

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5803

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: TANNER

PROVIDED BY: COUNCIL ATTORNEYS

INTRODUCED BY: MR. TANNER

SECONDED BY: MR. CANULETTE

ON THE 4 DAY OF MAY , 2017

AN ORDINANCE TO AMEND SECTION 40-045.0 OF THE SUBDIVISION ORDINANCE NO. 499, RELATIVE TO THE ADMINISTRATION APPROVAL OF MINOR SUBDIVISIONS NORTH OF THE URBAN GROWTH BOUNDARY LINE.

WHEREAS, in order to best serve the citizens residing north of the Urban Growth Boundary Line it is necessary to amend Section 40-045.0 of the Subdivision Ordinance No. 499.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the following amendments be made to Section 40-045.0 of the Subdivision Ordinance No. 499:

SECTION 40-045.0 MINOR SUBDIVISION REVIEW

A. Urban Growth Boundary Line: There is hereby established, for purposes of this Section of Ordinance No. 499, the Urban Growth Boundary Line. Said boundary line is particularly described immediately herein below and depicted on the attached map. The area of unincorporated St. Tammany Parish situated south of the Urban Growth Boundary Line encompasses the entire existing urbanized area (as defined by the Bureau of Census). The area contiguous thereto and situated north of said line is anticipated to become urbanized within a twenty year forecast period for the metropolitan transportation plan. The Urban Growth Boundary Line is established as follows:

Beginning at the intersection of the Tangipahoa Parish line and the section corner common to Sections 7 and 19, Township 6 South, Range 10 East, proceed east following the southern boundary of Sections 7, 8, 9, 10, 11, 12, Township 6 South, Range 10 East and Section 7, Township 6 South, Range 11 East, to the section corner common to Sections 7, 8, 17, and 18, Township 6 South, Range 11 East;

Thence proceed in a southeasterly direction along the centerline of the Bogue Falaya River to the section corner common to Sections 22, 27, and 45, Township 6 South, Range 11 East;

Thence proceed east, following the southern boundary of Sections 22, 23, and 24, Township 6 South, Range 11 East and Sections 19, 20, and 21, Township 6 South, Range 12 East to the section corner common to Sections 21, 22, 27, and 28, Township 6 South, Range 12 East:

Thence proceed south to the section corner common to Sections 27, 28, 33, and 34, Township 6 South, Range 12 East;

Thence proceed east following the southern boundary of Sections 26 and 27, Township 6 South, Range 12 East to the section corner common to Sections 25, 26, 35, and 36, Township 6 South, Range 12 East;

Thence proceed in a southerly direction along the common boundary of Sections 35 and 36, Range 12 East, Township 6 South and subsequent section line boundaries to the intersection of said section lines and the centerline of Louisiana Highway 36;

Thence proceed in a southeasterly direction along the centerline of Louisiana Highway 36 to the intersection of Louisiana Highway 36 and the centerline of

Louisiana Highway 41;

Thence proceed in a southeasterly direction along centerline of Louisiana Highway 41 to the intersection of Louisiana Highway 41 and the centerline of Louisiana Highway 41 Spur;

Thence proceed in a southeasterly direction along the centerline of Louisiana Highway 41 Spur to the point where Louisiana Highway 41 Spur intersects with Interstate 59;

Thence proceed in a northerly direction along the centerline of Interstate 59 to a point where it intersects with the old U.S. Highway 11 right of way;

Thence proceed in an easterly direction following the centerline of the old U.S. Highway 11 right of way to the intersection of said line and the Mississippi State Line.

B. Administrative Approval: A public hearing shall not be required, and administrative approval of a minor subdivision is hereby authorized, in those instances set forth in this paragraph. For purposes of this paragraph, a minor subdivision means the approval or certification of certain plats involving minor modifications of existing parcels of land. The categories of such modifications qualifying for such administrative approval or certification are set forth in number (1) and (2) herein below:

1. Minor subdivisions that consist of the realignment or shifting of lot boundary lines, including removal, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers provided the application meets all of the requirements of this Section and the following requirements:

a. Does not involve the creation of any new street or other public improvement except as otherwise provided in this Section.

b. Does not involve the combining of existing lots that would result in the creation of more than five lots.

c. Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.

d. Otherwise meets all the requirements of the subdivision regulations, including all applicable regulations of this Section that are set forth herein below, and the applicable zoning ordinances.

