or areas of tree canopy within [50] feet of a [Farm Lot, Single-Family House or Attached House].
- d. Any heritage trees or areas of tree canopy within [50] feet of a residential building.
- e. Trees or areas of tree canopy that interfere with the clear sight distance for roadways as determined by the [Jurisdiction] Engineer.

1.5.2 Tree Preservation Generally

- A. The tree preservation requirements of this section address three elements:
 1. The preservation of protective bioshields;
 2. Heritage tree preservation; and
 3. Tree canopy coverage.
- B. Once the minimum tree preservation requirements have been determined for a site, the applicant may comply with the requirements through one or a combination of the following methods:
 1. Preservation of existing trees;
 2. Planting of new trees; or
 3. Payment into a tree mitigation fund.
- C. All trees required to be preserved or planted under this section must be planted and maintained in accordance with the provisions of Sec.1.7, Planting and Maintenance.
- D. For the purposes of this section, projects with multiple lots or sites, developed under a common development plan, may be considered a single site.

1.5.3 Bioshield Preservation Requirements

A. Bioshields Generally

Bioshields are vegetated buffers that occur along watercourses and around wetlands that serve to slow storm surges and protect development from storm debris.

B. Bioshields

There are two types of bioshields that may be required to be conserved on a site.

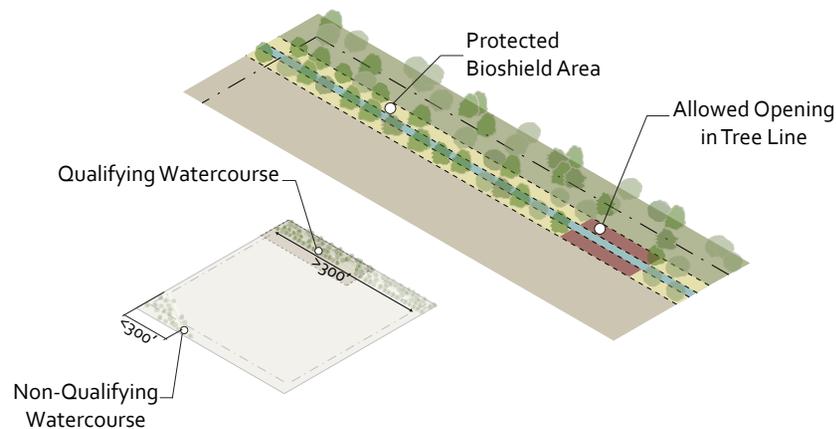
1. Watercourse Bioshield

- a. A watercourse bioshield is a vegetative buffer of trees and native understory vegetation that occurs along the bank of a bayou, canal, or other watercourse.
- b. When a site located in the **[Natural, Rural or Suburban Context]** contains **[300]** feet or more of bank length, the conservation of a watercourse bioshield, a minimum of **[100 feet wide]** is required.

Editor's Note: If adopting the Water Frontage in the Toolkit Zoning Code then add the following language.

The watercourse bioshield is not required along watercourses that have been designated with a Water Frontage as established in Sec. 9.1, Water Frontage.

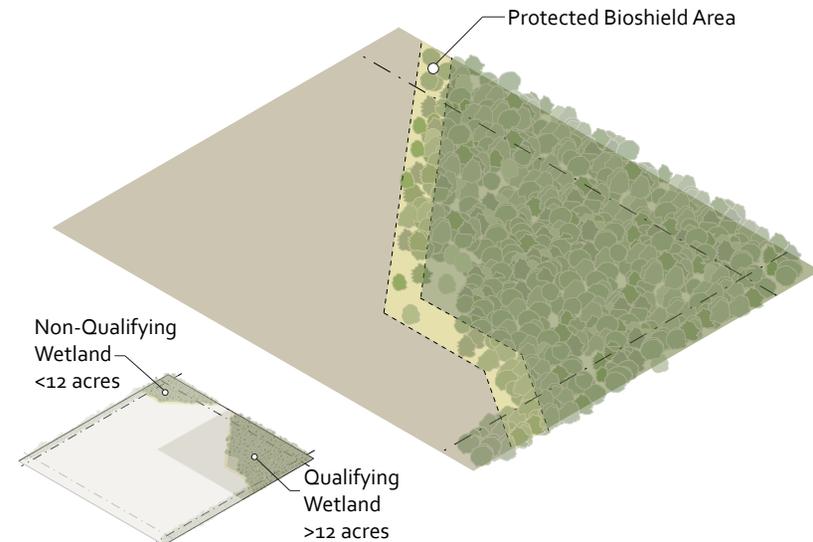
- c. The bank length is measured from property line to property line along the centerline of the watercourse.



