

APPENDIX B, CHAPTER 40
ST. TAMMANY PARISH CODE OF ORDINANCES
SUBDIVISION REGULATORY
ORDINANCE NO. 499
(Revised as of September 23, 2011)

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Ord. No. 499 is the Subdivision Regulatory Ordinance which establishes the regulations under which a developer of real estate located within the Parish of St. Tammany must obtain the approval of the St. Tammany Parish Planning Commission of said parish before dividing, recording and/or marketing said real estate; defining the terms used in the regulations, further setting forth the requirements that must be met by said developer in order to obtain such approval, and providing penalties for the violation of the provisions of these regulations and the amendments thereto.

(Ordinance 499 was adopted by the St. Tammany Parish Police Jury May 1, 1970 by authority of LSA R.S. 33:101 - 33:120)

SECTION 40-000.0 INTRODUCTION

Realizing the importance of adequate planning and to facilitate the logical and sound development of St. Tammany Parish, the Council under the authority delegated by the State Enabling Act, R.S. 33, Chapter I, Part IV, Subpart A, created by enactment of Ordinance Number 293, the "St. Tammany Parish Planning Commission".

It is mandatory upon any subdivider of an area of land within the unincorporated portions of St. Tammany Parish to obtain the approval of the St. Tammany Parish Planning Commission before any subdivision shall be recorded with the Clerk of Courts office and before any act of sale from such subdivision shall be recorded.

Violations of these regulations shall be punishable by a penalty of five-hundred dollars (\$500.00), as prescribed per statutory law, for each lot or parcel transferred or sold, and the description of said lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties or from the remedies herein provided.

The parish shall enjoin such transfer or sale or agreement by suit for injunction brought in by the 22nd Judicial District Court, State of Louisiana, and may recover the penalty by Civil Action in said Court.

(Ord. No. 499, adopted May 21, 1970, amended by Ord. No. 567, Bk. 7, P. 299; amended by Ord. No. 904, adopted December 21, 1978, amended by Ord. No. 88-897, adopted January 21, 1988)

SECTION 40-010.0 DEFINITION OF TERMS

For the purpose of these regulations, the terms that follow have the meanings given herein:

Sec. 40-010.1 Block: A division of the subdivision into parcels of land separated by streets, roads, boulevards or avenues.

Sec. 40-010.2 Boulevard or Avenue: A double street or roadway separated by a neutral ground.

Sec. 40-010.3 Building setback line: A specified minimum parallel distance between the street line or property line and any building or structure on any lot.

Sec. 40-010.5 Planning Director: The official employed as the Parish Planning Director to assist all concerned with the implementation of the regulations.

Sec. 40-010.6 Developer: The person, firm or corporation who proposes to subdivide property into smaller lots or parcels to be subsequently used as commercial or residential sites.

Sec. 40-010.7 Development: The land to be subdivided and platted along with the improvements made thereon.

Sec. 40-010.7.1 Driveway: A private servitude for gaining access to not more than two individual residences or property that will utilize said access exclusively for two residences or use (i.e. apartments, condominiums, shopping centers). Multiple use (more than two) of a driveway shall warrant and constitute the definition of a "street", and therefore subject to the same specifications, construction standards, surety obligations and subdivision regulations (if applicable) that are required for streets within this ordinance. *(Created per Ord. No.90-1345, adopted October 20, 1990)*

(a.) Where, prior to Hurricane Katrina, a private servitude (or private road) provided access to more than two residences, whether located on the same or contiguous parcels of property, if an owner of a residence demolished and removed the residence from the owner's property after Hurricane Katrina, the owner may replace the residence, either on the same property from which it was removed or on a contiguous parcel owned by him, provided the contiguous parcel was being provided access by said private servitude before Hurricane Katrina. The owner must provide an affidavit, or other acceptable proof, that the residence to be replaced was removed after Hurricane Katrina. *(Created per Ord. No.11-2576, adopted July 7, 2011)*

Sec. 40-010.8 Easement: A grant by the owner of the land for a certain specified use of said land by a person, or [the] general public through some governing body.

Sec. 40-010.9 (Reserved)

Sec. 40-010.10 Final plat: The plat which is to be given final approval by the Planning Commission and will be placed on file with the Clerk of Court as a part of the public record.

Sec. 40-010.11 Lot: The smallest portion or parcel of land into which the subdivision or blocks or squares of the subdivision is to be divided.

Sec. 40-010.12 Limited access street: A major highway to which access is limited to certain safe entrances and exits.

Sec. 40-010.13 Local traffic street: A street paralleling a major highway to give limited access to said highway for safety.

Sec. 40-010.14 Major street plan: The comprehensive plan adopted by the Planning Commission after public hearing which is designed to guide the future development of St. Tammany Parish.

Sec. 40-010.15 Planning Commission: The body duly appointed by the St. Tammany Parish Council and charged with the responsibility of formulating a comprehensive plan, to keep it up to date, and to prescribe and administer necessary rules and regulations for the successful implementation of the comprehensive plan, a part of which being the subdivision regulations.

Sec. 40-010.16 Preliminary plat: The plat which is to be the basis for all construction of improvements and is to receive preliminary approval by the Planning Commission prior to issuance of a work permit.

Sec. 40-010.17 Re-subdivision: A further division of an existing subdivision or a portion thereof.

Sec. 40-010.18 Right-of-Way (ROW): A strip of land granting the right of passage over the strip of land specified, for the use of the public in the manner as defined and specified (a road, street, pipeline, drain, easement, etc..). on the plat by the developer.

Sec. 40-010.18.5 Roof shed area: The area located directly underneath the roof, eaves, or other structural components of a structure or building.

Sec. 40-010.18.6 Area of special flood hazard: The land in the designated flood-plain within a community subject to a one percent or greater chance of flooding in any given year (Flood zones.

Sec. 40-010.18.7 Area of shallow flooding: A designated AO/AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Sec. 40-010-18.8 Base flood: the flood having a one percent chance of being equaled or exceeded in any given year.

Sec. 40-010.19 Service street: A street upon which no lot fronts.

Sec. 40-010.20 State enabling act: The act adopted by the State Legislature identified as LA R.S.33:101 - 33:130, which delegated to the Council of St. Tammany Parish the authority to create a Planning Commission.

Sec. 40-010.21 Street: An access way set aside for travel which affords the principal means of access to abutting property.

(Created per Ord. No.90-1344, adopted October 20, 1990)

Sec. 40-010.22 Subdivider: (See developer)

Sec. 40-010.23 Subdivision: A portion or parcel of land that is to be sold, leased or rented, or offered for sale, lease or rent, in small portions or lots, for the purpose of future development for residential or commercial occupancy, which portions or lots are, or are to be, identified either by numbers of letters or by metes and bounds; whether or not such portions or lots are delineated on a plan of such subdivision.

Sec. 40-010.24 Subdivision restrictions: Restrictive covenants to be legally recorded which the developer places upon the use of the lots by future owners for the well-being of all owners, to protect values and to prevent abuses and nuisances that would disturb other occupants in the subdivision.

Sec. 40-010.25 Tentative plan: A generalized conceptual plan or plans designating the proposed development by showing the lot and street layout and the surrounding land uses.

Sec. 40-010.26 Work permit: A permit shall be issued by the Department of Engineering, granting the developer permission to proceed with the construction of proposed improvements after approval of the preliminary plan and upon payment of the prescribed fees. This permit will be valid for one year from date of issue. In the event that the work permitted is not completed within this time, the developer will be required to have the work permit extended, and if construction has not commenced within one year or has been dormant for same said period, the project must be resubmitted for preliminary approval.

(Amended per Ord. No.88-897, adopted January 21, 1988)

SECTION 40-020.0 EXEMPTIONS

(The entire section has been repealed in its entirety, per Ord. No. 10-2278, adopted June 3, 2010)

SECTION 40-030.0 GENERAL REGULATIONS

Sec. 40-030.01 General Provisions

1. A subdivision or resubdivision of land must be compatible with the major street plan adopted by the Planning Commission. Necessary rights-of-way for any proposed roads or streets shown on the major street plan or rights-of-way for construction and maintenance of necessary proposed or existing drainage channels, through the proposed subdivision, must be formally dedicated in perpetuity to the public through the St. Tammany Parish Council. No building of any sort may be erected upon rights-of-way so dedicated.
(Amended per Ord. No. 88-897, adopted January 21, 1988)
2. Site grading and fill operations must not interfere with natural watercourses or natural surface water flow.
3. No individual, firm or corporation shall deepen, widen, fill or reroute, or change the location of any existing ditch, stream or drainage canal or reclaim, fill, dredge or otherwise change the natural condition of land without first obtaining a permit and work order from the Council and any other agency having jurisdiction.
4. Fire hydrants shall be required in all new subdivision developments which have community type central water facilities within a Parish Fire Protection District. Additionally, blue reflectors shall be placed on all streets during the construction phase of the developments in order to indicate the location of fire hydrants. All fire hydrants shall be located within an easement and shall be spaced no further than five hundred (500) feet apart.

Any additional requirements, stipulations and/or specifications regarding fire hydrants and/or their placement within new subdivision developments, shall be regulated as per Section 40-036.01 Central Water Systems of this ordinance. For the purpose of improving safety, the Fire Chief within the Fire District that the development is located, shall have the authority to require additional regulatory standards.

Sec. 40-030.02 Right of Appeal

1. Any person or persons claiming to be aggrieved by a decision or decisions of the Planning Commission with regards to a tentative or preliminary subdivision plat review, may appeal in written form to the Parish Council through the Department of Planning no later than ten (10) days after the Planning Commission meeting date.
2. Any person or persons claiming to be aggrieved by a decision or decisions of the Planning Commission in regards to final subdivision plat review may only appeal a denial verdict rendered by the Planning Commission to the Parish Council in written form through the

Department of Planning no later than ten (10) days after the Planning Commission meeting date.

3. The procedure for appeals to the Parish Council is contained within Section 18-036.12 of the Parish Code of Ordinances.
(Amended per Ord. No. 02-0417, adopted January 10, 2002)

Sec. 40-030.03 Zoning Compliance

1. Prior to an application for tentative plat approval for any residential subdivision which creates more than 5 lots or requires the construction of either public or private roads, application must be made to the Zoning Commission, as outlined in Ordinance No. 523, for a zoning change to one of the following zoning classifications: A-1 Suburban District, A-2 Suburban District, A-3 Suburban District, A-4 Single Family Residential District, A-5 Two family Residential District, A-6 General Multiple Family Residential District, PUD Planned Unit Development District, or MH Mobile Home District. The proposed tentative plat must comply with the specific requirements of the requested zoning classification.
2. Prior to an application for tentative plat approval for any commercial or industrial subdivision which creates more than 5 lots or requires the construction of either public or private roads, application must be made to the Zoning Commission, as outlined in Ordinance No. 523, for a zoning change to one of the following zoning classifications: LC Light Commercial District, C-1 Neighborhood Commercial District, C-2 Highway Commercial District, C-3 Planned Commercial District, M-1 Light Industrial District, M-2 Intermediate Industrial District and M-3 Heavy Industrial District. The proposed tentative plat must comply with the specific requirements of the requested zoning classification.
(Amended per Ord. No. 00-0172, adopted July 6, 2000)

SECTION 40-031.0 CONSTRUCTION

Unless otherwise provided for within this ordinance, no construction of homes or other permanent structures may begin on a subdivision lot covered by these regulations until final approval of the subdivision has been obtained.

(Amended per Ord. No. 904, adopted December 21, 1978)

SECTION 40-032.0 STREETS

1. The arrangement of streets shall be structured to enable the continuation of the existing streets in adjoining areas. All street intersections shall be safe for traffic. Offset streets shall be avoided. Minimum offsets shall be at least one-hundred and twenty-five feet (125') between the center lines of two opposing offset streets.
 - a. All lots within new subdivisions must have either a public or private street or road frontage constructed for the full lot frontage in accordance with the provisions as established within this section.
(Amended per ordinance No. 02-0472, adopted May 2, 2002)
2. In special cases, where in the opinion of the Planning Commission, the requirements of safety demand, especially where subdivisions front on heavily traveled thoroughfares; such thoroughfares may be designated as limited access roads, and in such cases, local traffic roads shall be required adjoining and paralleling the thoroughfares, with access thereto at specified intervals only. In no case will lots be positioned with direct access onto a Class A state highway.
3. In the interest of public health and safety, to provide for efficient traffic flow at subdivision entrances, and to promote aesthetic qualities, all proposed subdivisions where only one (1) entrance is provided shall be required to build the entrance to the following minimum standards:
 - (a.) **Right-of-way:** An eighty by one hundred foot right-of-way (80' x 100') shall be reserved at the entrance of subdivisions with only one (1) access.
 - (b.) **Street:** The developer shall design one (1) 14' wide ingress travel lane on one side of the median and a minimum of two (2) 10' wide each egress travel lanes on the other side of the median.
Note: The street width requirements shall apply only to the first one hundred feet (100') in depth from the entrance.
(Amended per Ord. No. 04-0977, adopted October 7, 2004)
 - (c.) **Median:** For subdivisions that have over forty (40) lots, the developer shall design and construct a median at the entrance to segregate traffic flow.
 - (1.) The minimum width of the median shall be six feet by a depth of one hundred feet (6' x 100') with a minimum radius at both ends of three feet (3').
 - (2.) The median shall be of a curb and crowned design with a turf cover.