2. Minor subdivision approval may also be granted, when the following criteria are met:

a. The subdivision will result in the creation of five or less lots, ~~all of which must have direct frontage on a public road.~~

~~b. The subdivision will not result in the creation of any new public streets.~~

c. When the single parcel to be subdivided is located north of the Urban Growth Boundary Line, said parcel may be divided into no more than ~~two~~ five parcels per minor subdivision request. The front parcel must meet the public road frontage requirements, except when it abuts a previously approved minor subdivision which has access to a public road, which are as set forth below, and the other ~~(rear)~~ parcels may be created as a flag lot, to be accessed via a strip of land, or may be created to be accessed via a servitude that otherwise meets all other flag lot requirements below.

(i) For purposes of this Section, a flag lot is a lot created so that it is accessed via a strip of land with a minimum frontage and width between thirty (30) and sixty (60) feet. The access strip shall maintain said width for the entirety of its length. The minimum lot

size for a flag lot, excluding the area of the access strip, is the minimum lot size requirement for the zoning district in which the property is located. The flag lot shall be required to meet all other minimum standards for the underlying district, including but not limited to minimum lot width, setbacks, and other zoning requirements on that portion of the lot not part of the access strip.

(ii) The combined frontage of the front and rear lot shall meet the minimum lot width of the underlying zoning.

(iii) The minimum lot size for a rear lot, excluding the area of the access strip, is the minimum lot size requirement for the zoning district in which the property is located.

(iv) The rear lot shall be required to meet all other minimum standards for the underlying district, including but not limited to minimum lot width, setbacks, and other zoning requirements on that portion of the lot not part of the access strip.

(v) For purposes of Section 40-045.01, the access strip shall be considered a private drive accessing one lot or parcel.

(vi) The common property line between the two parcels shall be considered front yard for the purposes of these regulations.

(vii) The proposed minor subdivision otherwise meets all of the requirements for administrative approval that are not in conflict with the particular requirements of paragraph B(2)(c).

d. All lots created shall meet the minimum lot size and dimension standards for the zoning district in which they are located pursuant to the Unified Development Code - Volume 1 (Zoning), ~~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.

e. The Department of Environmental Services determines that the proposal is in compliance with Section 40.036 Sanitary Provisions, Ordinance 499.

~~f. The Department of Engineering Determines that the proposal is in compliance with Section 40.037 Drainage, Ordinance No. 499.~~

~~f. g.~~ Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.

~~g. h.~~ Otherwise meets all the requirements of the subdivision regulations, except those related to drainage, including all applicable regulations of this Section that are set forth herein below, and the applicable zoning ordinances.

C. Submission requirements - In all cases, whether a public hearing is required or not, the following information must be presented to the Department of Planning for a minor subdivision review to be considered.

1. Complete and submit the minor subdivision application form.

2. For property located south of the Urban Growth Boundary Line, the applicant must submit ten (10) blue or black line bone fide survey prints on either (8"x11") or (11"x17") paper depicting the entire parcel that is being subdivided, inclusive of the parent and residual parcels being created.

For property located north of the Urban Growth Boundary Line, the same requirements as stated above apply, with the exception that in cases where the parent property is to be subdivided and totals more than twenty-five (25) acres in size, only the residual parcels being created are required to be surveyed for purposes of this ordinance. However, the original or parent parcel being subdivided must be sufficiently identified or depicted on the survey for purposes of ensuring compliance with the provision of this Section entitled Limitation on Further Subdivision.

The surveys to be provided must include the following information pursuant to Items (a.) thru (e.) immediately herein below:

a. The proposed subdivision of the lots indicating: the total square footage of all of the property involved within the minor subdivision request, individual square footage of each new lot created, and the Section, Township and Range.

b. Surveyor's live stamp or seal and signature on all of the survey plats.

c. The accurate location of all buildings and/or structures on the lots.

d. Information on the survey indicating the name of the subdivision, phase, lot number, section, township and range, total acreage of the parent parcel and the smaller parcels and any other data pertinent and germane to the minor subdivision request.

e. Spaces for the signatures of the Secretary of the Planning Commission, Director, Department of Engineering, Clerk of Court and spaces for the date and map file number.