- d. Periodic openings not to exceed **[20]** percent of the total length of the bioshield are allowed to provide access to the watercourse.
- e. A watercourse bioshield is recommended to be preserved or established along the banks of any bayou, canal, or other watercourse when a site contains less than **[300]** feet of bank length.

2. Wetland Bioshield

- a. A wetland bioshield is a vegetative buffer of trees and native understory vegetation that may occur along the edge of wetland.
- b. When a site is located in the **[Natural, Rural or Suburban Context]** and contains a wetland areas larger than **[12 acres]**, the conservation of a wetland bioshield, a minimum of **[100 feet wide]** is required between the wetland and the developable land.



- c. A wetland bioshield is recommended to be preserved or established along the edges of wetlands less than **[12]** acres in size.

C. Bioshield Mitigation Standards

In the event that all or a portion of a required bioshield must be cleared, mitigation of the bioshield area is required and may occur in one of the following ways.

1. On-site Replacement

Upon approval of the **[Administrator]**, the conserved bioshield may be reduced provided the following standards are met.

- a. The reduction in bioshield is mitigated in another on-site bioshield at a replacement ratio of **[2:1]**; or

- b. The reduction in bioshield is mitigated in the same bioshield at a replacement ratio of [1.5:1].

2. Payment to Tree Mitigation Fund

- a. When the conservation of a bioshield is infeasible, the applicant may request that the [Governing Body] allow a payment-in-lieu of bioshield conservation to the Tree Mitigation Fund.
- b. The request for payment-in-lieu must be presented to the [Administrator/Tree Board] for review and recommendation of approval or denial.
- c. The [Governing Body] may approve or deny any application for a payment-in-lieu of bioshield establishment to the Tree Mitigation Fund as provided in [Insert Citation].

1.5.4 Heritage Tree Preservation

A. Heritage Trees Generally

Editor's Note: Heritage tree requirements should be specified by each community. They may include the Storm Strong trees identified below or other trees the community considers worthy of protection.

A heritage tree is any tree or group of trees with the following characteristics:

1. Any tree with a DBH of [20] inches or more;
2. Any [Live Oak, Southern Magnolia or Bald Cypress], with a DBH of [10] inches or more; or
3. Any tree or group of trees specifically designated by the [Governing Body] for protection because of its historical significance, special character or community benefit.
4. Any additional tree designated on the [Jurisdiction's] Heritage Tree List maintained by the [Administrator].

B. Heritage Tree Removal Prohibited

1. The removal of any heritage tree is prohibited unless the [Administrator/Tree Board] issues a tree removal permit.

2. The applicant for a tree removal permit must submit a heritage tree mitigation plan including, but not limited to, the following information:
 - a. Location and type of tree to be removed;
 - b. Number, size and type of replacement trees;
 - c. Location of replacement trees;
 - d. Whether the applicant is seeking additional mitigation credit; and
 - e. Whether the applicant will pay into to the Tree Mitigation Fund.
3. In the case of emergency, when a heritage tree is hazardous or dangerous to life or property, it may be removed without a tree removal permit.

C. Heritage Tree Mitigation Standards

Mitigation of the removal of a heritage tree may occur in one of the following ways.

1. On-site Replacement

When an applicant is proposing to mitigate the removal of a heritage tree with on-site replacement, the following standards apply.

c. Replacement Tree Criteria

- i. Each heritage tree must be replaced at a ratio of [3:1] replacement tree DBH to heritage tree DBH.
- ii. The replacement trees must be a minimum of [3] inches DBH at the time of planting.

d. Replacement Tree Credits

Replacement trees that are planted as part of the following best practices may replace a heritage tree at a ratio of [2:1] (replacement tree DBH to heritage tree DBH).

- iii. Replacement trees that are planted as part of one of the following post-construction stormwater management best practices:
 - a). Vegetative swale;
 - b). Planting strip trench;
 - c). Retention basin or hollow;

- d). Landscaped tree well;
 - e). Bio-retention swale; or
 - f). Rain garden.
- iv. Replacement trees that are planted as part of an addition to a required bioshield.

