

# Chapter 5

## WAIVERS, VARIATIONS AND EXCEPTIONS

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### **Section 5.1            Waivers**

The Metropolitan Council is hereby prohibited from approving waivers to the Unified Development Code without the Planning Commission's recommendation and the Council Administrator-Treasurer is prohibited from placing same on the agenda without the Planning Commission's recommendation. The Board of Appeals shall approve the waivers of items within Chapter 15.

#### A.        Guidelines for Granting Paving Waivers

1.        Paving waivers for residential uses in the Rural Zoning District may be granted by the Building Official provided the proposed home is located on an individual tract or lot of more than one acre, if shell or gravel drives are prevalent in the area, if the first fifty (50) feet of a driveway is paved and if any subdivision deed restrictions permit an unpaved driveway. If the owner cannot comply with these conditions, then he shall apply to the Planning Commission and Metropolitan Council for a waiver.
  
2.        Paving waivers shall not be granted for residential or commercial structures within the City of Baton Rouge or within recognized subdivisions or for any commercial uses in the Rural zoned area unless the waiver is being requested to save a tree(s) that is deemed important by a licensed landscape architect or by the Director of the City-Parish Office of Landscape and Forestry. Limestone aggregate rather than concrete or asphalt may be used around the roots of the tree, however, the first 50 feet of a double driveway, measured from the street edge to the street right-of-way or property line (whichever is greater), shall be hard surfaced. In addition, the following standards are established for the use of limestone aggregate:
  - (a)        Crushed limestone should be as #610 roadbase material.
  - (b)        Edging should be permanent brick, steel, concrete, or wood.
  - (c)        Pea gravel is prohibited.
  - (d)        All aggregate material shall be three (3) inches in depth applied over a compacted sub grade covered with a layer of landscape fabric.

### **Section 5.2            Variations and exceptions**

A.        Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustices, such requirements may be varied or modified pursuant to the following provisions:

1.        On any subdivision where there is a question on whether a street, servitude, or bridge should be added, extended, or deleted the Planning Commission staff and/or the subdivision developer would place this matter on the Planning Commission agenda for review and recommendation to the Metropolitan

Council. The Metropolitan Council would be advised, as soon as possible, of the Planning Commission action so that the Metropolitan Council might either accept or amend the Planning Commission recommendation and the subdivision would be developed accordingly;

2. On any subdivision matter not involving improvements but dealing only with a minor adjustment of lot size, provision of servitudes of passage, and approval of partitions not generally involving the broader public interest, such matters would be acted upon only by the Planning Commission after staff recommendation, and the Planning Commission would then present its action to the Metropolitan Council for entry into its minutes;
3. On site or tract developments where plans were begun prior to the adoption of these amendments and no improvements are required, the Planning Commission staff and the Department of Public Works may vary requirements to permit reasonable development with such variations subject to ratification by the Planning Commission.
4. Waivers that have been granted approval by the Metropolitan Council for the purpose of subdivision property into five (5) lots or less shall be valid for a period of two years. If the subdivision plat has not been approved by the Office of the Planning Commission and recorded in the Office of the Clerk of Court and Recorder of the Parish within said time, the waiver shall become null and void.

B. Camp Site Subdivision. Whenever a parcel of land fronts for a reasonable distance on the Amite River or on Bayou Manchac, the Planning Commission may approve a campsite subdivision under the following conditions:

1. Where there is no public water supply and water wells are to be provided on the individual lots, minimum lot width shall be one hundred (100) feet and minimum lot area twenty thousand (20,000) square feet. Where there is a public water supply to serve the development, lots may be reduced to fifty (50) foot minimum frontage and six thousand (6,000) square feet minimum area.
2. Sewerage, water supply, and drainage shall be designed and constructed under the supervision of, and approved, by the Parish Health Unit and the Department of Public Works as provided under Sections 14.3 and 15.2. Sewage treatment and disposal shall consist of a community sewage treatment plant, a septic tank, filter field and collection line, or a septic ditch at the rear (if lots are twenty thousand (20,000) square feet in area), or septic tank and absorption field if a percolation test indicates that absorption would be satisfactory.
3. Streets shall consist of six (6) inches of compacted gravel at least twenty (20) feet in width or on a roadbed at least twenty-four (24) feet in width and shall be graded to full width of sixty (60) feet right-of-way. Deed restrictions shall be noted on the plat that streets will not be improved to a higher standard by the City-Parish and such streets will not be eligible for petition paving but may be improved to a higher standard by the owners and/or developers.
4. Such developments shall be permitted in keeping with the general intent and purpose of this part for use as campsites, but shall not be approved or permitted where they would be in competition with subdivisions designed and approved under the standard provisions of this part.