- a. The curbing shall have a minimum of five inches (5") in height and eight inches (8") in width. Materials used to construct the curbing shall be compatible with that of the street.
 - b. The turf cover shall be made up of grass and/or any other combination of living landscape materials such as trees, bushes, shrubs and flower beds.
- (d.) Maintenance of the median shall be the responsibility of the developer and/or homeowners association when and if established.
(Amended per Ord. No. 87-762, adopted January 15, 1987)
- 4. Dead end streets are prohibited, however cul-de-sacs may be used by developers provided that the following minimum standards are utilized:
 - a.) The radius of a cul-de-sac shall be sixty (60') feet when the design employs open swale ditches and fifty-five (55') feet when subsurface drainage is used. In addition, the inside turning radius shall be a minimum of twenty-six (26') feet.
 - b.) A street terminated by a cul-de-sac shall be no greater than seven-hundred (700) feet in length. However, some exceptions may apply due to extenuating circumstances. In such cases, the Planning Commission shall reserve the right to waive the length standards.
 - c.) The entrance to a street terminated by a cul-de-sac shall be posted with a sign stating "no outlet".
 - (d.) The Planning Commission has the authority to waive the minimum design standards for streets terminated by a cul-de-sac only when it is deemed reasonable and compatible with topography, aesthetics, planning, development or need.
(Amended by Ord. No. 92-1698, adopted June 18, 1992)
- 5. Minimum width of right-of-way of public or private streets in any subdivision shall be sixty feet (60') except where concrete curb and gutter streets with subsurface drainage are provided. Streets having these features may be fifty feet (50') in width. However, in the case of a Planned Unit Development (PUD), if a developer wishes to maintain the streets privately, the developer may request a reduction of established right-of-way width requirement for streets if the developer can justify such a reduction in accordance with the standards and practices of the Departments of Public Works and Engineering.
- 6. Boulevards or avenues in any subdivision shall have a minimum width of eighty (80') feet.

7. Streets that are obviously in alignment with others already existing shall bear the names of the existing streets.
8. Duplication of street names shall be avoided. In no case shall there be a duplication of a street or road name within a fire protection district or of new street names within any of the municipalities of St. Tammany Parish.
9. A uniform street sign system marking each street intersection will be installed by the developer prior to obtaining final approval, in accordance with the specifications referenced to within this ordinance.
10. Traffic-control signs will be installed by the developer, prior to obtaining final approval, in accordance with the specifications listed within this ordinance. The developer shall be responsible for the maintenance of all streets and drainage ditches until all improvements have been completed and the streets and drainage ditches have been accepted for maintenance by the St. Tammany Parish Council.

Sec. 40-032.01 Definitions Relating to Streets

1. Apron(s) as herein used is defined as the access or egress roadbed and road-wearing surface leading to and from a subdivision hereafter approved.
2. Subdivision (see master definition Section 40-010.23).
3. Main street or thoroughfare includes any road, roadbed and road-wearing surface, situated in any subdivision as "subdivision" is herein above defined, which constitutes the main road or roads or traffic arteries situated therein for the purpose of ingress or egress of vehicular traffic into and out of the subdivision and within the subdivision; same shall also automatically include roads which are separated by a median or other separation and also four-lane roads providing for two lanes (2) each for opposing traffic; whether or not so divided by a median or other device situated therein.
4. The Department of Engineering as is herein used is that department as defined in the Code of Ordinances for St. Tammany Parish Louisiana, or any successor agency thereto; should that department be hereafter divided in function, the Parish department herein with jurisdiction over streets and roads shall be the department referred to herein.
5. Reinforcement as used herein shall include mesh, rods and/or a mixture of materials so as to provide the per square-inch strength imposed and required by the Louisiana Department of Transportation and Development for the installation and construction of highway traffic arteries.
6. Testing as used herein shall mean the sampling of a roadbed material for composition,

compaction, depth and such other requirements applicable thereto, and of the road surface (all at such intervals as standard testing procedures provide) to determine through state of the art methodology, proper compliance with the specifications imposed.

7. Responsibility for on-site inspections shall be the responsibility of the developer to retain a registered civil engineer, to provide for on-site inspections and observation during all construction activities, including those contingent herein and drainage. Said engineer shall provide periodic inspection reports to the Engineering Department for review and filing.

Sec. 40-032.02 Approval (Street Construction Plans Mandatory)

Preliminary or final subdivision approval shall not be approved until the design details and specifications of the construction of the road base and wearing surfaces have been submitted and approved by the Department of Engineering. This includes the detail of the ingress and egress roads therein, with and to the approach road to the subdivision, any and all main streets or thoroughfares situated within said subdivision shall have been approved by the Parish Department of Engineering.

Sec. 40-032.03 DOTD Standards

The traffic arteries specified in Section 40-032.2 hereof shall be so designed and have sufficient road base material and shall provide for roadway wearing surface with or without reinforcement of such strength, as to comply with the requirements imposed for the installation and construction of roadways by the Louisiana Department of Transportation and Development (La. DOTD).

Sec. 40-032.04 Minimal Street Paving Design & Construction Criteria

1. All Parish wide streets or roads within new subdivision developments shall be constructed according to the following minimal specifications:
 - a. Roadway design and materials shall be in accordance with the requirements of the Louisiana Department of Transportation and Development, specifically both the Silver Book and Hydraulics Manuals as amended, unless otherwise noted herein.
 - b. Roadway minimum section for lightly traveled subdivision streets shall consist of a 6" inch thickness of cement concrete over a minimum of 12" inches of A4 or better non-plastic sub-grade or base material, or 4" inches thick of asphaltic concrete over an 8" inch thick compacted base over a minimum of 12" inches of A4 or better non-plastic sub-grade material.
 - c. Roadway minimum section for a collector or major arterial shall consist of an 8"

inch thickness of cement concrete over a minimum of 12" inches of A4 or better non-plastic sub-grade or base material, or 5" inches thick of asphaltic concrete over a 12" inch compacted base over a minimum of 12" inches of A4 or better non-plastic sub-grade material.

- d. The Parish engineer can waive any of these requirements or approve alternative sections, whenever calculations by a Louisiana licensed civil engineer, based upon existing soils information supplied by a soils testing laboratory, justify such a change.
 - e. It shall be prohibited to place any subsurface drainage or utilities longitudinally under any new street or roadway course. The placement of said improvements must be located within those areas specifically designed as per the "Typical Street Cross-Section Standards" as illustrated in the "Supplemental Section" of this ordinance.
2. It shall be the responsibility of the Department of Engineering to enforce these provisions and to monitor all phases of construction. In addition, the developer shall employ an independent testing laboratory to test the roads and/or wearing surfaces composition, compaction, sub-base, suitability and the surfacing thereof for the purposes of determining compliance with the approved specifications.
 3. The independent laboratory selected by the developer must be approved for use by the Department of Engineering, and the costs incurred for providing the necessary lab testing shall be the responsibility of said developer.

Sec. 40-032.05 Additional Requirements for Streets

It shall be the responsibility of the developer to select the independent laboratory for testing the wearing surfaces, composition, compaction and suitability of the streets within a developers subdivision. In addition, the developer's engineer shall coordinate with the Department of Engineering the scope of work required and the costs involved.

SECTION 40-033.0 BLOCKS

Block length in all subdivisions shall not be more than fifteen-hundred (1500') feet.

SECTION 40-034.0 LOTS

1. Lot size requirements

- (a.) **Lots with central sewage.** Lots in subdivisions having central sewage systems shall have a minimum lot area of 12,500 square feet with a minimum lot frontage of ninety (90') feet and depth of one-hundred and twenty (120') feet.
- (b.) **Lots without central sewage.** Lots in subdivisions that do not have central sewage shall have a minimum lot area of 40,000 square feet and a minimum lot width of one-hundred and fifty feet (150') and depth of one-hundred and twenty (120') feet.
- (c.) **Exceptions.** Lots within A-3 Suburban and A-4 Single Family Residential Zoning Districts having central sewerage must have a minimum road frontage of sixty (60') feet on a cul-de-sac, and one-hundred (100') feet and ninety (90') feet respectively on a curve with a radius of one-hundred and eighty feet or more.

The road frontage for lots on a curve with a radius under one-hundred and eighty feet shall not be less than ninety (90') feet and eighty (80') feet respectively.

Lots within A-1 and A-2 Suburban Zoning Districts without central sewerage must have a minimum road frontage of one-hundred (100') feet and ninety (90') feet respectively on a cul-de-sac, and three-hundred (300') feet and one-hundred fifty (150') feet respectively on a curve with a radius of one-hundred and eighty feet or more.

The road frontage for a lot on a curve with a radius under one-hundred and eighty feet shall not be less than two-hundred and forty (240') feet and one-hundred and twenty (120') feet respectively.

(Amended by Ord. 94-2143, adopted December 12, 1994)

2. Exceptions from minimum requirements.

Any lot provided for in sub-section 40-034.0, 1., may have as much as ten percent (10%) less road frontage, building set-back width and area than is required for each lot provided that the lots in each square or block have an average frontage, building setback width, and area which is equal to that required for each lot in sub-section 40-034.0, 1.

3. Angles of side lines.

All side lines of lots shall be at right angles to straight road lines or radial to curved road lines unless a lot is affected by or is adjacent to a servitude (easement), or an artificial or

natural drain, or an unusual natural feature such as a rise or fall in elevation, or unless a variation of this rule will result in a better road or lot plan. Lots with double frontage should be avoided.

4. **Resident number, mailing address.**

All lots, in addition to a lot number, will be assigned a resident number or numbers which shall become the permanent mailing address. The developer should coordinate addresses with the Parish 911 addressing office.

5. **Definition of "road".**

The term "road" as used in this section shall include street, highway, boulevard and any other way, whether public or not.

(Amended per Ord. No. 85-476, adopted September 19, 1985)

Sec. 40-034.01 Contiguous Lot Rule

The purpose and intent of this section is to require an owner to combine contiguous residential substandard lots of record, through the Parish's resubdivision process, in order for said lots to conform with minimum standards relative to lot size and the provision of central water, community sewerage and adequate drainage. These standards shall apply only to subdivisions properly recorded with the St. Tammany Parish Clerk of Court prior to July 28, 1967.

For the purposes of this section, the following definitions shall apply:

A residential lot shall be defined as any lot or lots used for residential purposes in any of the following zoning districts: R-Rural, SA-Suburban Agriculture, A-1, A-2 and A-3 Suburban, A-4 Single Family Residential and A-5 Two Family Residential.

A conforming lot of record shall be defined as any residential lot located within a subdivision created prior to July 28, 1967 and having a minimum lot width of 90 feet and a minimum lot area of 12,500 square feet.

A buildable lot of record shall be defined as any residential lot located within a subdivision created prior to July 28, 1967 and having a minimum lot width of 50 feet and a minimum lot area of 5000 square feet.

A substandard lot of record shall be defined as any residential lot with less than fifty (50) feet of street frontage or less than 5000 square feet in area, and created prior to July 28, 1967.