2. Payment to Tree Mitigation Fund

- a. When heritage tree replacement is infeasible, the applicant may request that the [Governing Body] allow a payment-in-lieu of tree replacement to the Tree Mitigation Fund.
- b. The request for payment-in-lieu of tree replacement must be presented to the [Administrator/Tree Board] for review and recommendation of approval or denial.
- c. The [Governing Body] may approve or deny any application for a payment-in-lieu of tree replacement to the Tree Mitigation Fund as provided in [Insert Citation].

1.5.5 Tree Canopy

A. Tree Canopy Generally

Tree canopy coverage is intended to reduce the impacts of stormwater runoff and urban heat island associated with increased impervious surface and developed area.

B. Tree Canopy Calculation

- 1. Tree canopy cover includes individual trees, groups of trees, forested areas, future forest areas, or planted trees.
- 2. Tree coverage area may be determined by aerial photograph, tree survey, proposed site plan or by other means approved by the Administrator.
- 3. Total tree canopy coverage is calculated by dividing the tree canopy cover in square feet by the total land area of the site or lot.
- 4. In calculating total tree canopy coverage:
 - a. All land within the regulatory floodplain is exempt from calculation;

- b. Tree canopy coverage is measured after meeting all of the heritage tree preservation and planting requirements of this Article; and
 - c. The applicant may use the anticipated mature tree canopy of all trees to be planted.
5. In the event of a common development, calculation of the total tree canopy may consider the entire common development.

C. Minimum Tree Canopy Coverage [Context]

Editor's Note: Communities that are mapping context areas should use the tree canopy coverage standards for context area. Communities not mapping context areas should use the tree canopy coverage standards for development type.

- 1. Minimum tree canopy coverage requirements apply only in the [Suburban, Urban and Center] context areas.
- 2. Each site must provide a minimum final tree canopy cover based on its context area and whether the project provides a mix of residential and commercial uses or is a single use project.

Context Area	Single Use	Mixed Use
	(min % of tree cover)	(min % of tree cover)
Suburban	[30%]	[25%]
Urban	[25%]	[20%]
Center	[15%]	[10%]

- 3. For purposes of this section, multiple platted lots developed under a common development plan, are considered a single site.
- 4. In the event that a site contains more than one context area the tree canopy coverage will be weighted proportionally.

D. Minimum Tree Canopy Coverage [Non-Context]

- 1. Each site must provide a minimum final tree canopy cover as listed below for the entire project area.
- 2. For purposes of this section, multiple platted lots developed under a common development plan, are considered a single site.

Proposed Development Type	Greenfield Project (min % of tree cover)	Infill Project (min % of tree cover)
Residential	[30%]	[25%]
Non-residential	[25%]	[20%]
Mixed use	[20%]	[15%]

- Residential development types include single-family, two-family, and multi-family development projects with no commercial or office elements.
- Non-residential development types include commercial, office or industrial development projects with no residential elements.
- Mixed use development types include residential mixed with commercial or office uses.

E. Tree Canopy Credits

The [Administrator/Tree Board] may grant the applicant credit toward the required tree canopy coverage for the following activities.

1. Heritage Tree Canopy Credit

A tree canopy cover credit of [two] times the tree canopy area of a heritage tree preserved may be counted toward meeting the final tree canopy coverage.

2. Stormwater Management Credit

A tree canopy credit of [two] times the tree canopy area of vegetative post-construction stormwater management areas listed in [Insert citation to post-construction stormwater BMPs] may be counted toward meeting the final tree canopy coverage.

3. Environmentally Sensitive Areas

A tree canopy credit of [two] times the tree canopy area preserved in environmentally sensitive areas may be counted toward meeting the final tree canopy coverage.

4. Energy Conservation Credit

A tree canopy credit of [1.5 times] the tree canopy area established along the western or southern exposures of a habitable building may be counted toward meeting the final tree canopy coverage.

F. Tree Canopy Mitigation

- When the minimum tree canopy coverage is infeasible, the applicant may request that the [Governing Body] allow a payment-in-lieu of the minimum tree canopy coverage to the Tree Mitigation Fund.
- The request for payment-in-lieu of the minimum tree canopy coverage must be presented to the [Administrator/Tree Board] for review and recommendation of approval or denial.
- The [Governing Body] may approve or deny any application for a payment-in-lieu of minimum tree canopy coverage to the Tree Mitigation Fund as provided in [Insert Citation].

