

ORDINANCE

AMENDING TITLE 7 (PLANNING AND ZONING), CHAPTER 10 (SUPPLEMENTARY USES), OF THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, SO AS TO AMEND SECTION 10.101 (NATURAL RESOURCE OVERLAY DISTRICT), TO CLARIFY THE REVIEW PROCEDURE AND DESIGNATION OF NATURAL RESOURCE OVERLAY DISTRICTS.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Title 7, Chapter 10, of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended and shall read as follows:

~~Section 10.101 Natural Resource Overlay Districts~~

~~A. Enforcement and Review~~

~~1. New Construction~~

- ~~a. For new construction, Planning Commission staff shall certify compliance prior to issuance of building permits.~~

~~2. Existing Development~~

- ~~a. For existing structures, Planning Commission staff shall certify compliance prior to issuance of Certificates of Occupancy.~~

**Section 10.101a Natural Resource Overlay District One**

- 2 To provide guidelines for development activity within the Natural Resource Overlay District (District) as shown in Appendix G through-out East Baton Rouge Parish. Uses permitted pursuant to the underlying zoning district; and in addition, on parcels of land containing at least five (5) contiguous acres, those uses involving the removal of soil, sand or gravel by excavating, stripping, dredging, mining,

or otherwise taking (including on-site operations appurtenant to taking such as washing, grading, sorting, storage, and grinding operations). No natural resources extracted outside the limits of an approved Natural Resource Overlay Zoning District shall be brought in for washing, grading, or further processing. The district boundaries as set forth in this Ordinance may be altered only with the affirmative vote of two-thirds (2/3) of the members of the Metropolitan Council voting at a meeting in which a quorum is present.

A. The following minimum site design standards shall be required:

1. A minimum site of five (5) acres is required, with a minimum frontage of two hundred (200) feet on a publicly maintained street or road.
2. No excavation for extraction of dirt, sand, or gravel within a Natural Resource Overlay Zoning District may be within one thousand (1000) feet of any residential dwelling; five hundred (500) feet of any residentially zoned property or recognized residential subdivision; or two hundred (200) feet of adjoining property lines. These distances may be varied when written permission has been granted by the adjoining property owner(s) and approved by the City Parish Planning Commission and Metropolitan Council.
3. All private access roads shall be of a dust-free surface for a distance of one hundred (100) feet from any public street right-of-way. To reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, loading, and other equipment pertaining to pit excavation shall not operate closer than three hundred (300) feet from any public street or road right-of-way, residential dwelling, recognized residential subdivision, or residentially zoned property. Scales and related structures shall be set back a minimum of one hundred (100) feet from rights-of-way of public roads and streets and a minimum of one hundred (100) feet from side property lines.
4. Roadside Landscape: Existing trees and ground cover adjoining public streets and roads shall be preserved where possible so as to aid in the screening from public view of mining activities. Additional

vegetative landscape or other acceptable landscaping techniques shall be required to accomplish screening from public view.

The preceding minimum site design requirements may be increased, extended or enlarged when deemed necessary to protect the health, safety, and general welfare of the public. The Planning Commission may recommend, and the Metropolitan Council may adopt additional site design requirements as necessary including limiting the hours of operation.

- B. In addition to the above requirements, the following procedures shall be followed for creation of a Natural Resource Overlay ~~Zoning~~ District:

~~Rezoning~~ Application:

1. Application ~~for rezoning~~ shall be completed and filed with the Office of the Planning and Zoning Commission.
2. In addition to what is required on the application for rezoning, the following information shall be attached:
  - a. A vertical aerial photograph, showing current geographical and topographical conditions, enlarged to a scale equal to one (1) inch equals four hundred (400) feet. Area covered by the vertical aerial photograph shall include:
    - (1) All land requested in the petition.
    - (2) All contiguous land, which is or has been used by the owner or leasehold applicant for any extraction, treatment, or storage.
    - (3) All public or private roads, which provide access to the proposed use. (Access by way of residential streets is prohibited.)
    - (4) All recognized residential subdivisions, residentially zoned properties, and existing residential dwellings within one thousand (1,000) feet of the proposed use.