A buildable substandard lot is a lot which has been determined, upon review of the Planning Commission, to meet all of the requirements of Section 40-034.01(4) of these regulations and,

therefore, may be constructed upon following the subsequent review and approval of the Department of Engineering in accordance with the provisions hereof. For purposes of this Section the division of lots to create smaller lots will not be permitted:

1. If two (2) or more contiguous residential lots or combination of lots and portions of lots are in single ownership, and if all or part of the lots do not equal or exceed the minimum lot area and width requirements of a buildable lot of record, then said lots or combination of lots or portions thereof shall be construed as substandard lots of record; and therefore, must be combined together to conform with the buildable lot of record area and width requirements.
2. The following shall constitute a violation of this Section and subject to the provisions set forth in paragraph five (5) herein after:
 - a. It shall be a violation for any individual, corporation or other legal entity who owns contiguous residential substandard lots of record to sell a lot or lots, or portions thereof, to another person or legal entity if the remaining balance of the lots retained, or lots sold to another, does not meet or exceed the minimum standards of a buildable lot of record.
 - (I) Under the following limited circumstances set forth in this subparagraph, a contiguous residential substandard lot may be sold, provided that: the sale does not result in the seller retaining a lot or portion of lots that, either individually or combined, would not meet or exceed the minimum standards of a buildable lot of record; the entire width along the rear boundary of the contiguous residential substandard lot that is sold abuts the rear boundary of the purchaser's lot; and, either a principal structure exists on the purchaser's lot, at the time of the sale, the purchaser's lot is a buildable lot of record, or the purchaser satisfies the requirements for establishing a buildable substandard lot, which requirements are set forth in paragraph four (4) of this section.
 - (ii) A sale authorized under the provisions of Paragraph (2)(a)(I) shall not be construed as authorizing the creation of a buildable residential substandard lot or the issuance of a building permit for a principal structure to be placed on the substandard lot being purchased, except in the following limited circumstances: the building permit is issued in conjunction with the demolition of, and the replacement of, the principal structure that exists on the purchaser's lot at the time of his purchase of the rear abutting residential substandard lot; or if no principal structure existed on the purchaser's lot at the time of purchasing the rear abutting substandard lot, but the owner otherwise satisfies the requirements for establishing that the lot he owned, at the time of purchasing the rear abutting substandard lot, is

a buildable substandard lot, which requirements are set forth in paragraph four (4) of this section. In either case, the two lots may *must* be combined and a building permit may be issued for one principal residential structure.

- b. It shall also be a violation for any person or entity to commence construction or to place fill on a substandard lot prior to review and approval of the Planning Commission, review and approval of the Department of Engineering and issuance of a building permit.
 - c. Failure to adhere to the fill and construction requirements of the Department of Engineering shall also constitute a violation of the provisions of this Section.
3. Resubdivision requirements and payment of fees:
- a. Prior to an owner selling a combination of contiguous residential substandard lots to another, or filing for a building permit, an application for resubdivision must be filed and submitted as set forth in Section 40-080.0 Resubdivision Review. Said resubdivision application must reflect the combination of substandard lots of record into larger lots to create buildable lots of record.
 - b. For the purposes of this Section, the resubdivision of existing conforming lots in order to create smaller lots shall not be permitted.
4. A building permit may only be issued on a substandard lot of record when the applicant satisfies the following requirements of a buildable substandard lot, which must be done at the time of the public hearing before the St. Tammany Parish Planning Commission, and the application has been reviewed and approved within the guidelines of the Departments of Planning and Engineering:
- a. At the public hearing before the Planning Commission, the applicant must establish that he does not currently own and has not sold, nor has any predecessor in title sold, during the period following the initial adoption of the ordinance that required substandard lots of record to be combined (PGS No. 94-1899), any contiguous lots or portions thereof which could have been combined with the lot or lots in question to create a buildable lot of record; and
 - b. Only after the Planning Commission determines that the applicant has satisfied the above requirements and grants buildable lot of record status, the applicant shall then submit an application for a building permit. The application must be reviewed by the Department of Engineering for consideration of adverse drainage impacts resulting from the placement of fill and construction. The Department of Engineering shall determine, based on best engineering practices, the amount of fill that may be placed on the property, if any, and whether the proposed residence

may be built on a slab or must be elevated. A building permit shall not be issued until the application has been reviewed and approved by the Department of Engineering.

5. A violation of any provision of this Section, and knowingly providing false information in connection with an application filed pursuant to this section, shall constitute a misdemeanor that is punishable by a fine not to exceed five hundred (\$500.00) dollars per day for each day that the violation continues, and imprisonment in the parish jail for not more than thirty (30) days, or both such fine and imprisonment. In addition thereto, or in lieu thereof, St. Tammany Parish is authorized to take all legal action that may be necessary to address and remedy any violation of these provisions.
6. In the case of Bayou Gardens Subdivision (Lacombe), all regulations outlined above shall apply, except that all lots less than 100 feet width shall be combined to create lots at least 100 feet in width and 12,500 square feet in area.
(Section 40-034.01 amended per Ord. No. 03-0761, adopted October 2, 2003, amended per Ord. No. 05-1037 & Subsection 40-034.02 rescinded, adopted January 6, 2005, amended per Ord. No. 07-1501, adopted February 1, 2007)

SECTION 40-035.0 RESERVED

SECTION 40-036.0 SANITARY PROVISIONS

Reference Note: See Chapter 11 "Health & Sanitation", Supplement 17 of the St. Tammany Parish Code of Ordinances.

1. Water supply and sewage disposal plans acceptable to the St. Tammany Parish Health Department and the State Board of Health must be provided. A letter recommending minimum sewage requirements shall be obtained from the Louisiana Department of Health and Hospitals, as a part of the preliminary plan. No residences may be occupied before water and sewer systems are installed.
2. If the developer anticipates the installation of a water distribution system with fire hydrants, then, and in that event, the plans for the system must be submitted to the Louisiana Fire Rating Bureau for their recommendations. All hydrants to be installed shall be of a three-way type with national standard threads.
3. It shall be unlawful for any person to transmit to the Louisiana Department of Health and Hospitals, its review or approval, any subdivision plans or specifications or documentation, until same is first submitted to and approval given by the St. Tammany Parish Department of Engineering.
(Ord. No. 630, Bk. 7, P. 543; and Ord. No. 80-41, adopted September 11, 1980)

4. All community-type central sewage and water facilities shall meet all applicable performance standards as set forth in Chapter 21, Article 1 of Supplement 17 to the Code of Ordinances of St. Tammany Parish Louisiana.
(Amended per Ord. No. 86-631, adopted June 19, 1986)

Sec. 40-036.01 Central Water Systems

A. Central water systems, when required:

1. Except when not expressly provided for in Subsection (B), any subdivision development which is to be located in or partially in any A-2 or subsequently enumerated Suburban District or any other more relevantly restricted or progressive Residential or Planned Land Use District shall have a central water system comprised of water source, treatment (as may be required), storage, and distribution elements. The water source of any central water system shall be a public water supply as defined in Chapter XII of the Sanitary Code of the State of Louisiana.
2. Whenever the average lot size of a proposed subdivision to be located entirely within an A-2 Suburban District is greater than two acres, the Planning Commission, at the time of its consideration of the tentative plan for the subject subdivision, may waive the requirement provided in Paragraph (1) upon the showing by the developer that the implementation of the provisions of said paragraph would prove to be a manifestly unreasonable financial hardship.

B. System requirements:

The installation of an appropriate central water system for a subdivision development in a subject residential or planned land use district shall conform with the following minimum requirements:

<u>Number of Lots or Service Connections</u>	<u>Well Screen Diameter</u>	<u>Pumping Capacity in GPM</u>	<u>Storage Vessel* (Gallons)</u>	<u>Water Main(s) Diameter</u>
15 through 24	2.5-inch	75	3,000	6-inch
25 through 49	4-inch	125	5,000	6-inch
50 through 74	6-inch	250	10,000	8-inch
75 through 124	6-inch	375	15,000	8-inch
125 through 499	8-inch	500	20,000	8-inch
500 or greater	10-inch	1,000	40,000	10-inch**

- * *The volume of water shall equal forty times the pumping capacity of the water source.*
- ** *Trunk lines only, lateral lines may be appropriately reduced according to generally accepted principles of hydraulic engineering.*

C. Construction or modification of a central water system:

1. The Department of Environmental Services of St. Tammany Parish (the Commission) shall have authority over all construction necessary or incidental to the provision of water. Plans and specifications for a central water system to be constructed or modified shall be submitted to and approved by the Commission prior to initiating such construction, and the conduct of such construction shall be subject to inspection by the Commission. Copies of any amendments to said plans and specifications shall also be submitted to the Commission, and the Commission shall approve such amendments prior to operation of the subject system.
2. Prior to the start of construction or modification of a central water system, detailed plans and specifications shall be submitted by the responsible person for the system to be constructed or modified and shall be reviewed and, contingent upon any revisions to such plans and specifications as may be required to meet compliance, approved by the Commission in accordance and compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations, and Standards. Whenever an existing central water system is designated for connection to a proposed subdivision development, the detailed plans and specifications shall include the Public Water Supply Identification Number (PWS ID Number) as established by the Office of Public Health of the LA Department of Health and Hospitals.
3.
 - (a.) As such relates to the provisions of Paragraph 2 of this Subsection, whenever there is a participatory and coordinated effort between the Commission and the District Engineer of the Office of Public Health of the LA Department of Health and Hospitals, the Commission shall affirm any approval granted by the said state entity when the subject plans and specifications for the central water system to be constructed or modified are in accordance and compliance with applicable law.
 - (b.) Upon the expiration of one year from the date on which such approval was granted and the proposed construction or modification is not complete, any approval or affirmation thereof by the Commission of the subject plans and specifications shall be void. Accordingly, prior to the conduct of any proposed or subsequent construction or modification, the responsible party shall again comply with the provisions of Subsection B of this Section.

However, upon written application to, and at the discretion of the Commission, a conditional or absolute waiver of the effect of the provisions of this article may be issued.

4. Any review and subsequent approval of the plans and specifications for the construction or modification of a central water system is for the use and benefit of the Commission and shall not be considered as an affirmation that the construction, modification, or operation of the central water system is or will be in accordance or compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations, and Standards.
5. Every central water system shall be constructed or modified in accordance with the plans and specifications for installation which have been approved in advance by the Commission prior to the start of construction or modification.
6.
 - (a.) To monitor the construction or modification of any central water system, the Commission may authorize any employee or agent of the Commission to inspect at a reasonable time and in a reasonable manner any such central water system in order to determine that the construction or modification of such system is conducted in accordance and compliance with the plans and specifications for installation which have been approved in advance by the Commission prior to the start of construction or modification. In carrying out this power, the authorized employee or agent of the Commission may enter private and public properties.
 - (b.) Any inspection of a central water system conducted pursuant to a provision of this Section is for the use and benefit of the Commission and shall not be considered as an affirmation that the construction, modification, or operation of the inspected central water system is or will be in accordance or compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations, and Standards.
7. The provision of water shall not occur until the constructed or modified central water system has been inspected by the Commission or appropriate state authority and determined to be constructed or modified in accordance with the applicable and appropriate plans and specifications for installation which have been approved in advance by the Commission and/or appropriate state authority prior to the start of construction or modification. Prior to the granting of final approval of a subdivision approval by the St. Tammany Parish Planning Commission, three duplicate originals of the as-built drawing(s) and detail sheet(s) for a subject central water system as prepared by a licensed professional engineer shall be submitted to the Commission so that an appropriate distribution of said documents can be made, such recipients to include the Director of the St. Tammany Parish Department of Engineering and the Chief of the Fire District wherein the subdivision development is located. When appropriate and applicable, said documents to be submitted shall reflect or include the PWS ID number, and/or a copy of the water well registration form issued by the LA Department of Transportation and Development.

D. Fire hydrants:

1. Fire hydrants shall be required in any subdivision development which is required to have a central water system.
2. There shall be a fire hydrant at each street intersection with intermediate fire hydrants located not more than 500 feet apart. All fire hydrants shall be located in a right of way.
3. Fire hydrants shall have at least two outlets; one outlet shall be a pumper outlet and the other outlet shall be 2.5-inch nominal size. All fire hydrants shall conform to the provisions of the American Water Works Association Standards for Hydrants (AWWA C-502 or C-503).

4. (a.) Fire hydrants, when tested in accordance with the said AWWA standards, are classified as follows:

- Class A:** Fire hydrants that on individual test usually have a flow capacity of 1000 GPM or greater.
- Class B:** Fire hydrants that on individual test usually have a flow capacity of 500 to 1000 GPM.
- Class C:** Fire hydrants that on individual test usually have a flow capacity of less than 500 GPM.

- (b.) The barrel of a fire hydrant shall be painted chrome yellow and the top and nozzle caps of a fire hydrant in the class outlined in Subparagraph (b) are to be painted as follows:

- Class A:** Green
- Class B:** Orange
- Class C:** Red

5. To facilitate the location of a fire hydrant by emergency personnel, a blue colored, raised reflective marker shall be securely affixed on the roadway in proximity to the fire hydrant.

Sec. 40-036.02 Development Plan for Community Sewerage Systems

A. Community sewerage systems, general provisions:

For the purpose of complying with LA R.S. 33:4064.6(A), the provision of sewage disposal by use of community sewerage systems is a best management practice which results in the protection of public health and the environment.

