

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4743

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. SMITH

ON THE 1 DAY OF MARCH, 2012

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, APPENDIX B, CHAPTER 40 SUBDIVISION REGULATORY ORDINANCE NO. 499, SECTION 40-074.01 PARISH ENFORCED SUBDIVISION RESTRICTIONS AND/OR COVENANTS, TO PROHIBIT REAR ACCESS TO LOTS WITHIN AN APPROVED SUBDIVISION VIA A DRIVEWAY TO OR FROM ANY STREET OR ROAD THAT IS NOT DEDICATED WITHIN THE BOUNDARIES OF THE APPROVED SUBDIVISION PLAT.

WHEREAS, complaints have been received regarding the installation of driveways to provide access to the rear of subdivision lots via streets or roads that are outside the boundaries of an approved subdivision plat; and

WHEREAS, lots within an approved subdivision are intended to be accessed via the roads and streets that are dedicated for such purpose within the boundaries of the approved subdivision plat. Driveways providing access to the rear of subdivision lots via streets or roads that are outside the boundaries of an approved subdivision plat give rise to a potential proliferation of driveways and an increased risk of traffic accidents; and

WHEREAS, after considering the recommendation of the St. Tammany Parish Planning Commission, the St. Tammany Parish Council has determined that it is necessary, in order to protect the public health, safety and welfare from the potential risk of traffic accidents resulting from driveways providing access to the rear of subdivision lots via streets or roads that are outside the boundaries of an approved subdivision plat, to prohibit such rear access driveways.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Appendix B, Chapter 40 Subdivision Regulatory Ordinance 499, Section 40-074.01 Parish Enforced Subdivision Restrictions and/or Covenants, is hereby amended and reenacted to provides as follows:

**Sec. 40-074.01 Parish Enforced Subdivision Restrictions and/or Covenants**

In order to protect the health, safety and general welfare of the owners of property within Parish approved subdivisions, the following covenants will run with each deed or title and will be listed at the top right hand corner of the final subdivision plat. The following restrictions shall be enforceable by the Parish Planning Commission:

a. No certificate of occupancy shall be issued before the sewerage and water systems are installed and operable or otherwise connected to a community (central) sewerage and/or water systems(s), all as approved by the Department of Environmental Services of St. Tammany Parish.

Whenever a subdivision is served by a community (central) water system (supply), no private water supply may be drilled or otherwise constructed on any lot for the purpose of supplying potable water to any building or structure, except for the purpose of irrigation, and in no event shall there be a physical connection between any such source and any element of the community (central) water system (supply).

b. Construction of any nature is prohibited in Parish drainage or street easement.

c. Lots may not be used for the storage of trash or junk vehicles.

d. The minimum finished flood elevation required in areas subject to periodic inundation (flood zones A and V) shall be indicated.

e. No lot will be further subdivided without approval of the St. Tammany Planning Commission and the Department of Environmental Services of St. Tammany Parish.

f. The minimum culvert size to be used for driveways shall be stated.

g. Driveways on corner lots shall not be located any closer than sixty (60') feet from a corner of said property closest to the intersection as measured from the property lines on the corner of the property where the said two street rights-of-way intersect. (*Amended per Ord. No. 94-2142, adopted December 15, 1994*)

h. It shall be prohibited for any lot within an approved subdivision to have rear access via a driveway to or from any street or road that is not dedicated within the boundaries of the approved subdivision plat.

h. i. The aforementioned restrictions shall be recited in each title or deed in addition to the required listing on the final subdivision plat. (*Amended per Ord. 88-916, adopted February 18, 1988*)

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 5 DAY OF APRIL , 2012 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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THERESA L. FORD, COUNCIL CLERK

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PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: FEBRUARY 23 , 2012

Published Adoption: \_\_\_\_\_, 2012

Delivered to Parish President: \_\_\_\_\_, 2012 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2012 at \_\_\_\_\_