Sec. 1.6 Borrow Pits

Editor's Note: This section also appears in the Toolkit's Zoning Code as a Use Standard. If adopting the Toolkit's Zoning Code then this section may be removed.

1.6.1 Applicability

The following standards apply any borrow pit larger than [20,000]square feet located within [Jurisdiction].

1.6.2 General Provisions

- A. A borrow pit occurs in two phases. The site excavation phase and the site reclamation phase.
- B. No borrow pits are allowed in [Jurisdiction] without an approved Site Development Permit issued in accordance with 2.9.4, Site Development Permit.
- C. No borrow pits may be located on a site less than [20] acres in size.

1.6.3 Excavation and Reclamation Plan

No site development permit for a borrow pit may be approved without an approved excavation and reclamation plan. Every excavation and reclamation plan must contain the following elements.

A. Excavation Site Plan

Each excavation and reclamation plan must contain a site plan identifying the location, depth and design of the borrow pit, fill storage areas, sedimentation and erosion control methods, location and design of required buffer areas and the location and design of access drives.

B. Environmental Impacts

All applicable state and federal permits must be attached as part of the excavation and reclamation plan.

Editor's Note: Communities that wish to apply additional environmental safeguards could do so here.

C. Excavation Schedule

Each excavation and reclamation plan must contain an excavation schedule establishing the duration of the excavation phase and the times during which excavation activities may take place.

D. Reclamation Plan

Each excavation and reclamation plan must contain a plan for how the borrow pit will be reclaimed, excavation impacts mitigated, and include a post-excavation site plan and reclamation phase schedule.

E. Plan Modifications

Modifications to an approved excavation and reclamation plan may be reviewed and approved by the Administrator.

1.6.4 Excavation Standards

- A. No borrow pit may be located within [150] feet of a property line, public drainage ditch, water body, or wetland.
- B. A [100]foot wide no disturbance area must be established around the perimeter of the borrow pit and between the borrow pit and any property line, water body, or wetland. The no disturbance area may contain a drive to provide site access.
- C. Existing vegetation must remain within the 100 foot no disturbance area.
- D. All borrow pits must have a barrier controlling access to the public while not in use.
- E. Any non-working face of an active borrow pit deeper than 15 feet must maintain a slope not to exceed [2:1]. The working face of a borrow pit may exceed a slope of [2:1].
- F. The design and construction of all borrow pit site entrances and exits must be approved by the [Jurisdiction] Engineer and must be designed and constructed so as not to cause damage to any [Jurisdiction] or State road.
- G. Methods must be incorporated to prevent the blowing of dust or sediment from the site.
- H. All utility easements must be observed and encroachment into the utility right-of-way is allowed only with written approval of the easement holder.

- I. All operating borrow pits must comply with the standards established in **1.2.4**, Construction Phase Stormwater Management.

1.6.5 Reclamation Standards

A. General Standards

1. The stripping and stockpiling of the upper [*six*] inches of soil is required for the reclamation phase. These required stockpiles of soil must be seeded and only used for reclamation purposes.
2. No inactive borrow pit may have a slope greater than [**2.5:1**].
3. All slopes must be stabilized, equipment and structures removed from the pit, stockpiled top soil placed and planted, banks and slopes rounded, and other reclamation activities completed in accordance with the reclamation plan within 18 months of the cessation of excavation activities.
4. Borrow pits may be reclaimed as wetlands, ponds or lakes provided they are designed and constructed to support a healthy eco-system.

B. Standards for Retention and Detention Ponds

1. Any borrow pit that is reclaimed as a retention or detention pond, or as a lake or other water body deeper than five feet, must be designed and constructed to have an aquatic shelf or wetland bench that is planted with emergent plants and natural grasses.
2. No slope of a retention or detention pond, or lake or other water body deeper than five feet may exceed a [**3:1**] ratio unless supported by a bulkhead.
3. A pond aerator is required for any pond, lake or water body that is anticipated to maintain water for more than [*five*] days after a storm event.

1.6.6 Permit Revocation

The [*Zoning or Site Development*] permit for a borrow pit may be revoked if a borrow pit is not conducted in a manner consistent with the approved excavation and reclamation plan.