B. Community sewerage system, when required:

Community sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement shall apply to all new subdivision developments.

The use of individual sewerage systems in lieu of a community sewerage system may be authorized and will be considered under the following circumstances:

In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage. Whenever the average lot size of a proposed subdivision is greater than five acres, the DES may waive the requirement for a community sewerage system upon the demonstration by the developer that the implementation of such provisions would prove to be a manifestly unreasonable financial hardship.

For the purposes of this Section, "community sewerage system" shall mean any sewerage system which consists of a collection and/or transport system which serves multiple connections, and/or a pumping facility, and/or a treatment facility; and "facility" shall mean any and all the apparatus and appurtenances which may be associated with the subject element of the community sewerage system and may mean more than one facility.

(Amended per Ordinance No. 05-1056, adopted February 3, 2005)

C. Qualified community sewerage system, when required:

1. Whenever the Department of Environmental Services of St. Tammany Parish (the "ESC") determines that a subdivision or development which is subject to the provisions of Subsection (B) is in proximity to the sewage collection or treatment facility of a qualified community sewerage system, said subdivision or development shall be required to connect thereto.
2. For the purposes of this Subsection, a "qualified community sewerage system" is a community sewerage system a) which has the actual and/or anticipated capacity which will be required to realize the peak sewage demand of the subject subdivision or development, and b), the operation and maintenance of which is likely to be in accordance and compliance with all regulatory requirements; all as determined by the ESC.
3. The Planning Commission, at the time of its consideration of the preliminary plan for the subject subdivision or development, may waive the requirement in Paragraph (1) upon the showing by the developer that the implementation of the provisions of said paragraph would prove to be a manifestly unreasonable financial hardship.

- D. Construction or modification of a community sewerage system:
1. All as set forth in LA R.S. 33:4064.1 et seq., and as further provided in the Rules and Regulations of the Department of Environmental Services of St. Tammany Parish (the "ESC"), the ESC shall have authority over all construction necessary or incidental to the provision of sewage disposal in the unincorporated portion of St. Tammany Parish. Plans and specifications for a community sewerage system to be constructed in said portion of St. Tammany Parish shall be submitted to and approved by the ESC prior to initiating such construction, and the conduct of such construction shall be subject to inspection by the ESC. Copies of any amendments to plans and specifications for such systems shall also be submitted to the ESC, and the ESC shall approve such amendments prior to operation of such systems.
 2. Prior to the start of construction or modification of a community sewerage system, detailed plans and specifications shall be submitted by the responsible person for the system to be constructed or modified and shall be reviewed and, contingent upon any revisions to such plans and specifications as may be required to meet compliance, approved by the ESC in accordance and compliance with applicable law which shall include the relevant provisions of Chapter XIII of the LA Sanitary Code. Whenever an existing community sewerage system is designated for connection to a proposed subdivision or development, the detailed plans and specifications shall include the discharge permit number issued by the LA Department of Environmental Quality.
 3.
 - (a.) As such relates to the provisions of Paragraph 2 of this Subsection, whenever there is a participatory and coordinated effort between the ESC and the District Engineer of the Office of Public Health of the LA Department of Health and Hospitals, the ESC shall affirm any approval granted by the said state entity when the subject plans and specifications for the community sewerage system to be constructed or modified are in accordance and compliance with applicable law.
 - (b.) Upon the expiration of one year from the date on which such approval was granted and the proposed construction or modification is not complete, any approval or affirmation thereof by the ESC of the subject plans and specifications shall be void. Accordingly, prior to the conduct of any proposed or subsequent construction or modification, the responsible party shall again comply with the provisions of Subsection D of this Section.

However, upon written application to, and at the discretion of the ESC, a conditional or absolute waiver of the effect of the provisions of this subparagraph may be issued.
 4. Any review and subsequent approval of the plans and specifications for the construction or modification of a community sewerage system is for the use and benefit of the ESC

and shall not be considered as an affirmation that the construction, modification, or operation of the system is or will be in accordance or compliance with applicable law which shall include the relevant provisions of Chapter XIII of the LA Sanitary Code.

5. Every community central sewerage system shall be constructed or modified in accordance with the plans and specifications for installation which have been approved in advance by the ESC prior to the start of construction or modification.
6. (a.) To monitor the construction or modification of any community sewerage system, the ESC may authorize any employee or agent of the ESC to inspect at a reasonable time and in a reasonable manner any such system in order to determine that its construction or modification is conducted in accordance and compliance with the plans and specifications for installation which have been approved in advance by the ESC prior to the start of construction or modification. In carrying out this power, said authorized employee or agent may enter private and public properties.
- (b.) Any inspection of a community sewerage system pursuant to a provision of this Section is for the use and benefit of the ESC and shall not be considered as an affirmation that the construction, modification, or operation of the inspected system is or will be in accordance or compliance with applicable law.
7. The provision of sewage disposal shall not occur until the constructed or modified community sewerage system has been inspected by the ESC or appropriate state authority and determined to be constructed or modified in accordance with the applicable and appropriate plans and specifications for installation which have been approved in advance by the ESC and/or appropriate state authority prior to the start of construction or modification. Prior to the granting of final approval of a subdivision or development plan by the St. Tammany Parish Planning Commission, the as-built drawings(s) and detail sheet(s) for a system as prepared by a licensed professional engineer shall be submitted to the ESC for its review and comment.
- E. Responsibility and Authority of the Department of Environmental Services of St. Tammany Parish:

As such relates to any or all of the provisions of this Section and to the extent provided in LA R.S. 33:4064.1, et seq., the Department of Environmental Services of St. Tammany Parish (the "ESC") is authorized to adopt rules and regulations, the purpose of which shall be to plan, adjust, and relocate community sewerage systems within the unincorporated portion of St. Tammany Parish to conform with this development plan, and to that end, the ESC shall establish in its rules and regulations objective standards, guidelines, and practices which may be necessary to effect the provisions of this Section, or may avail itself of the provisions of LA R.S. 33:4064.5(D), or both.

SECTION 40-037.0 DRAINAGE

A. The Provisions of Parish Code Chapter 7 to Apply:

The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.

(Amended per Ord. No. 05-1089, Adopted April 7, 2005)

B. Drainage Systems:

1. A drainage system shall be provided and designed in accordance with the best modern engineering practices so as to adequately contain and carry off, to the point of ultimate disposal, such runoff as can be expected in the area, taking into consideration the number and type of buildings or structures to be erected in the subdivision and certifying that the runoff will not be increased by the proposed development.

2. All culverts positioned within the drainage system shall be constructed of concrete, metal or plastic in accordance with Louisiana Department of Transportation and Development (DOTD) Engineering Directives and Standards Manual (EDSM) Nos. II.2.1.1; II.2.1.6 and II.2.1.13, dated July 20, 1992 as amended and within standards acceptable to the Department of Engineering.

All culverts may be constructed of durable concrete, however corrugated metal pipe and plastic pipe may be used for residential driveways and subsurface conveyance where there is no traffic load. All corrugated metal pipe shall be a minimum of 16 gauge and bituminous coated. All plastic pipe shall be ribbed or corrugated and double walled.

3. Permanent bench marks shall be installed by the developer's engineer at convenient locations as approved by the Parish Engineer in each subdivision before final approval is granted. Bench marks can be made with concrete, a spike driven into a permanent tree, or other suitable material approved by the Parish Engineer. The location and elevation of each bench mark shall be clearly noted on the plat of the subdivision filed for record with the Clerk of Court. Whenever practical, the elevation of the bench mark shall accurately be related to mean sea level as established by the U.S. Coast & Geodetic Survey, the U.S. Army Corps of Engineers, or the Louisiana Department of Highways.

4. The elevation of the center of the completed streets shall also be noted on the "file" plat at intervals not to exceed one-thousand-five hundred feet (1500'), and said elevations are to be established from the bench mark after completion.

(Ord. No. 549, Bk. 7, P. 234)

5. Final “as-built” paving and drainage plans must indicate the invert elevation of the roadside ditch at each property line
(Amended per Ord. No. 2979, adopted September 25, 1997)
6. Any subdivision to be approved following adoption of the ordinance enacting the provisions of this paragraph shall be subject to the following procedures and requirements:
 - a. The subdivision plan must accurately depict the location of any open drainage ditch, drainage channel or similar drainage feature, and any natural river or stream, that is situated within the boundaries of the proposed subdivision.
 - b. Whenever any open drainage ditch, drainage channel or similar drainage feature, not including a natural river or stream, is located entirely or partially on any lot or parcel to be created within a subdivision, no part of a permanent structure, including a driveway and fence, is to be located within twenty (20) feet of such open drainage ditch, drainage channel or similar drainage feature unless subsurface drainage is installed. This provision shall apply to the lot upon which the open ditch, channel or similar drainage feature is actually located and to any adjacent lot where a structure could be placed within twenty (20) feet of the open ditch, drainage channel or similar drainage feature that is located on the adjacent lot.
 - c. Whenever the herein above provisions of subparagraph (b) are applicable, the Department of Engineering shall determine, based upon the data and information that is to be contained in the subdivision plan submitted, whether subsurface drainage is required. The determination is to be made based on considerations of the size of the parcel or lot, available building site (including driveway) on the parcel or lot in relation to the location of the ditch, any restrictions on the size of the structure, and any other pertinent information or data deemed necessary by the Department of Engineering to ensure that no permanent structure is to be located within twenty (20) feet of an open drainage ditch, drainage channel or similar feature.
 - d. A building permit shall not be issued for the construction of any permanent structure where any part of said structure would be located within twenty (20) feet of an open drainage ditch, drainage channel or similar feature.
 - e. When the Department of Engineering determines that subsurface drainage installation is required, the provisions of Sec. 40-037.01 shall be applicable to the installation.

- f. Following the final plat approval of any subdivision governed by the provisions of subparagraph 6 of this Section, any relocation of a drainage ditch, drainage channel or similar drainage feature shall be governed by the provisions of St. Tammany Parish Code of Ordinances, Sec. 7-002.00B(10) Relocation of Drainage Ditches, Drainage Channels and Similar Drainage Features.
- g. The requirements of subsurface drainage shall not be applicable with respect to roadside drainage ditches.
(Amended per Ord. No. 10-2327, adopted September 2, 2010)

Sec. 40-037.01 Subsurface Drainage Installation Requirements in Council District 13

- 1. The Parish requires on-site inspections by a license Civil Engineer within Council District 13 as it exists in 1996, for subsurface drainage installation.
- 2. This inspection shall be made prior to the back fill of soil over the subsurface pipes. The developer shall provide field verification that the approved construction techniques were utilized in accordance with either/or:
 - a. St. Tammany Parish Subdivision Regulations, Appendix B, Chapter 40 Subdivisions, Section 40-037.0, item #2, Drainage.
 - b. Louisiana Standard Specifications for Roads and Bridges, 1992 Edition, Section 701: Culverts and Storm Drains.
- 3. The field verification shall be submitted to the Department of Engineering in a format acceptable to the Department of Engineering. This information is required prior to the issuance of Final Approval.
- 4. The cost of the inspections is the responsibility of the developer.
(Amended per Ord. No. 96-2511, adopted October 17, 1996)

Sec. 40-037.02 Residential Retention/Detention Ponds; Acceptance into Parish Maintenance System

The following procedures are hereby established for acceptance of retention/detention ponds, existing as of the date of this ordinance, into the Parish maintenance system:

- 1. Petition from owner requesting that the pond be taken into the Parish maintenance system. This should include copy of title and survey.
- 2. Petition will be reviewed by the Department of Engineering and Department of Engineering to determine what is needed prior to acceptance of the pond. The minimum

requirements shall be:

- a. minimum 15' access to the area around the pond; 10' must be on a flat surface and not a pond side slope
 - b. adequate access to the pond for maintenance equipment
 - c. other safety measures as may be required, to be reviewed on a case by case basis; and
 - d. petitioner is responsible to turn over an operational structure
3. Petitioner will be advised of what is needed for acceptance and will be advised that acceptance by the Parish is for maintenance purposes and not for aesthetic purposes.
 4. If the petitioner agrees with the criteria for acceptance, they will be responsible for providing the following documentation to the Parish:
 - a. an "Act of Correction" to the subdivision plat; and
 - b. an "Act of Dedication" with a legal description of the property to be dedicated to the Parish.