- C. Situations in which lots of record exist within the consolidated sewer district in an area which has city-parish maintained streets, which lots are smaller in frontage and area than set forth herein, and at least twenty-five (25) percent of the lots in the area have been improved with houses, the Planning Commission may permit combination of such lots of record into larger lots subject to approval by the Health Unit of a suitable interim means of sewage treatment and disposal.
- D. Town House Subdivision. The Planning Commission may approve town house subdivisions under the following conditions:
1. Town houses. Single-family attached dwellings on individual lots for sale may be served by servitudes of access and providing common open spaces in lieu of typical single-family yards.
  2. Site plans and design criteria:
    - (a) Not more than six (6) contiguous town houses shall be built in a row with the same or approximately the same front building line, and not more than twelve (12) town houses shall be contiguous.
    - (b) Separation requirements. No portion of a town house or accessory structure in or related to one group of contiguous town houses shall be closer than twenty (20) feet to any portion of a town house or accessory structure related to another group, or to any building outside the town house area, nor shall any structure be less than twenty (20) feet from a public street.
    - (c) Yards. There shall be a twenty-five (25) foot yard along sides and rear of each town house site wherever it adjoins an A-1 or A-2 zoning district. Each town house shall have its own lot yard space of at least four hundred (400) square foot, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for off-street parking or for an accessory building.
    - (d) Grouped parking facilities. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. Developers in connection with common parking facilities shall assure practicable methods of drainage, and all such facilities shall be improved to City-Parish standards for off-street parking areas, with at least two (2) spaces per unit on the lot plus one (1) visitor parking space per each two (2) units, which may be provided in separate areas.
  3. Sewerage, water supply, and drainage shall be designed and constructed under the supervision of and approved by the Health Unit and the Department of Public Works as provided under Sections 14.3 and 15.2, except that connection to sanitary sewers shall be the only permitted method of sewage disposal.
  4. Drives, parking, and utilities. Design and construction of drives, and drainage and location of utilities shall be subject to review and approval by the Department of Public Works after approval of the preliminary plan by the Planning Commission office.
    - (a) Lots may front on driveways with access to a public street by means of a private servitude of access, provided that driveways extending more than

three hundred (300) feet from a public street provide adequate turning and maneuvering area. All other requirements for public streets and servitudes as set forth in Chapters 2 and 13 shall apply.

- (b) Interior access drives shall be at least six (6) inches soil cement base with one and one-half (1½) inches asphaltic concrete wearing surface or better, at least twenty-two (22) feet wide, with adequate drainage.
  - (c) Parking areas shall be at least sixty-five (65) feet wide where parking or carports are on both sides of a common drive, or at least forty-two (42) feet wide where there is parking on one side only; except where diagonal parking is to be provided, parking areas shall be at least fifty-seven (57) feet wide for parking on both sides or thirty-six (36) feet for parking on one side.
  - (d) Before approval of the final subdivision plans, restrictions shall be submitted, including designation of all servitudes, lot lines, parking areas and other open space, with provision for perpetual maintenance of all improvements including pavements, landscaping, utilities and services. Restrictions shall clearly indicate that the City-Parish will not accept any maintenance responsibility for drives and parking spaces.
  - (e) Where a property extends more than four hundred (400) feet from a public street, additional fire hydrants shall be provided as required by the fire chief.
  - (f) There shall be a six (6) foot high wall or solid fence along the sides and rear of the A2.5 project wherever it adjoins A-1 and A-2 Single Family Zoning districts.
5. Except for the A2.5 zoning district, the minimum lot width shall be eighteen (18) feet and minimum lot area one thousand four hundred forty (1,440) square feet; in the A2.5 zoning district minimum lot width shall be twenty (20) feet minimum site area of three thousand eight hundred (3,800) square feet per dwelling unit.
6. Servitudes in favor of the lots shall be provided at the front or rear of lots in the required front or rear yards for off-street parking and utilities, but entrances to front yard parking areas shall be not less than fifty (50) feet apart, unless an individual space is provided for each lot. Parking spaces and drives shall have permanent dust-free surfacing.
7. Only town houses may be built in such a subdivision and the subdivision must be undertaken within six (6) months of final subdivision approval. If construction is not undertaken within six (6) months, the Planning Commission shall revoke approval of the subdivision unless some compelling reason can be shown for its continuance.