

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3011 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR STEFANCIK/PRESIDENT PROVIDED BY: PLANNING

INTRODUCED BY MR. GOULD SECONDED BY MS. BRISTER

ON THE 3RD DAY OF FEBRUARY 2005

AN ORDINANCE TO AMEND THE ST. TAMMANY PARISH CODE OF ORDINANCES CREATING SECTION 40-045.0 MINOR SUBDIVISION REVIEW, AND SUBSECTION 40-045.01 MINIMUM CONSTRUCTION STANDARDS FOR A PRIVATE DRIVE, OF SUBDIVISION REGULATORY ORDINANCE NO. 499, TO PROVIDE FOR ADMINISTRATIVE REVIEW OF SOME SUBDIVISIONS OF PROPERTY; AND TO PROVIDE FOR REPEAL, SEVERABILITY AND DATE OF ENACTMENT

WHEREAS, the approval of such minor reviews on an administrative basis is in the best interest of the citizens of St. Tammany Parish;

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that a new section, Section 40-045.0 Minor Subdivision Review and Subsection 40-045.01 Minimum Construction Standards for a Private Drive of St. Tammany Parish Subdivision Regulatory Ordinance No. 499 be hereby created as follows:

Add a new SECTION 40-045.0 - MINOR SUBDIVISION REVIEW, as follows

1. Minor subdivision approval may be granted as an administrative approval when the following criteria are met:
 - a. The subdivision will result in the creation of five or less lots, one of which must have direct frontage on a public road.
 - b. The subdivision will not result in any new public streets.
 - c. All lots created shall meet the minimum lot size and dimension standards for the zoning district in which they are located pursuant to Land Use Ordinance No. 523, or a minimum of one (1) acre in size, whichever constitutes the greater area. The calculation for the area of a lot shall be exclusive of any public street right of way or private drive.
 - d. The proposal is in compliance with Section 40.036 Sanitary Provisions, Ordinance 499.
 - e. The proposal is in compliance with Section 40.037 Drainage, Ordinance No. 499.
 - f. Any private street drive that services more than one lot or parcel for the purposes of this ordinance must be constructed to the minimum construction standards of an aggregate as permitted by St. Tammany Parish: as set forth within Subsection 40-045.01 Minimum Construction Standards for a Private Drive.
2. Submission requirements - The following information must be presented to the Department of Planning for a minor subdivision review to be considered:
 - a. Submit a signed letter from the owner or owners of property involved within the resubdivision request, stating their reasons for the proposal.
 - b. Submit ~~five (5)~~ ten (10) blue or black line prints of a bona fide survey on either (8"x11"), (8 1/2"x14") or (11"x17") paper, indicating the following:
 1. The proposed resubdivision of the lots indicating: the total square footage of all of the property involved within the resubdivision request, individual square footage of each new lot created, and the Section, Township and Range,
 2. Surveyor's live stamp or seal on at least one (1) all of the survey plats.
 3. The accurate location of all buildings and or structures on the lots.
 4. Information on the survey indicating the name of the subdivision, phase, lot

number, section, township and range, and any other data pertinent and germane to the resubdivision request.

5. Spaces for the signatures of the Secretary of the Planning Commission, Parish Engineer, **Clerk of Court** and spaces for the date and map file number.
6. A copy of the subdivision restrictions or covenants of the subdivision, **if any**, including a maintenance agreement if a private road **drive** is to be constructed;
7. The fees for a minor subdivision request are based on \$90.00 per acre (pro-rata after the first acre) up to a maximum of \$800.00. The fees are based on the total land area (all properties where lot lines will be adjusted) to be subdivided.
An additional and separate fee shall be required for the recordation of the survey plat as per the fee schedule of the Clerk of Court.

3. Procedure

- a. Notwithstanding the provisions of Section 40-030.03 - Zoning Compliance, minor subdivisions may be reviewed and approved within the R - Rural or SA - Suburban Agricultural zoning districts.
- b. The Director of Planning shall review and approve the minor resubdivision application for administrative compliance within fourteen (14) days after submission.
- c. Upon granting approval of the application, the applicant must then coordinate with the Department of Engineering by providing plans for the construction of the private drive and drainage improvements.
- d. Once all construction has been completed and approved by the Department of Engineering, the minor subdivision plat will be recorded within seven (7) days after the approval and copies of the recorded plats shall be forwarded to the applicants engineer or surveyor, unless instructed by the petitioner/owner in written form to do otherwise.
- e. The Director may not grant waivers for any applicable regulations; therefore, if a request is denied by the Director of Planning, or a waiver of an applicable regulation is requested, the applicant may appeal said request to the Planning Commission in accordance with Section 40-100.0 Waiver of Regulations of Ordinance No. 499.

4. Exemption

A resubdivision of property shall be exempt from the minor subdivision review process if an original tract of land is being resubdivided into only two parcels, with one parcel having direct access to a public road or street and the other a private drive.

Sec. 40-045.01 Minimum Construction Standards for a Private Drive

1. With the exception of a private drive accessing one lot or parcel, the following minimum construction standards shall apply:
 - a. an owner(s) who creates a private drive to access more than one (1) lot or parcel, but no more than five (5), shall dedicate through title, deed and or covenant, a perpetual servitude of access with a minimum width of thirty-five (35') feet
 - b. the actual driving surface shall be a minimum of twenty (20') feet in width with two (2') foot shoulders on each side of the drive and five and a half (5 1/2') feet on each side of the shoulder devoted to ditching/drainage and or utilities
 - c. the drive shall be constructed with suitable compacted subbase materials and overlaid with an aggregate material (i.e. shell, gravel, limestone, three-course treatment, asphalt, concrete, etc...) that is acceptable to the Department of Engineering
 - d. a ditch or ditches shall be constructed on either one or both sides of a drive in accordance to standard practices adopted by the Department of Engineering in order to provide adequate drainage

- 2. Plans for the construction of the private drive and drainage must be submitted to the Department of Engineering for review and approval prior to the initiation of work.
- 3. After the private drive has been constructed and drainage improvements made, the responsible owner(s) shall contact the Department of Engineering for a final inspection of the work performed.
- 4. Once the private drive has been constructed and all drainage improvements completed and approved by the Department of Engineering, then, and only then can the minor subdivision be recorded for public record in the Clerk of Courts Office and the lots sold or donated.
- 5. The owner(s) selling or donating lots or parcels to others shall be solely responsible for establishing a maintenance agreement specifying the entity or entities whom shall provide maintenance and upkeep for the private drive. Copies of the agreement must be provided to the departments of Engineering and Planning for their files.
- 6. A private drive cannot under any circumstances be dedicated as a public right-of-way unless said drive is upgraded to meet the definition and standards of a "private street" or "public street" pursuant to Ordinance No. 499.
- 7. Only one main private drive shall be permitted per each minor subdivision.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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 Ordinance are hereby declared to be severable.

EFFECTIVE DATE: 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: _____, 2005
 Published adoption: _____, 2005
 Delivered to Parish President: _____, 2005 @ _____
 Returned to Council Clerk: _____, 2005 @ _____