Sec. 1.7 Planting and Maintenance

Editor's Note: This section also appears in the Toolkit's Zoning Code and the Landscaping ordinance. If adopting either then this section may be removed.

1.7.1 Applicability

- A. With the exception of 1.7.3 Planting in Clear Sight Distance and 1.7.5 Plant Protection, the planting and maintenance standards of this section apply only to those planting and screening improvements required by this [ordinance].
- B. Section 1.7.3 Planting in Clear Sight Distance and 1.7.5 Plant Protection, apply to all planting installed within the [Jurisdiction].

1.7.2 Planting Elements

A. General

1. The Administrator may not issue a permanent certificate of occupancy until all seeding, trees and plant material have been placed in accordance with the requirements of this section.
2. A temporary certificate of occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended an additional 90 days upon request.
3. All landscaping must be installed in accordance with accepted standards of the Louisiana Nurseryman's Manual for the Environmental Horticulture Industry, latest edition, as published by the Louisiana Nursery and Landscape Association.
4. Plant material must be true to name, variety and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
5. Plant materials must be cold hardy for the specific location where they are to be planted.
6. Trees and shrubs must be salt-tolerant in coastal areas.
7. Trees and shrubs used as part of a stormwater management system should

be water tolerant and able to survive on natural rainfall once established with no loss of health.

8. All other trees and shrubs should be drought-tolerant and able to survive on natural rainfall once established with no loss of health.

B. Canopy Trees

Editor's Note: Many landscape codes classify tree types as A Trees and B Trees. In this code Canopy Trees are roughly the equivalent of A Trees. Canopy Trees are defined in the Definitions.

1. Canopy trees selected for planting must meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
2. All single trunk trees must have a minimum [2.5] inch caliper and must be a minimum of [10] feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.
3. Multi-trunk trees must have main stems with a minimum [1.5] inch caliper per trunk, a minimum of three main stems, and must be a minimum of [10] feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.

C. Ornamental Trees

Editor's Note: Many landscape codes classify tree types as A Trees and B Trees. In this code Ornamental Trees are roughly the equivalent of B Trees. Ornamental Trees are defined in the Definitions.

1. Ornamental trees selected for planting must meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
2. All single trunk trees must have a minimum [1.5] inch caliper and must be a minimum of [eight] feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.
3. Multi-stem trees must have main stems with a minimum [one] inch caliper per stem, a minimum of three main stems, and must be a minimum of [eight] feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.

D. Street Trees

Street Trees may be either Canopy Trees or Ornamental Trees provided that the following requirements for are met

1. All street trees must have a single trunk and must have a minimum [**two**] inch caliper and must measure a minimum of [**12**] feet tall at time of planting, measured from the top of the root ball to the tip of the highest branch.
2. All street trees must be pruned with a clear trunk to a minimum of seven feet in height.

E. Shrubs and Grasses

1. Shrubs and gasses selected for planting must meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
2. All required shrubs and grasses must be a minimum of [**20**] inches in height or a minimum [**three**] gallon container.
3. Shrubs and grasses must be of a species that under average conditions will reach a minimum height of [**24**] inches within [**12**] months.
4. When planted as a hedge, the maximum spacing for [**20**] inch high shrubs shall be [**36**] inches on center. Spacing for other size shrubs and for grasses shall be approved by the [**Administrator**].

F. Fences and Walls

1. No fence or wall may be more than [**nine**] feet in height. A fence or wall in any [**front setback or front yard**] must not exceed [**four**] feet in height.
2. No wall or fence may be located within any required drainage, utility or similar easement.
3. All fences and walls must be constructed of high quality materials including one or a combination of decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, treated wood, wrought iron, or other material approved by the Administrator. No wall containing more than [**50**] percent exposed standard concrete masonry blocks may be allowed.