The following requirements are hereby established for retention/detention ponds, constructed after the adoption of this ordinance. Compliance with all standards as set forth below must be verified by the Department of Engineering prior to acceptance into the Parish maintenance system:

5. The detention pond may be designed as a wet or dry pond as per the following criteria:

A. Requirements for a wet pond

1. Minimum low stage depth must be five(5')feet.
2. Side slopes must have a minimum 3H:1V slope.
3. Minimum access servitude width from pond to Parish road must be twenty-five (25') feet.
4. Clear buffer around the periphery of pond must be twenty (20') feet; 10' feet must be on a flat surface and not a pond side slope.

B. Requirements for a dry pond

1. Exit structure invert elevation must be 0.5 feet lower than the lowest elevation of the pond bottom.
2. A narrow low stage ditch may be constructed at the exit structure invert elevation.
3. Side slopes must have a minimum 3H:1V slope.
4. Minimum access servitude width from pond to Parish road must be twenty-five (25') feet.

5. Clear buffer around periphery of pond must be twenty (20') feet pond; 10' must be on a flat surface and not a pond side slope
6. The developer must furnish a copy of the title to the land.
7. An "Act of Dedication" with a legal description of the property to be dedicated to the Parish must be furnished.
8. The petitioner will be advised of what is needed for acceptance and will be advised that acceptance by the Parish is for maintenance purposes only and not for aesthetic purposes.
9. The Parish Engineer can waive any of these requirements or approve alternative methods whenever justification is presented by a Louisiana Licensed Civil Engineer.

Sec. 40-037.03 Minimum Driveway Culvert Specifications in Council District No.1

Any driveway culvert installed in Council District No. 1 shall be at least a minimum of 18" in diameter.

(Amended per Ord. No. 98-2989, Adopted December 17, 1998)

Section 40-037.04 Placement of Fill on Lots less than Ninety (90) Feet in Width for which No Drainage Plan exists

Applicability

The purpose of this ordinance is to restrict the placement of fill material on lots less than ninety (90) feet width to prevent so that storm water from being displaced onto adjacent property thereby increasing the potential or actual flood damage to adjacent property. These restrictions are applicable only to the placement or relocation of fill on residential lots less than 90 feet in width which are located in a subdivision for which there is no drainage plan approved by the Department of Engineering.

1. General Provisions (All lots)

- a. Any applications to place fill on lots less than 90 feet in width shall detail the existing, pre-construction, natural and man-made drainage features located on the lot in question.
- b. All applications to place fill on lots less than 90 feet in width must be reviewed for compliance with all other relevant Parish regulations.
- c. All fill/excavation activities within jurisdictional wetlands shall receive necessary authorization from the US Army Corps of Engineers and any other applicable

local, state, or federal agencies before such activities are commenced.

- d. The placement of fill on any lot located within a Flood Hazard Zone shall be permitted only when a development plan for the lot has been submitted and approved.
- e. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.

(Amended per Ord. No. 05-1089, Adopted April 7, 2005)

2. Flood Zone V and Areas of Shallow Flooding

A. Flood Zone V

The placement of fill on any lot located within Flood Zone V shall be exclusively governed, regulated and controlled by and shall in all ways be consistent with the relevant provisions of the rules and regulations promulgated by the Federal Emergency Management Agency ("FEMA") and National Flood Insurance Program ("NFIP")

B. Areas of Shallow Flooding

- a. Off -site fill shall be limited to the roof-shed area of a lot's proposed primary structure.
- b. A concrete slab shall be permitted under the primary structure provided that the finished surface slab or footing does not exceed an average of 12" above natural ground grade.
- c. Construction shall be accomplished using pier or piling construction according to applicable building codes for finished elevations in excess of 12".
- d. Site improvements (structures, driveways, roadways, landscaping, etc.) shall not impede natural drainage pathways or Parish drainage easements.
- e. There shall be no net change in the average elevation of the natural grade of the lot outside of the roofshed.

(Amended per Ord. No. 01-0336, adopted June 5, 2001)

- f. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.
(Amended per Ord. No. 05-1089, Adopted April 7, 2005)

3. Flood Zones A-, A+, B and C

- a. Fill shall be limited to the roof shed area of the proposed primary structure and necessary access to the site.
- b. The volume of fill on the site shall not exceed that which is necessary to prepare an adequate building footprint, as verified by the Department of Engineering.
- c. Construction activities that involve the finished floor of a structure exceeding an average of 24" above natural ground elevation shall utilize pier or piling construction or retainer type construction as provided for in applicable building codes. Fill for foundations resulting in a finished floor elevation with an average of 24" or less above natural ground grade shall taper from the foundation edge at a slope of one vertical foot for every two horizontal feet.
- d. Fill for driveways must not exceed an average of 12" above natural ground grade except where fill is part of the transition from the foundation for the primary structure, carport, or garage. Fill may also be placed adjacent to the driveway to soften the transition between elevations to a slope not steeper than one vertical foot for every four horizontal feet.
- e. The placement of fill may not encroach into the required side yard setbacks, except as otherwise permitted in these regulations.
- f. Fill for non-contiguous landscaping areas within the front and rear yards resulting in the finished ground elevation up to an average of 6" above natural ground grade for each such area is permitted, provided that an equal volume of fill is removed from the lot.
- g. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those

contained within this section, the more stringent or restrictive provision shall apply.

(Amended per Ord. No. 05-1089, adopted April 7, 2005)

4. **Administrative Variances**

- a. The Director of the Department of Engineering shall review individual cases for variance from the provisions of this ordinance, upon written request by the property owner. The property owner must provide evidence that circumstances exist which warrant the requested variance.
- b. Upon documentation that such circumstances do exist, as determined by the Director of the Department of Engineering, an Administrative Variance shall be granted. Upon the granting of said variance a full report must be included in the permanent building permit file. That report shall include a detailed description of such circumstances, mitigation (if required), a copy of any written correspondence relative to the lot and the variance request, and a detailed description of the variance rationale and final determination.
- c. The decision of the Director of the Department of Engineering may be appealed to the legislative body of the governing authority within fourteen (14) calendar days of the written decision of the Director of the Department of Engineering. Appeals must be filled with the Department of Engineering at seven (7) calendar days prior to the regularly scheduled meeting of the governing authority. The Director of the Department of Engineering will cause the appeal to be placed upon the regular agenda of the governing authority for consideration.

5. **Processing**

- a. A permit shall be required for the placement of fill coming from off site for any lot than 90 feet in width. In the case of new construction, this permit shall be in the form of an approval of the "Culvert Data Sheet", the "Permit Data Review Sheet" or a general work order presently required for construction activity to occur. The ordinance shall be administered by the Department of Engineering with the assistance of any other Parish personnel that are deemed necessary by the governing authority and/or its regulations.
- b. A detailed description of fill activity, including volume of fill to be brought in from off-site, the footprint of the deposition of that fill material, volume and source location of fill being removed from the site, the ultimate disposition of the fill being removed (including flood zone of the deposition site), the direction of flow across the site, and a profile through the improvement footprints showing the natural and finished elevations of the construction site, as well as the proposed

sediment retention measures, must accompany the building permit or development proposal and be reviewed by the Department of Engineering before approval of the Culvert Data Sheet or the Permit Data Tracking Sheet or the issuance of a general work order.

6. **Enforcement**

- a. Violations will be processed by Code Enforcement, Department of Engineering or Permit Inspections personnel using standard code violation protocol.”
(Created per Ord. No. 99-3081, Adopted June 17, 1999)

Section 40-037.05 Placement of Fill on Lots more than Ninety (90) Feet in Width for which No Drainage Plan exists

Applicability

The purpose of this ordinance is to regulate the placement of fill on lots ninety (90) feet and greater in width, including undivided parcels of land, within the one hundred (100) year designated floodplain.

These regulations are applicable to the placement or relocation of fill on residential lots 90 feet and greater in width which are located in a new or existing subdivision for which there is no drainage plan approved by the Department of Engineering and new subdivision not yet approved, as well as to undivided parcels of land.

1. **Flood Zone V and Areas of Shallow Flooding**

A. Flood Zone V

The placement of fill on any lot or undivided parcel of land located within Flood Zone V shall be exclusively governed, regulated and controlled by and shall in all ways be consistent with the relevant provisions of the rules and regulations promulgated by the Federal Emergency Management Agency (“FEMA”) and National Flood Insurance Program (“NFIP”).

B. Areas of Shallow Flooding

- a. The placement of fill on any parcel located within an “AO/AH Flood Hazard Zone shall be permitted only when a development plan has been submitted and approved by the Department of Engineering.
- b. Fill shall be limited to the roof-shed area of a parcel’s primary structure.
- c. A concrete slab shall be permitted under the primary structure provided that the

finished surface slab or footing is no more than 12" above natural ground grade.

- d. There shall be no net change in the average elevation of the natural ground.
- e. Construction shall be accomplished using pier or piling construction according to applicable building codes.
- f. Access roadways and other site improvements (buildings, driveways, roadways, landscaping, etc.) shall not impede natural drainage pathways or Parish drainage easements.
- g. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.

(Amended per Ord. No. 05-1089, Adopted April 7, 2005)

2. Flood Zones A1-A30

- 1. The placement of fill on any parcel located within any "A" Flood Hazard Zone shall be permitted only when a development plan has been submitted and approved.
- 2. Fill shall be limited to the roof shed area of the proposed structure and required access to the site.
- 3. The volume of fill on the site shall not exceed that which is necessary to prepare an adequate building footprint.
- 4. Construction activities that involve the finished floor of a structure exceeding an average of 24" above natural ground elevation shall utilize pier or piling construction or retainer type construction as provided for in current applicable building codes. Fill for foundations resulting in a finished floor elevation 24" or less above natural ground grade shall taper from the foundation edge at a slope of three horizontal feet for every one foot vertical.
- 5. At no time shall fill for any site improvements exceed 12" above natural ground grade.
- 6. Fill for driveways must not exceed 6" above natural ground grade except where fill is part of the foundation for the main residence, carport, or garage. Fill may

also be placed to soften the transition between elevations to a slope not steeper than one vertical foot for every four horizontal feet.

7. Access roadways and other site improvements (buildings, driveways, roadways, parking areas, etc.) shall not impede upon natural drainage pathways or Parish drainage easements.
8. The provisions of Chapter 7 Drainage and Flood Control of the Parish Code of Ordinances are incorporated herein and shall be applicable to the placement of any fill material and/or construction on any lot or parcel of property, or any part thereof, which property and/or activity is governed by the provisions of Chapter 7. In the event of any conflict between the provisions of Chapter 7 and those contained within this section, the more stringent or restrictive provision shall apply.
(Amended per Ord. No. 05-1089, Adopted April 7, 2005)

3. **New Subdivisions**

Subdivisions approved after enactment of this ordinance, which establish to the satisfaction of the Parish Engineer that, at the time of preliminary approval, such subdivision development will not result in a reduction in the 100 year flood-plain storage capacity, will be approved in total.

4. **Exemptions**

Areas enclosed by levees from which the runoff is mechanically pumped shall be exempt from this ordinance.

5. **Variances**

The Parish Engineer shall review individual cases for variance from the provisions of this ordinance, upon written request by the applicant. The applicant must provide evidence that circumstances exist which warrant the requested variance.

Reference regional detention ordinance: {If the applicant is granted a variance he/she shall purchase storage space in regional detention equal to the volume of fill in excess of that which is allowed under this ordinance.}

6. **Processing**

- a. A permit shall be required for the placement of fill coming from off site for any lot greater than 90 feet in width. In case of new construction, this permit shall be in the form of an approval of the "Culvert Data Sheet", the "Permit Data Review Sheet" or a general work order presently required for construction activity to

occur.

- b. The ordinance shall be administered by the Department of Engineering with the assistance of any other Parish personnel that are deemed necessary by the governing authority and/or its regulations.
- c. A detail of fill activity, prepared by a Licensed Civil Engineer or Licensed Land Surveyor, including volume of fill to be brought in from off site, the footprint of the deposition of that fill, volume and source location of fill being removed from the site, the ultimate deposition of the fill being removed (including flood zone of the deposition site), the direction of flow across the site, and a profile through the improvement footprints showing the natural and finished elevations of the construction site, as well as the proposed sediment retention measures, must accompany the building permit or development proposal and be reviewed by the Department of Engineering before approval of the Culvert Data Sheet or the Permit Data Tracking Sheet or the issuance of general work order.
- d. Three submittals are required during the permit process.
 - a. The initial plan must be submitted in accordance with the requirements of this ordinance. Applicant shall submit a survey plot plan that depicts the minimum elevations necessary to determine the average elevation of the construction area; for example the lot corners and maybe an intermediate elevation in between corners could be used. The survey must state the flood zone.
 - b. Applicant must submit the elevation of the slab form board or lowest habitable floor. This elevation must be submitted on the original detail of fill activity plan. This information must be submitted prior to the prepour slab inspection.
 - c. Prior to the granting of the Certificate of Occupancy the permit applicant must furnish a plot plan, certified by a Licensed Surveyor or Licensed Civil...
 - d. Engineer, clearing verifying that the property has been constructed upon in accordance with this ordinance.