- (5) The boundaries of the above listed items shall be clearly delineated and labeled on the aerial photograph.
- b. A survey map of the property, prepared by a land surveyor licensed by the State of Louisiana and drawn to a scale of one (1) inch equals two hundred (200) feet, shall be submitted in five (5) copies. This survey map shall include:
    - (1) Boundary of entire tract showing bearings and dimensions.
    - (2) Boundary of area to be rezoned showing bearings and dimensions.
    - (3) Existing zoning boundaries.
    - (4) Existing geographic features of the site, including boundaries of proposed excavation pits, overburden storage areas, wooded areas, natural drainage flow over the site, shading of flood hazard areas as shown on current Federal Insurance Rate Maps, FIRM, and any other significant features.
    - (5) Existing land use of the site including buildings, structures, and boundaries of any previously mined areas.
  - c. A completed copy of the Development Permit application, as required by Title 7, Chapter 15.15 Permit Procedures of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.
  - d. A statement or report by a professional engineer, soil scientist, or geologist regarding the effect the proposed operation will have upon the watershed of the area with particular attention being devoted to erosion control and control of run off of sediments associated with the proposed operations as well as the impact on any public or private water wells in the area.
  - e. A statement or letter of no objection from the Office of Cultural Development, Division of

Archeology of the State of Louisiana, that the proposed site is not a site of historical or archaeological significance.

- f. A detailed plan for extraction of the natural resource deposits. This plan shall include:
- (1) The proposed dates for the initiation and termination of such operation;
  - (2) The maximum anticipated depth of the pit area(s) and proposed slope(s) of the sides of the pits;
  - (3) A detailed list of the type and quantity of equipment proposed to be used in connection with the use including bulldozers, cranes, washers, crushing equipment, trucks, dredges, and other mechanical equipment;
  - (4) An estimate of the average number of trucks proposed to enter and leave the property per day;
  - (5) The proposed hours of operation each day, number of employees, and the proposed days of operation during the week;
  - (6) A proposed plan of land reclamation and a statement or supportive documents, furnished by the applicant, indicating how the proposed site will be re-used in a manner compatible with the Master Plan for Future Land Use;
  - (7) Proposed grading and sloping plan of disturbed areas so as to prevent soil erosion, stagnant water, and to render the area safe and hazard free to the general public. The U. S. D. A. Soil Conservation Service shall review this grading and sloping plan, and a letter of no objection to the proposed grading and sloping plan from that agency is to be attached and made part of the application of rezoning;
  - (8) In order to minimize flood losses and flood damage a letter of no objection from the City

Parish Department of Public Works, Engineering Division stating, in part, that the proposed plans of operation are reasonably consistent with the purpose and intent of City Parish Code of Ordinances, Title 8, Chapter 8 Flood Damage Prevention; and

- (9) A letter of jurisdictional determination from the U. S. Army Corps of Engineers indicating permits to be obtained before operations may be commenced on the proposed site. (Section 10 of the Rivers & Harbors Act and/or Section 404 of the Clean Water Act) Additionally, a letter of no objection or, if applicable, a water quality certification from Louisiana Department of Environmental Quality, Water Resources Section.

#### C. Enforcement and Review

1. Development Permit to be Issued: After Site Plan approval and establishment of Natural Resource Overlay ~~Zoning~~ District, the City-Parish Department of Public Works Engineering Division shall issue a Development Permit for a specified length of time including documentation of all conditions or agreements made part of and pursuant to Site Plan review and approval, and to be periodically inspected (monthly, quarterly, or as deemed necessary) by the Environmental Division of DPW to ensure the approved site plan is being followed. This permit may be revoked at any time in which the Department of Public Works determines that the approved site plan, or other agreements or conditions made pursuant to site plan approval by the developer is not being followed. Before such permit revocation, the Department of Public Works shall give written notification to the operator by a certified letter describing the specific violations or unauthorized variances from the approved site plan. The operator shall have thirty (30) days from date of notification to correct such violations or may appeal such permit revocation in writing to the Zoning Commission and request a public hearing to be held showing reasons why such variances are necessary and reasonable. The Zoning Commission shall recommend to the Metropolitan Council approval or denial of any such variances or

amendments to the approved site plan and provide written reasons why such changes, variances, or amendments are necessary. The Metropolitan Council shall hold a public hearing to consider such site plan changes, variances, or amendments and may amend previously approved site plans as deemed necessary. All required state and federal permits shall be secured prior to site development.

2. Sand, gravel, and dirt pit operations existing at the time of the adoption of these requirements shall be inspected by the City-Parish Department of Public Works Environmental Division within a reasonable time period; a determination made as to the non-conforming nature of such operations; and if applicable, issued a temporary certificate of occupancy (or other such non-conforming use permit as deemed appropriate by the Department of Public Works) indicating the non-conforming nature of the activity being performed and the legal description of the property(s) where such activity is being carried out. Non-conforming Sand, Gravel, and Dirt Pit Operations shall operate pursuant to Chapter 7 "Non-Conforming Situations" of this Unified Development Code and in compliance with all applicable State and Federal laws and regulations.

3. Violations:

In addition to Development Permit revocation as established in Section 10.101a.C.1, any violation of the provisions of the Natural Resource Overlay ~~Zoning~~ District shall constitute a violation of the Unified Development Code and shall be subject to penalty as specified in Section 6.7.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.