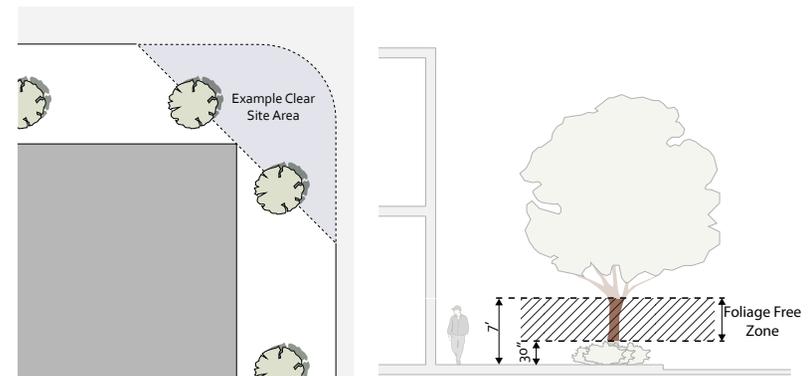
4. Electrified fences and concertina wire are not allowed in the Suburban, Urban or Center Context Area.
5. Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.
6. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane is 100 feet. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

G. Soils

1. The compaction of soils in planting areas during the construction process shall be avoided.
2. Preferred planting soils are [**sandy loam**]. When planting near streets or sidewalks structural soils may be used.
3. Alternative soils may be approved by the [**Administrator**] to accommodate needed infiltration rates.

1.7.3 Planting in Clear Sight Distance

- A. A clear sight distance, excluding street trees 12 inches or less DBH, must be established at the intersection of a driveway and a street and on all corner lots (the intersection of two streets) as set forth in [**Insert Citation**].
- B. All established street trees interfering with the clear sight distance must be maintained by the abutting property owner and must be kept free of foliage for seven feet measured up from the base of the tree. Shrubs within the clear sight distance area may not exceed 30 inches in height.



1.7.4 Planting Maintenance

A. Responsibility

The responsibility for maintenance of a planting area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee.

B. Maintenance

1. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming must be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.
3. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
4. Landscape structural features such as walls, fences, berms or water features must be maintained in a structurally safe and attractive condition.

C. Failure to Maintain

1. In the event that the owner of a landscaped area fails to maintain the area according to the standards of this paragraph, the **[Jurisdiction]** reserves the right to recover the cost of enforcement, including reasonable attorney fees.
2. The **[Jurisdiction]** may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the landscaped area.

1.7.5 Plant Protection

A. Tree Protection During Construction

1. Existing trees to remain on the site as required planting or tree canopy must be protected from vehicular movement and material storage over their root spaces during construction. An undisturbed area with a porous surface must be reserved below the dripline of each tree or group of trees.
2. Trees designated for protection must be completely enclosed by a temporary fence. Fencing must be in place prior to any clearing or site work. Fencing must remain in place until all construction has been completed.

B. Root Protection Zone

1. A root protection zone, defined by an average radius extending outward from the trunk of the tree a distance of one linear foot for each inch (DBH), must be established around the trunk of each tree preserved or planted.
2. No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts may occur closer to the trunk than one-half the root protection zone radius. In parking areas where approved alternative materials and methods are used, construction may be as close as five feet from the root flares on one side of the tree.
3. The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half the root protection zone radius. The construction of sidewalks is allowed in the root protection zone, as long as excavation does not exceed three inches.
4. The area contained within a root protection zone required under this subsection must be left in a previous condition after construction and development are completed unless approved alternative construction methods are used.

Sec. 1.8 Administration

Editor's Note: If adopting the Toolkit Zoning Code or Subdivision Code, then the Administrative provisions should be moved and consolidated with the administration section at the time of adoption.

1.8.1 Administrator

The Administrator of this [ordinance] shall be the [Insert Official] or other official as designated by the Mayor.

A. General Authority

The Administrator is responsible for:

1. The implementation and administration of this [ordinance];
2. Maintaining written records of all actions taken under this [ordinance]; and
3. Making interpretations of this [ordinance].

B. Authority for Final Action

The Administrator is responsible for final action regarding:

1. Modifications and equivalent alternatives to required streetscapes;
2. Post-construction stormwater management landscaping features;
3. Alternative elevated foundation treatments;
4. On-site bioshield mitigation;
5. Calculation of tree coverage area; and
6. Modifications and equivalent alternatives to required screening.

C. Review Authority

The Administrator is responsible for review and recommendations regarding:

1. The Tree Mitigation Fund;
2. Heritage Tree Removal Permit; and
3. Tree canopy credits.

1.8.2 City Tree Board

A. General Authority

The City Tree Board is established to oversee the care, preservation, removal and planting of trees, shrubs and grasses in accordance with this [ordinance].

