

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3172

ORDINANCE C.S. NO. _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. GOULD

SECONDED BY MS. BRISTER

ON THE 3RD DAY OF NOVEMBER, 2005

ORDINANCE AMENDING AND REENACTING ST. TAMMANY PARISH CODE OF ORDINANCES, SECTION 20-011.01 PROCEDURES AND STANDARDS FOR GRANTING PERMISSION TO ENTER PARISH RIGHT OF WAY FOR GAINING ACCESS TO PROPERTY, BY ENACTING A NEW SUBPARAGRAPH (a) TO EXISTING PARAGRAPH B(5), TO REQUIRE ANY DEVELOPER/APPLICANT PROPOSING TO DEVELOP LOTS WITHIN A DORMANT SUBDIVISION OR SUBDIVISION OF RECORD TO SUBMIT FOR REVIEW AND APPROVAL OF THE PARISH ENGINEER A DRAINAGE PLAN THAT MEETS THE DETENTION REQUIREMENTS OF SUBDIVISION REGULATORY ORDINANCE NO. 499, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Legislature of the State of Louisiana has in LSA R.S. 38:84 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the flood hazard areas of the Parish are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruptions of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, flood losses are created by the cumulative effect of obstructions in flood plains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and are hazardous to other lands because they are inadequately elevated, flood proofed, or otherwise protected from flood damage; and

WHEREAS, in Chapter 7 of the St. Tammany Parish Code of Ordinances, and in Section 40-037.00 of St. Tammany Parish Subdivision Regulatory Ordinance 499, the Parish has enacted extensive measures to address the adverse effects associated with drainage and flooding and

WHEREAS, in a continuing effort to accomplish its purposes of protecting the health, welfare, safety and property of the residents of St. Tammany Parish from the adverse effects of drainage and flooding, this Ordinance uses the additional method set forth hereinafter.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, SEC. 20-011.01 Procedures and Standards for Granting Permission to Enter Parish Right of Way for Gaining Access to Property is hereby amended and reenacted to enact new subparagraph (a) to paragraph B(5) as follows:

SEC. 20-011.01 Procedures and Standards for Granting Permission to Enter Parish Right of Way for Gaining Access to Property

A. The application process may include, but is not limited to the following information: a written request for permission to enter the right-of-way, including the purpose of the request; ownership information; right-of-way dedication; wetland determination and/or wetland permits from the Corps of Engineers and other respective environmental agencies and a site plan of applicant's property with relationship to the proposed structure or structures and the Parish road right-of-way and any other servitudes, both private and public.

B. Conditions which may be imposed on an applicant which must be incorporated within the resolution include, but are not limited to the following information:

1. Requiring additional right-of-way to be dedicated to the parish or the establishment of servitudes in cases when the right-of-way does not meet the current right-of-way widths as established in the Parish's Subdivision Regulatory Ordinance No. 499, or requiring in cases of limited right-of-way widths the provision to allow a one way access as long as the one way access provides an entrance and a different exit (terminus) to an approved roadway
 2. Requirements which will limit the applicant and any assignees by providing a Hold Harmless Agreement and utilization of the access by (an) individual (s) until the time that the access is upgraded to parish standards and accepted into the Parish's road maintenance system.
 3. Requirements which will bind the applicant or any assignees to a maintenance obligation of the access until such time as the Parish agrees to accept the portion of the right-of- way into the Parish's road maintenance system, by execution of Notice of Acknowledgment and Responsibility.
 4. The applicant will be responsible for all expenses regarding improvements, relocation of utilities, engineering services, permits, damage and recordation which may be associated with the right-of-way.
 5. The Parish Engineer must review and approve a road design and drainage plan prepared by a licensed Louisiana state registered engineer. The Parish Engineer may require additional off-site work to minimize the potential impact of the proposed construction with special emphasis regarding drainage. The road and drainage design must meet the road standards as established under Subdivision Regulatory Ordinance No. 499.
(a) Any developer/applicant proposing to develop lots within a "dormant subdivision" or "subdivision of record" must submit for review and approval of the Parish Engineer a drainage plan that meets the detention requirements of Subdivision Regulatory Ordinance No. 499. Where applicable, such developer/applicant shall be entitled to claim a credit toward drainage impact fees due the parish under the authority of the "St. Tammany Parish Drainage Impact Fee Ordinance"(Sec. 2-009.00 Part IV (B)(8)) and, where applicable, shall be entitled to claim credit/reimbursement from any drainage impact fees that have been paid into the "Drainage Impact Fee Escrow Account" by the owner or owners of lots that are not owned by the developer/applicant but would be receiving the benefits of said storage requirements
 6. Liability insurance policy included naming of the parish as an insured party.
 7. Provisions for the establishment of a Performance and Warranty letter of credit, when applicable and utilized in the same manner as performance letters of credit are utilized as per Subdivision Regulatory Ordinance No. 499.
 8. Applicant and assignees enter unto an agreement to delay the hard surfacing requirements for roads to a future date, when applicable, but are bound to meet those requirements either in participating in a front foot assessment or other Parish approved method at an appropriate time when the road may be reasonably allocated to adjoining property owners and/or assignees.
 9. Allow the Department of Engineering to establish a time period for commencement and completion of construction and to delay the issuance of building permits unless appropriate letter of credit are accepted.
- C. Any application for the opening and/or extension of any unopened parish right of way located within the boundaries of Parish Council Districts 5, 7 or 10 shall include provisions for the concurrent installation of central water and community sewerage to the property being accessed.

REPEAL: The amendment, which is limited in its scope and application to the particular subparagraph and section, shall not be held to repeal any previously existing ordinance or parts of ordinances.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2005 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: October 27, 2005

Published adoption: _____, 2005

Delivered to Parish President : _____, 2005 at _____

Returned to Council Clerk: _____, 2005 at _____