7. Enforcement

Violations will be processed by the Code Enforcement, Department of Engineering or Permit Inspections personnel using standard code violation protocol.

(Entire Section created per Ord. No. 01-0336, adopted June 5, 2001)

SECTION 40-038.0 MISCELLANEOUS

The Planning Commission shall review whether subdivision plans meet the minimum requirements, and shall consider whether the plans ensure and conform to the best interests of public health, safety and welfare. The Planning Commission shall reserve the right to stipulate any reasonable additional requirements for subdivisions. These considerations may include, but are not limited to the following:

- a.) recreational areas
 - b.) general street design and construction specifications
 - c.) buffer zones and screening
 - d.) lot designs and configurations
- (Amended per Ord. No. 91-1528, adopted November 21, 1991)*

SECTION 40-039.0 GREENSPACE REQUIREMENTS

1. The developer of each subdivision with more than twenty-five (25) lots shall set aside land within their development for the use of the residents for recreational purposes. Said land shall be exclusive of green belts, reserved easements or servitude and golf courses.
2. Subdivisions with more than twenty-five (25) lots shall provide greenspace area at a ratio of not less than 580 square feet per residential lot.
3. In cases where a subdivision is to be developed in phases, the greenspace area shall be dedicated and included within the first phase.
4. The developer shall establish within a legal instrument the dedication and maintenance of said greenspace area in favor of a homeowners association or property owners, once the developers interests within the subdivision is reduced to less than 50% of lot ownership.
 - a. Said instrument shall include the developers responsibility of maintaining the greenspace areas prior to the establishment and assumption by the homeowners association or property owners.
 - b. The instrument shall be referenced to within each property title.
 - c. The developer shall submit a copy of the legal instrument to the Department of Planning upon recordation.
5. With the consent of the Planning Commission, the developer of a subdivision may, in lieu of dedicating land for greenspace, agree to pay to the Parish a sum of money equal to 40% of the post-development value of the land that would otherwise have to be dedicated for greenspace.
 - a. The post development value of the land shall be based on the median sales price

of all of the lots within the subdivision development. Once the median value has been determined, said value shall be converted into a value per square foot and applied to the acreage that would have been dedicated for greenspace.

- b. The median value shall be determined by either the appraiser of the development whom must be state certified, and in which case a copy of the appraisal must be submitted to the Planning Commission for review, or some other clear evidence of value. In either case, the state certified appraiser or the other clear evidence of value, must validate the median value by remitting an affidavit. Said affidavit must include the methodology used to determine the median value and a statement of truth.
- c. Any funds collected shall be deposited into an escrow account earmarked for recreation to benefit the area(s) impacted by the development.
- d. If a recreational district does not exist in the area(s) of the subdivision development, the Council may earmark such escrowed funds for Parish wide recreational use or enact legislation to establish a new recreation district for the area(s) impacted by the development.
- e. Provisions may be adopted establishing standards for the application and use of the funds in accordance with accepted practices.
- f. The developer shall pay the full amount of money owed to the Parish prior to the recordation of the final subdivision plat. Said funds shall be remitted to the Department of Finance with disclosure regarding the use of the funds, as well as any other provisions agreed to or established by the Council and/or Planning Commission.

SECTION 40-040.0 HEARING REQUIRED; NOTICE

1. The developer of a proposed subdivision must request a zone(s) which comprises a zoning district(s) classification(s) prescribed by the Land Use Ordinance No. 523, that conforms as nearly as possible with the proposed land use, lot size, restrictive covenants, phase, or addition thereto.
2. An initial zoning request for a proposed subdivision development must be reviewed at a public hearing before the St. Tammany Parish Zoning Commission prior to said development having a tentative subdivision review hearing before the St. Tammany Parish Planning Commission.
3. The developer must submit his rezoning petition, if applicable, to the Department of Planning, and said petition shall be advertised and placed on the Zoning Commission

docket for review and consideration.

4. The Department of Planning and/or the Department of Engineering shall be responsible for advertising the proposed tentative, preliminary and/or final subdivision application request for public hearing no less than twice during a ten (10) day period prior to the hearing in the official Parish journal and/or paper or local circulation in the vicinity of said subdivision indicating the date, time and place of the hearing. No application for tentative, preliminary and/or final review can be acted upon or administered to without the benefit of a hearing thereon.

In addition, it shall be the obligation of the Department of Planning and/or the Department of Engineering to insure that proper public notice, by way of signs, be posted on or in the vicinity of the subdivision at least ten (10) days prior to the public hearing. Said signs shall indicate the date, time and place thereon that same shall be reviewed.
(Amended per Ord. No. 96-2510, adopted October 17, 1996)

SECTION 40-041.0 DEVELOPMENTAL AGREEMENTS

Sec. 40-041.01 Legislative Authority To Initiate Agreements

The Louisiana Legislature articulated Act 505 of 1988, pursuant to subpart G, Part I, Chapter 14, Title 33, of the Louisiana revised statutes of 1950, for which act created the ability and authorization for local governing authorities to enter into voluntary developmental agreements with developers of land; and to provide for within said developmental agreements, the contents, periodic review, enforcement and applicability of such agreements, amendment, cancellation, modification or suspension; and to provide for any related matters pursuant to the procurement of said agreement.

Sec. 40-041.02 Purpose

The purpose of section 40-041.0 is to encourage the voluntary participation of an individual, firm or corporation, within the planning process, by entering into a developmental agreement, when said individual, firm or corporation develops land within St. Tammany Parish. Furthermore, said agreement shall set forth the responsibilities of the developer for providing additional governmental services for said project or development, that would not otherwise be provided for by the local governing authority due to capital and or fiscal constraints.

Sec. 40-041.03 Applicability

If an individual, firm or corporation wishes to participate in the Parish's voluntary developmental agreement process, an application must be filed with the tentative subdivision submission documentation. If said individual, firm or corporation elects not to participate in the developmental agreement process at the tentative subdivision review stage, that shall not

preclude their rights or ability to participate at a latter time during the subdivision process.
(Amended as per Ord. 05-1082, adopted April 7, 2005)

Sec. 40-041.04 The Developmental Agreement

1. A developmental agreement for the purposes of this ordinance, shall be defined as a binding contractual agreement between an individual, firm or corporation and the governing authority of St. Tammany Parish.
2. The agreement shall be reviewed by and through the St. Tammany Parish Planning Commission at the time of the tentative subdivision review, wherein said commission and participating parties shall establish the guidelines, criteria and parameters of the agreement to be entered into.
3. Upon completion of the developmental agreement process, wherein the developer voluntarily agrees to enter into a binding contractual agreement with the governing authority of St. Tammany Parish; the St. Tammany Parish Planning Commission shall forward the final agreement for endorsement by said authority, only after the prescribed legal requirements for public notice have been satisfied as set forth in Section 40-040.8.

Sec. 40-041.05 Contents of the Agreement

1. A developmental agreement shall specify the duration of the agreement, the permitted uses of the property, the density and intensity of use, and any other provisions deemed appropriate by both the developer and the Parish. The agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that said actions shall not prevent the development of the land for the uses and to the density or intensity of development as set forth within the agreement.
2. The agreement may provide for the starting and completion dates of construction for the entire development or portions thereof.
3. Examples of what might be included within a developmental agreement include, but are not limited to: impact studies, traffic control improvements (on and off-site), improved street and drainage design and construction (on and off-site); and the dedication of land, monies, materials and equipment.
4. Developmental Impact Fees may be a part of the developmental agreement if voluntarily offered by the developer. Said fees would be negotiated during the developmental agreement review process and would be levied on a per lot basis.
 - a. The fees shall be placed into specifically mandated escrow accounts for use to

make improvements to the street and drainage infrastructure in and around the development for which the fees have been collected.

- b. Collection of the developmental impact fees may be procured in the following ways:
 - 1.) directly from the developer
 - 2.) at the act of sale
 - 3.) at the building permit stage

Sec. 40-041.06 Application and Procurement

1. The Department of Planning shall furnish the developer of a new subdivision with the necessary documentation for voluntary submission of an application to enter into a developmental agreement. The finalized version of an application must be completed by the applicant and returned to the Department of Planning at least ten (10) working days prior to the scheduled tentative subdivision review hearing date before the Planning Commission.
2. If the applicant agrees to voluntarily enter into a developmental agreement with the Parish, the applicant shall be required to remit an application fee of \$75.00 in order to cover advertisement costs.
3. Once an application has been filled out and returned by the applicant, the director or his designee shall request an informal application pre-agreement conference to discuss the relevant points for the agreement in relationship to the applicant's project or development.

After informal negotiations have taken place, the director or his designee shall forward said application and recommendations to the St. Tammany Parish Planning Commission for review and consideration.

4. Subsequent to the Planning Commission review, the commission shall forward its recommendations to the St. Tammany Parish Council for their review and final dispensation.

Sec. 40-041.07 Rules, Regulations, and Official Policies

Unless otherwise provided by the developmental agreement, the rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications applicable to development of the property subject to a developmental agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A developmental agreement shall not prevent the Parish, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies

applicable to the property as set forth herein, nor shall a development agreement prevent the Parish from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

Sec. 40-041.08 Public Advertisement

A public hearing on an application for a developmental agreement and notice of intention to consider the adoption of a developmental agreement, shall be published three (3) times in the official Parish journal at least ten (10) days prior to the actual Planning Commission hearing date. This advertising requirement shall also be applicable with respects to a hearing before the Council.

Sec. 40-041.09 Approval by Ordinance and Recordation

A developmental agreement shall be approved by ordinance by the St. Tammany Parish Council and shall be recorded within the St. Tammany Parish Clerk of Courts Office no longer than ten (10) days after the Parish enters into a developmental agreement with a developer and signatures of all parties apart thereto have been obtained. Said document shall be filed within the mortgage records of said office, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State of Louisiana. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure, to all successors in interest to the parties to the agreement.

Sec. 40-041.10 Non-compliance

Any parties that enter into a developmental agreement with Parish that fail to comply with the spirit, intent and binding nature of said agreement, shall cause the governing authority to rescind, suspend and or stay any further activities upon the parties property. Furthermore, the governing authority may seek judicial relief in order to force compliance of the agreement and claim any punitive damages as a result from a breach of contract through the 22nd Judicial District Court. *(Amended as per Ord. 92-1655, adopted September 17, 1992)*

SECTION 40-042.0 TRAFFIC IMPACT ANALYSIS

Sec. 40-042.10 Purpose and Intent

The purpose and intent of this section are to protect the health, safety and welfare of the citizens and visitors of St. Tammany Parish by ensuring the provision of safe and adequate roadway facilities. The provisions of this section establish requirements for transportation studies that provide information on traffic projected to be generated by proposed developments. It is the further intent of this section to establish requirements for the identification of any potential traffic operational problems or concerns, as well as potential solutions to such problems or concerns.

Sec. 40-042.20 When Required

A Transportation Impact Analysis (TIA) study shall be required for all subdivisions or developments when the following project threshold levels are met or exceeded. In the event that alternative threshold levels are specified (i.e., units vs. square footage) the more restrictive shall prevail.

Subdivision/Development Type	Threshold
Single Family Residential	50 Units
Multi-Family Residential	5 Acres or 50 Units
Office	3 Acres or 50,000 Square Feet
Commercial/Institutional	2 Acres or 75,000 Square Feet
Industrial	8 Acres or 100,000 Square Feet
Commercial Outlets with Drive-Through Service	No Threshold (Applies to All)

In the case that a development does not meet or exceed the threshold level defined above, a transportation impact analysis may still be deemed necessary by the Parish Engineer under one or more of the following conditions:

- There are currently high traffic volumes on surrounding roads that may affect movement to and from the proposed development.
- The development will be located in an area that is currently undergoing substantial growth, or
- The development will be located in an area that is currently experiencing extreme problems with traffic congestion.

Expansion of an existing project may also be subject to a traffic study. When determining whether the project meets the threshold, trips from the existing land use shall be included in the trips that are considered “produced” by the project.

The Parish has the right in the administrative review process to require mitigation efforts by the applicant. However, a formal TIA may not be required. The applicant shall meet all applicable requirements found in the Parish Code. Additionally, the Parish has the right to request additional improvements or ingress/egress points above the current Parish standards.