B. Authority for Final Action

The City Tree Board is responsible for final action regarding:

1. The Tree Mitigation Fund;
2. Tree Species List;
3. Tree Maintenance Manual;
4. Heritage Tree Removal Permit; and
5. Tree canopy credits.

C. Review Authority

The City Tree Board is responsible for review and recommendations regarding the acceptance of payment-in-lieu of planting obligations.

1.8.3 Tree Mitigation Fund

A. Fund Established

The [Mayor or Administrator] is hereby directed to establish a dedicated account to be entitled the Tree Mitigation Fund.

B. Fund Administration and Management

1. The Tree Mitigation Fund is to be administered by the City Tree Board with the Authority of the [Governing Body].
2. The record keeping and day-to-day management of the Tree Mitigation Fund is the responsibility of the Administrator.

C. Penalties

All funds received from the payment-in-lieu of planting obligations or the payment of mitigation fees pursuant to [Insert Citations] must be deposited and recorded in the Tree Mitigation Fund.

D. Use of Funds

The funds collected from mitigation fees may only be used by the [Jurisdiction or Tree Board] to pay for the planting of trees, including a maintenance period not to exceed three years. Generated funds may be used by the city to plant trees on public or private properties.

E. Funds to be Kept Separate

The balance within the Tree Mitigation Fund must be recorded and accounted for in a manner that distinguishes them from other general funds and must be disbursed in a manner consistent with the purposes for which the fund has been established.

1.8.4 Review Procedures

A. General

The following requirements are common to the following procedures, and apply to applications submitted under this [ordinance]. Additional details may be included in the specific procedure.

B. Pre-Application Conference

Before submitting an application for a site development permit or a variance, the applicant may choose to schedule an optional pre-application conference with the [Administrator] to discuss the procedures, standards and regulations required for approval.

C. Application

1. Application Forms

Applications, containing all information requested on the application, must be submitted on forms and in such numbers as required by the [Administrator].

2. Fees

Filing fees shall apply to Site Development Permit or Variance requested under this [ordinance]. Prior to review of an application, all associated fees must be paid in full.

3. Complete Applications

- a. All applications shall be complete and sufficient for processing before the [Administrator] is required to review the application.
- b. An application is complete when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this [ordinance].
- c. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this [ordinance]. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the [Administrator] as to whether more or less information may be submitted.

4. Concurrent Applications

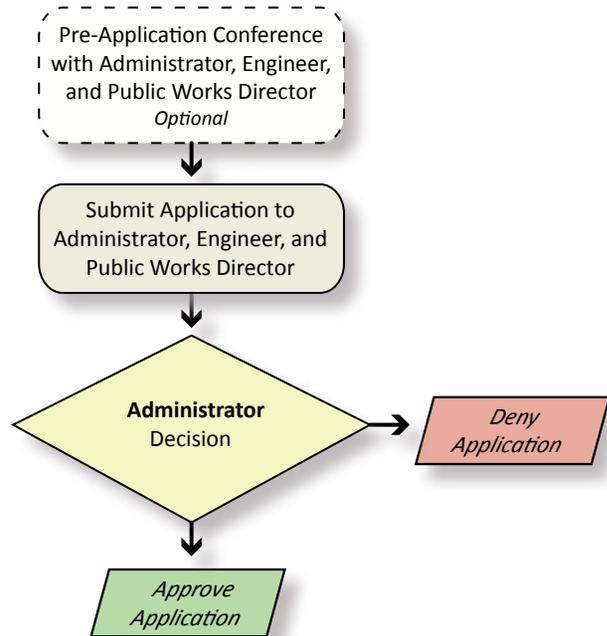
- a. Applications may be filed and reviewed concurrently, at the option of the applicant.
- b. Any application that requires a variance shall not be eligible for final approval until the variance has been granted.
- c. Applications submitted concurrently are subject to approval of all other related applications; denial of any concurrently submitted application shall stop consideration of any related applications until the denied application is resolved.

5. Modification of Application

An application may be modified at the applicant's request following approval of the [Administrator]. Any modification after a hearing but prior to a final decision shall require a new hearing and associated notice.

1.8.5 Site Development Permit

Editor's Note: If adopting the complete Toolkit this section may be replaced with the procedure for zoning permit.