3. A copy of the subdivision restrictions or covenants of the subdivision, if any, including a maintenance agreement if a private drive is to be constructed.

4. The fees for the minor subdivision of property within the Growth Management Area shall be as follows:

• \$ 90.00 per acre (pro-rata after the first acre up to a maximum of \$ 800.00) of the total land area being subdivided

• \$ 50.00 advertising fee (when a public hearing is required)

5. The fees for the minor subdivision of property outside of the Growth Management Area shall be as follows:

• \$ 90.00 per acre (pro-rata after the first acre up to a maximum of \$ 800.00) of the land area being subdivided out of a parent parcel. However, if the parent parcel is surveyed and included for the intended purpose of defining same, or selling and/or donating to another, the fees as mentioned above shall be applicable.

D. Public Hearing Required: Except as otherwise provided for herein above, a public hearing before the Planning Commission shall be required for the approval of minor subdivisions that result in the creation of five or less lots from an existing parcel, when any of the circumstances listed immediately below are applicable. In all such cases, any person aggrieved by a decision of the Planning Commission may appeal to the Parish Council. The appeal procedures of Section 18-036.05 of the Code of Ordinances shall apply.

1. When one or more of the lots proposed to be created from the existing parcel do not have direct frontage on a public road. However, to be approved, at least one lot must have direct frontage on a public road.

2. When any lot proposed to be created from an existing parcel is not a minimum of one acre in size does not comply with the underlying zoning.

~~3. When the minor subdivision of an original parcel of property to create five or less lots has received minor subdivision approval under the provisions of this Section as amended hereby, or under the provisions of this Section as it existed prior to the effective date of this Ordinance, no further subdivision of the original parcel, or any of the lots created by minor subdivision of the original parcel, will be allowed unless approved by the Planning Commission. See herein below provision of this Section entitled Limitation on Further Subdivision.~~

E. Procedure

1. Written notice of the filing of all applications for administrative approval of a minor subdivision shall be promptly provided to the St. Tammany Parish Council, through the Council Administrator, at least five (5) working days prior to granting administrative approval of any such application.

2. Applications for the minor subdivision of an existing parcel that must be approved by the Planning Commission shall be duly advertised, posted and placed on the Consent Agenda of the Planning Commission for consideration. Posting and advertisement shall be in accordance with Number 4 of Section 40-040.0 Hearing Required; Notice.

3. Upon granting approval of the application, the applicant must then coordinate with the Department of Engineering by providing plans for the construction of any private drive to access a lot that does not have direct frontage on a public road and drainage improvements.

4. 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 applicant's engineer or surveyor, unless instructed by the petitioner/owner in written form to do otherwise.

5. 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.

F. Exemption

1. The creation of a strip of land for public or private ownership or use as a right-of-way, easement or servitude shall be exempt from the provisions of this Section. Public or private ownership or use for the stated purposes includes ownership or use by a public or private utility.

2. The assimilation of unplatted parcels or portions thereof that would not result in the creation of additional net parcels of record.

G. All plats approved following hearing before the Planning Commission are to be signed and certified in the same manner as a subdivision plat approved by the established legislative process and such plats shall be recorded in the conveyance records of the Parish. Any plat so approved shall have the same force and effect and legal status of a subdivision application approved by the established legislative process.

~~H. Limitation on Further Subdivision: When the subdivision of an original parcel of property to create five or less lots has received minor subdivision approval under the provisions of this Section as amended hereby, or under the provisions of this Section as it existed prior to the effective date of this Ordinance, no further subdivision of the original parcel, or any of the lots created by minor subdivision~~

of the original parcel, shall be further subdivided under the provisions of this Section unless approved by the Planning Commission at a public hearing held for that purpose.

I. H. The Parish's mandatory impact fees pursuant to Parish Council Ordinance No. 04-0900, if applicable, shall be paid for each lot created through the Minor Subdivision process when building permits are applied for by the owner(s) of said lots. (This Paragraph was Created per Ordinance Council Series No. 06-1461, adopted December 7, 2006)

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 1 DAY OF JUNE, 2017; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK _____

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: APRIL 26, 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____