Sec. 40-042.30 Procedures

If a TIA is required for a project pursuant to the provisions of this section, St. Tammany Parish shall approve of a registered professional engineer or an AICP certified planner with experience in traffic engineering to prepare the TIA in accordance with these regulations.

The applicant shall be responsible to bear the cost of hiring said engineer or planner in accordance with the Parish Fees Schedule. The TIA shall be submitted at the time of submission of the tentative plat application. In the event that a TIA is required and no subdivision application is required, the TIA shall be submitted at the time of the filing for a building permit.

In no instance shall a building permit be issued for a development that is subject to the TIA requirements of this section prior to the submission and approval of the TIA. For each TIA submitted, the Parish Engineer will assess the project and make the decision as to whether a traffic model of the study area will be required.

If a proposed development is located in an area for which the Parish has an existing base traffic model, then the traffic model shall be updated to show the impacts of the project. For other projects, the Parish may choose to generate a model for the critical intersections in the study area. This model will allow the Parish to make recommendations for improvements needed in order to mitigate the impacts of the development. These recommendations may be in addition to the recommendations made by the TIA and will be in accordance with standard engineering practice.

In order for the Parish Engineer to model the effects of the new development (or update an existing base model), the following information shall also be provided at the time of submission of the tentative plat application:

1. Existing Average Daily Traffic Counts at all intersections (identified by the Parish Engineer) as well as peak-hour counts (for all turning movements at each intersection). These counts shall be less than 1 year old. The applicant shall contact the Parish Engineer to check availability of current available counts. If current data is not available, the applicant will be required to perform the counts. Peak hours shall be determined by the Parish Engineer for each project, as peak hours will vary depending on the study area. ***Traffic Counts will be conducted only during weeks that do not contain a major school holiday and that are during the school year (September through May).***
2. Projected Average Daily Traffic Counts (and peak hour counts) upon completion of project at same intersections, as well as any proposed site access driveways.
3. Suggested timing/phasing plans for any proposed traffic signals, and/or proposed changes to existing timing/phasing plans.
4. Any other recommendations or mitigation efforts that are proposed by the applicant.

5. Any additional information deemed necessary by the Parish Engineer in order to complete or update a traffic model of the project area.

A review fee will be assessed to every applicant that is required to submit a TIA for this service. This fee shall consist of a \$50 submittal Fee + \$50/mile of roadway to be studied (pro-rated per mile) + \$50/intersection in study area + \$50/proposed development in study area that have submitted a tentative plat or conditional use application. For example, a 3-mile long project study area consisting of 10 intersections along a stretch of highway that has 8 other proposed developments would have a fee of \$1100. (\$50 submittal fee + \$150 for 3 miles of roadway + \$500 for 10 intersections in study area + \$400 for 8 other proposed developments in study area.)

A building permit or work order will not be issued unless the traffic model with all proposed improvements shows little or no impact on existing traffic conditions. Mitigation measures shall be in place prior to the initial phase of construction. Mitigation shall also be in coordination with the most recent 2025 Master Plan to benefit the area affected, as well as the Parish's 10-Year Infrastructure Plan. Prior to approval, the developer must verify with the Department of Engineering whether a 2025 Master Plan or 10-Year Infrastructure Plan proposed route or improvement will affect the subject property. If so, access through the property along with any Right-of-Way needed shall be provided to the Parish as part of the applicant's mitigation efforts. The most recent map outlining the 2025 Master Plan is on file with the Department of Engineering. A copy of the 10-Year Infrastructure Plan can also be obtained from the Department of Engineering.

Sec. 40-042.40 Documentation

The TIA report shall be prepared documenting the study, the data used, the findings, and the recommendations of the study. The TIA shall be prepared and signed by a registered professional engineer or an AICP certified planner with experience in traffic engineering and approved by St. Tammany Parish to be responsible for the supervision of the study and preparation of the TIA. The applicant will be responsible for the cost of the TIA. The TIA will be reviewed by both the Parish Engineer and the Planning Commission. If the Parish Engineer or the Planning Commission determines that the TIA is inadequate or not in accordance with this section, the applicant shall be required to supplement the TIA to address any deficiencies.

Sec. 40-042.50 TIA Contents and Format

The contents of a TIA, as well as the TIA study area radius shall vary depending on the site and prevailing conditions. Content requirements, including the study area radius, shall be established by the Parish Engineer prior to the submission of the TIA. Such requirements shall address site, project and corridor level traffic and transportation issues. Each TIA submitted must take into account all other proposed developments in the study area (all developments for which a tentative application has been submitted). This information shall be obtained from the Parish Engineer.

The TIA study shall be prepared in the following format:

1. Description of TIA study area, specifying boundary of study area and count and analysis sites. A site location map shall be provided. The map shall include roadways that allow access to the site, and are included in the study area. The Parish Engineer prior to initiation of the study shall determine the study area radius for the TIA.
2. Description of the Project. This description shall include the size of the parcel, general terrain features, access to the site, anticipated completion date, and the existing and proposed uses of the site (including phasing). In addition, the square footage of each use or number and size of units proposed shall be specified. A figure (Site Plan) that shows the site development as proposed shall also be included in the report.
3. Existing conditions. The existing conditions in the vicinity of the project shall be discussed, including a description of the area to be affected by the development. A field inventory of the site and study area shall be conducted. Existing traffic volumes, traffic controls, and geometrics (number of lanes, intersection configurations, etc.) shall be described in detail. This data shall be depicted graphically.
4. Existing Traffic Volumes within TIA study area. Average daily traffic counts shall be current (less than 1 year old). The applicant shall contact the Parish Engineer to obtain current available counts.

If current data is not available, the applicant will be required to perform the counts. Peak hour counts shall be conducted at study area intersections during peak hours to be determined by the Parish Engineer. These counts shall show all turning movements. **The counts shall be conducted during the school year (September through May) and during weeks that have no major school holidays.** (These holidays shall include, but not be exclusive to, Thanksgiving, Christmas Break, Spring Break, Mardi Gras, Labor Day, and Exam weeks.) The Parish Engineer may be contacted for approval of the planned count dates.

5. Trip generation estimates and design hour traffic volumes. Traffic volumes expected to be generated by the proposed development shall be estimated using the **latest edition** of the Institute of Transportation Engineers' (ITE) *Trip Generation* manual. The calculation of traffic volumes used to determine impacts of the development shall be based on the maximum land use intensity allowed under the existing (or proposed) Zoning Ordinance.
6. Trip distribution and traffic assignments. Traffic generated by the site must be distributed and assigned to the roadway network in order to determine the project's impacts. The direction a vehicle will take to access or leave the project site is known as trip distribution. Traffic assignment refers to the actual routes taken by project traffic to and from the site. The methodology and assumptions which are used in the determination of

trip distribution and traffic assignments shall be described. In the case of projects with several phases to take place over several years, the trip distribution and traffic assignment shall be estimated for the completion of each phase.

7. Projected traffic volumes within the TIA study area. Project generated and distributed traffic shall be estimated for all intersections in the study area, including any proposed site access driveways.

The projected counts will represent the same peak hours that were used for the existing traffic volume counts, and will show all turning movements. The trip generations from all other proposed developments in the study area shall also be taken into account. This information shall be obtained by the Parish Engineer. The growth rate percentage to be used for the study area shall also be established by the Parish Engineer.

8. Capacity analysis. Capacity analyses provide an indication of how well the study area intersections serve existing and future traffic demands. A description of the methodology and Level of Service (LOS) definitions shall be included within the TIA. For existing and future conditions, LOS at all study intersections, inclusive of the project driveway(s), shall be calculated for signalized and unsignalized intersections. Again, the other proposed developments in the study area shall also be taken into account. An overall LOS "D" shall be considered acceptable for signalized intersections within the Parish. For unsignalized intersections, the LOS for the critical movement shall be at LOS "D" or above. In the case where the existing Level of Service (LOS) is below "D", the mitigation efforts shall improve the LOS to "D" or above.

Additionally, volume to capacity (V/C) and average stopped delay must also be presented for both signalized and unsignalized intersections. To assess quality of flow, roadway capacity analyses are required under the following conditions: Existing, No Build (per project phase), Build (per project phase), and Build (Total Build Out).

9. Traffic accidents. Three years of the most current accident data shall be obtained for intersections within the study area. This data shall be depicted in tabular form along with a brief description at each critical location. The applicant may contact the Parish Engineer to obtain contact information for the purpose of collecting this data.
10. Traffic improvements. Unsignalized intersections experiencing significant deficiencies (delays) shall be evaluated for potential signalization. Results of these analyses shall be discussed and recommendations presented. Any planned roadway improvements to be completed within the study area shall be identified and discussed.
11. Conclusions. This section of the traffic study shall summarize the required improvements and the proposed mitigation measures. This shall include, but not be excluded to, the following: Existing and future LOS results, Recommended Roadway improvements, and

Resultant LOS with proposed improvements in place.

12. Summary and findings and recommendations. Mitigation measures shall be discussed in this section. This includes identifying the improvement measures necessary to minimize the impact of the project/development on the transportation system. The study area intersections shall be mitigated at a minimum to operate better than or equal to the “No Build” case, based on the calculated V/C and average stopped delay. In the case where the existing Level of Service (LOS) is below “D”, the mitigation efforts shall improve the LOS to “D” or above. Mitigation measures shall be in place prior to the initial phase of construction.

Sec. 40-042.60 Trip Generation Rates

For the purpose of determining whether the requirements of this section are applicable to the proposed project and for the purpose of preparing required transportation impact analyses, applicants shall use the trip rates contained in the **most recent** edition of the Institute of Transportation Engineers’ (ITE) *Trip Generation* manual.

Sec. 40-042.70 Actions Based on TIA

A proposed development which is subject to the TIA requirements of this section shall be disapproved when the results of the required TIA demonstrate that the proposed project will overburden the roadway system or cause a reduction in service of affected roadways below the adopted Level of Service (LOS) “D”. In the case where the existing Level of Service (LOS) is below “D”, the mitigation efforts shall improve the LOS to “D” or above. An applicant, in coordination with the Parish Engineer, may modify the development proposal to minimize the identified traffic-related impacts. Modifications to applications for projects may include, but shall not be limited to:

1. Dedication of additional right of way;
2. Rerouting of traffic and proposed access points serving the proposed project;
3. Participation in funding transportation facilities, including signals and intersection improvements;
4. Traffic signal timing and/or phasing adjustments (with coordination and approval from the owner of the signal);
5. Restriping or reconfiguration of the intersection;
6. Adding additional intersection through or turn lanes;
7. Installation of a signal; or
8. Any other recommendations by the Parish Engineer upon review and analysis of the traffic model.

Applicants will be responsible for the cost and implementation of identified improvement(s) which mitigates the traffic impact of their proposed development, unless funding can be provided through any grant mechanism.

If a traffic mitigation is part of an approved Transportation Impact Study, all approved traffic improvements must be implemented prior to receipt of an occupancy or Final Plat approval, whichever is appropriate, unless otherwise provided for as part of the approved Transportation Impact Study and coordinated with St. Tammany Parish.

Mitigation shall also be in coordination with the most recent 2025 Master Plan and 10-Year Infrastructure Plan to benefit the area affected. Prior to approval, the developer must verify with the Department of Engineering whether a 2025 Master Plan or 10-Year Infrastructure Plan proposed route or improvement will affect the subject property. If so, access through the property along with any Right-of-Way needed shall be provided to the Parish as part of the applicant's mitigation efforts. The most recent map outlining the 2025 Master Plan is on file with the Department of Engineering. A copy of the 10-Year Infrastructure Plan can also be obtained from the Department of Engineering.

Sec. 40-042.80 Waiver of/Exemption from TIA Requirements

The Planning Commission may not waive the transportation impact analysis submittal requirements of this section.

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 parcels. The front parcel must meet the public road frontage requirements,

which are as set forth below, and the other (rear) parcel 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.
 - g. Does not reduce a lot size below the minimum area or frontage requirements established by ordinance.
 - h. 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.

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.
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. 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)
(Amended per Ord. No. 10-2278, adopted June 3, 2010, Section 40-045.0 amended per Ord. No. 10-2390, adopted November 10, 2010)

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 ½) 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
 - e. any private drive created must be given a name and depicted on the survey plat, only after first obtaining approval for said name, in writing, from the 911 addressing officer.
(Created per Ordinance Council Series No. 09-2065, adopted June 4, 2009)
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.
(Section 40-045.0 and Subsection 40-045.01 created per Ordinance No. 05-1065, adopted March 3, 2005)

SECTION 40-050.0 TENTATIVE SUBDIVISION REVIEW

1. As a part of the tentative application submission, the developer(s) shall submit to the Department of Planning, twenty (20) copies of the proposed tentative subdivision plan. If the subdivision is to be developed in phases, two (2) copies of the overall master plan must be furnished showing the relationship of the phase to be developed with the entire property to be developed.