A. When Required

1. A site development permit is required prior to any development activity or change in use that is subject to the terms of this **[ordinance]**.
2. No site clearing or grading, or the construction or altering of any site, building or other structure on a site, including an accessory structure, that results in the expansion in gross floor area or impervious area of less than 10 percent or 2,000 square feet, whichever is less, may occur until a site development permit has been issued.
3. Where a site development permit is required, no certificate of occupancy may be issued until the site development permit has been approved.

B. Application

1. Application Generally

- a. A pre-application conference is optional.
- b. All applications for a site development permit must be submitted, on forms furnished by the **[Jurisdiction]**, to the **[Jurisdiction Engineer or Public Works Director]** and Administrator.
- c. All applications for a site development permit must be made prior to or concurrent with the application for a **[building permit]**.

2. Stormwater Management Requirements

As part of any site development application that contains any stormwater management infrastructure the applicant must submit the following information:

- a. A complete stormwater management plan as outlined in section **2.2.2**, Stormwater Management Plan; and
- b. Any other related information as requested by the Administrator.

3. Borrow Pits Requirements

As part of any site development application that contains a request for a borrow pit, the applicant must submit the following information:

- a. A complete excavation and reclamation plan as outlined in section **2.7.3**, Excavation and Reclamation Plan; and
- b. Any other related information as requested by the Administrator.

C. Decision by Administrator

1. The Administrator may refer the application to other affected or interested agencies for review and comment.
2. In deciding to approve, approve with conditions or deny the proposed zoning permit, the Administrator must consider relevant comments of all interested parties and the review criteria below.
3. The decision of the Administrator must be consistent with prior decisions.

4. The Administrator may attach any condition to the permit necessary to ensure compliance with the standards of this [*ordinance*].

D. Review Criteria

The Administrator must consider the following criteria in approving or denying an application for a site development permit.

1. The proposed development is consistent with the pertinent elements of the [*Jurisdiction*] comprehensive plan and any other adopted plans;
2. The proposed development meets the requirements of this [*ordinance*];
and
3. The proposed development is in compliance with any prior approvals.

E. Appeal

A final decision by the Administrator on a site development permit may be appealed to the Board of Adjustment. See [*Insert Citation*]

F. Expiration

A site development permit expires in the event that no substantial activity takes place during a six month period.

Sec. 1.9 Definitions

1.9.1 Definitions in General

Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the meaning they have in common usage and to give this [*ordinance*] its most reasonable application.

1.9.2 Defined Terms

Editor's Note: The following definitions should be added to your existing definitions section.

Best Management Practices (BMP) - The methods by which the adverse impacts of development and redevelopment are controlled through their application. They are the schedules of activities, prohibitions of practices, site planning or design approaches, structural or managerial practices, and maintenance procedures that when used singly or in combination, prevent or reduce the release of pollutants into wetlands, marshes, lakes, rivers, streams, bayous, drainage canals and other waterways.

Borrow Pit - An area of excavation [*20,000 square feet*] or larger used to extract sand, gravel, clay, dirt or other material for fill on another site.

Certified Contractor - A person licensed as a contractor by the State of Louisiana.

Clearing - Any activity that removes the vegetative surface cover.

Drainageway - Any channel that conveys surface runoff throughout the site.

Erosion Control - A measure that prevents erosion.

Erosion and Sediment Control Plan - A set of plans prepared by or under the direction of a licensed professional engineer or landscaped architect indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading - Excavation or fill of material.

Greenfield - Development on a site that had not previously been developed or that was used for agricultural, silviculture or natural uses.

Infill - Development that occurs on a site that was previously developed for a use other than other than agriculture, silviculture, or natural lands.

Perimeter Control - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing - A proposed plan for the completion of a development in increments or stages.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - Any lot, tract or group of connected lots, tracts and/or parcels owned or functionally controlled by the same person or entity, assembled for the purpose of development.

Site Development Permit - A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

Stabilization - The use of practices that prevent exposed soil from eroding.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Tree Canopy Cover - The land area covered by a tree crown or crowns, as measured in square feet. For a site or lot it may be expressed as the percent of the land area covered by tree canopy and is calculated by dividing the anticipated mature tree canopy cover in square feet by the total land area of the site or lot.

Watercourse - Any body of water, including, but not limited to lakes, ponds, rivers, streams, bayous and bodies of water delineated by the State, Parish or [*Jurisdiction*].

Waterway - A channel that directs surface runoff to a watercourse or to the public storm drain.

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