It is recommended that the tentative plan be drafted by a qualified engineer, land surveyor or architect. However it is not mandatory, therefore; if the developer chooses to defer from said recommendation, then said plan must be drawn neatly to scale at a minimum size of (24" x 36"). Additionally, said plans must be folded in a rectangular or square shaped fashion with the Parish signature lines shown on the front face.

(Amended per Ord. No. 00-0160, adopted June 1, 2000)

2. The following items are required to be delineated and/or demonstrated on the Tentative Subdivision Plat prior to review by the St. Tammany Parish Planning Commission:
 - a. the name of the subdivision (centered at the top of plat and highlighted) and location (display the Section, Township and Range locations below title)
 - b. vicinity map displaying the names of major streets and collector roads in the area of the development (upper left-hand corner of plat)
 - c. Parish enforced subdivision restrictions/covenants as per Sec. 40-074.01 (upper right-hand corner of plat)
 - d. typical cross-street section details for streets, cul-de-sacs and entrances (middle to

- e. lower left side quadrant of plat)
- e. information block indicating zoning, total acreage, number of lots, total length of streets, sewer and water facilities proposed, average lot size and maximum block length (middle to lower right side quadrant of plat)
- f. Developmental Agreement Application Form (signed by the developer/owner)
- g. Environmental Assessment Data Form (signed and dated)
- h. Wetland demarcation lines (as determined by the Army Corp of Engineers)
- I. Flood Zone A demarcation lines (indicate FIRM Map and panel number)
- j. legal description (prepared on 8 ½"x 11" paper)
- k. north direction arrow
- l. scale of drawings
- m. phases within the development (proposed and future)
- n. total number of blocks and lots and their dimensions
- o. location of proposed or existing easements and/or servitudes
- p. proposed front yard and corner side yard setbacks (delineate with dashed lines)
- q. existing streets leading to the development
- r. documents indicating the ultimate disposal of surface drainage (U.S.G.S. quadrangle map)
- s. proposed street or road names
- t. adjoining land uses
- u. need for limited access streets and lots (delineate with dashed lines)
- v. existing structures (delineate on plat)
- w. coordination of land use and collector streets for development
- x. proposed park, playground or greenspace areas
- y. location of any landfill or dump site on the property

There may be additional requirements to meet that are not specifically listed above, but that can be found on the **Tentative Approval Check Sheet** (Supplemental Section). Said check sheet must be completed by the developer or his engineer/surveyor and submitted with the Tentative Subdivision Review application.

3. The Planning Director or his designee will review the tentative plan and indicate to the developer whether or not the tentative plan meets the minimum requirements of this Code. Recommended revisions required to meet the provisions of this Code will be marked in red on the tentative plan by the Director or his designee and a copy will be returned to the developer for corrections. If the developer accepts the recommended revisions, he shall submit a revised tentative plan to the Planning Commission. The developer shall also provide a copy of the tentative plan, and revised tentative plan, if any, to the Department of Environmental Services for its review and comment.
4. The Planning Commission must approve the tentative subdivision plan before the developer(s) can submit plans for preliminary review.
(*Ord. No. 88-897, adopted January 21, 1988, State Statute Reference: LA R.S. 33:113*)

Exemption: A developer of a newly proposed subdivision can simultaneously file for and receive Tentative and Preliminary subdivision review at public hearing if: (a.) the subdivision has twenty-five (25) lots or less and is not providing a “community” sewerage and water system; or (b.) the subdivision has twenty-five (25) lots or less and is providing a “community” sewerage and water system, and receives written approval from the St. Tammany Parish Department of Environmental Services.

5. a. Tentative subdivisions that have been granted approval by the Planning Commission shall remain in effect for a period of not more than two (2) years from the date of the approval.
- b. If no portion or phase of an original subdivision granted tentative approval is granted preliminary approval within a two (2) year period, the developer shall be required to resubmit for tentative subdivision review and pay all applicable subdivision and publication fees.
- c. Preliminary approval of a subdivision phase initiates a new two (2) year time period in which the next portion or phase of the subdivision must receive preliminary approval, or otherwise the developer shall be required to resubmit for tentative subdivision review and pay all applicable subdivision and publication fees.
- d. All tentative subdivisions that were approved prior to the passage of this section shall be granted a two (2) year time period from the date of adoption of this section in which to secure preliminary subdivision approval of a portion or phase. *(Amended per Ord. No. 01-0365, adopted September 6, 2001)*

Sec. 40-050.01 Sewerage and Water Plans and Specifications

The developer shall submit three (3) sets of plans and specifications for the proposed subdivision’s sewerage and water systems to the St. Tammany Parish Department of Environmental Services prior to receiving a preliminary subdivision hearing. Said plans and specifications shall include the type and source of sewerage disposal and treatment, and water distribution proposed. The St. Tammany Parish Department of Environmental Services shall advise the Planning Commission whether the proposed systems are approved, or not.

If the advice is that either or both systems is not approved, then preliminary subdivision approval shall not be granted by the Planning Commission. Approval of the plans and specifications of either or both the sewerage and water systems is for the use and benefit of the St. Tammany Parish Department of Environmental Services and shall not be considered as a warranty that the plans and specifications submitted are complete and accurate, or that construction in accordance therewith shall result in the desired result being achieved.

(Amended as per Ord. No. 01-0334, adopted June 7, 2001)

Sec. 40-050.02 Authority to Procure and Rights of Appeal

The Planning Commission shall have the authority to grant or deny tentative subdivisions and any other matters brought before it where their purview and jurisdiction prevails; however, any person(s) claiming to be aggrieved by the decision of the Commission may appeal such decision(s) in written form to the Parish Council no later than ten (10) days after the Planning Commission's meeting date. A two-thirds (2/3) majority vote of the Council is required to override the decision of the Planning Commission.

Section 40-050.03 Procedure; Legal Effect of Subdivision Plat Approval

- 1.) The Planning Commission shall approve or disapprove a subdivision plat within sixty (60) days after the submission thereof to it, or by the third consecutive meeting of the commission whereby the subdivision plat has been scheduled on the docket; otherwise said plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission upon request.
- 2.) The sixty (60) day time period shall commence after the subdivision plat has been reviewed by the commission and a formal vote taken.
- 3.) An applicant may request the Planning Commission to table their subdivision plat review, upon written notice, no later than forty-eight (48) hours before the meeting date. In that event, or if the commission grants the applicant a tabling action at the meeting, the time constraints for the commission to approve or disapprove the subdivision plat shall start over and follow the same procedures as set forth in Subpart (1.).

Section 40-050.04 Essential Utilities Disclosure Requirement

A developer shall be required to submit a notarized letter with tentative subdivision application stating that all major utility companies, mainly those providing sewer, water, telephone and electric service to the new subdivision development, have been contacted regarding the need for the establishment of any utility easements, servitudes or rights. Said letter must include the names of those utility companies contacted.

(Created per Ord. No. 03-0608, adopted February 6, 2003)

SECTION 40-060.0 PRELIMINARY SUBDIVISION REVIEW

1. As part of the preliminary application submission, the developer shall submit to the Department of Planning, only after streets and blocks have been surveyed on the ground, and before the construction of any streets and drainage structures or channels; eighteen

(18) copies of the preliminary subdivision plan for approval by the Planning Commission. Said plans shall be (24"x36") inches and folded in a rectangular or square shape with the Parish signature lines shown on the face.

(Amended per Ord. No. 03-0735, adopted August 7, 2003)

The preliminary plan is the detailed plan of the subdivision by which the construction of sewerage and/or water system(s), streets, drainage structures and channels will be executed by the developer.

It is necessary for the subdivision to be surveyed on the ground to ensure that the plan is feasible and practical, and can be followed on the ground by the inspector to determine its adequacy.

(Amended per Ord. No. 00-0160, adopted June 1, 2000)

2. The following information shall be provided as a prerequisite for preliminary approval:

- a. total number of lots
- b. total length of streets to be constructed
- c. vicinity map
- d. subdivision boundary and legal description
- e. section corner 1/4 corner tie
- f. engineering certification
- g. signature lines for the Chairman of the Planning Commission, Secretary of the Planning Commission, Director, Department of Engineering, Clerk of Court and map file number on plat
- h. name of President, Treasurer, and Secretary of Corporation, if any, on plat
- I. culvert size for each lot
- j. house or municipal number on each lot
- k. board of health approval letter
- l. subdivision restrictions or covenants
- m. appropriate zoning action taken, if applicable
- n. cross-section of road base
- o. existing street conditions
- p. designated flood areas (show on plat with demarcation lines or shading)
- q. right-of-way grants
- r. costal zone approval, if applicable
- s. total acres in development
- t. profile drawings showing all center line street grades and ditch bottom grades
- u. profile of ditch/canal bottoms that are not in street rights-of-way
- v. location of permanent markers by surveyor or engineer
- w. total acres in easements to be dedicated to the Parish
- x. existing and proposed easements
- y. building setback lines
- z. interstate land sales compliance (letter from state)

- aa. soil analysis report (not at this time)
- bb. street lighting plan, if applicable
- cc. three (3) sets of detailed plans and specifications for central sewerage and/or water systems (should include a total number of linear feet of sewer and water piping and other apparatus)
- dd. true scale of the plat
- ee. north direction arrow
- ff. name of subdivision (centered and bolded on plat with underlying section, township and range)
- gg. street names on plat

SECTION 40-061.0 ADDITIONAL REQUIREMENTS TO PRELIMINARY

1. In addition to the preliminary subdivision plats and sewer and water plans; eighteen (18) separate paving and drainage plats shall be submitted providing the following information:
 - a. topography of the area to be developed with the contour lines at one foot vertical intervals
 - b. vicinity map
 - c. proposed street cross-sections and surfacing
 - d. areas subject to inundation at flood stage
 - e. ultimate surface water disposal (shown on quadrangle map)
 - f. datum used for elevation control
 - g. direction of flow of surface water in street ditches and canals
 - h. location, size and type of drainage structures including minimum driveway structures
 - I. sections and profiles of canals to be constructed
 - j. proposed drainage easements for Parish maintenance
 - k. rerouting of existing canals or natural drains proposed
 - l. rights-of-way required
 - m. recommended floor elevation of residences to insure safety in flood conditions
 - n. certificates by a registered professional engineer
 - o. subdivision restrictions or covenants
 - p. width and cross section of a typical proposed street
 - q. type of surfacing materials to be applied
 - r. engineering specifications for the construction of proposed streets, if different from the Parish minimum street specifications

2. Design and construction of all drainage shall be in accordance with specifications and standards of the State of Louisiana Department of Transportation and Development (DOTD). The design engineer shall certify that all drainage plans shall include open ditch

and subsurface designs.

Driveway culverts shall be designed in accordance with the subsurface design. Design information shall be submitted to the Department of Engineering. In addition to meeting current DOTD specifications and standards, the following requirements for drainage design and construction shall be met:

- a. All roadside open ditch design and construction shall reflect a 3:1 side slope (three (3) feet horizontal to each one (1) foot vertical).
 - b. All subsurface drainage installation within Parish Council District 13 shall be required to meet the standards as set forth in Section 40-037.01 of this ordinance. *(Amended per Ord. No. 05-1039, adopted February 3, 2005)*
3. After the plans have been reviewed by the Department of Engineering, the developer will be notified if there are any corrections needed on the plans prior to the preliminary subdivision hearing before the Planning Commission. If corrections are required, the developer shall submit eighteen (18) revised drawings prior to said hearing. Upon preliminary approval, a work order/permit shall be issued by the Parish Engineer whom shall authorize the developer to begin construction. No work toward the construction of the street, drainage and lot infrastructure can begin until said work order/permit has been issued.
 4. Prior to Preliminary Plat Approval, the proposal must have followed the legally described rezoning requirements under Section 40-030.03 of these regulations and be in compliance with the specific requirements of Zoning Ordinance No. 523. *(Amended per Ord. No. 00-172, adopted July 6, 2000)*
 5. Indicate the location of any closed landfill/dump on the property.
 6. Culvert sizes for each lot shall be noted on the final subdivision plat and drainage plan.
 7. **A street lighting plan is required in Lighting District No. 4.**
The developer(s) shall be required to submit a street lighting plan for the purpose of providing ample lighting to protect the health and safety of the residents during the nocturnal hours. Street lighting plan specifications shall fall within the established guidelines listed below:
 - a. Street lighting poles shall be constructed of either aluminum, concrete (gray) or wood.
 - b. The type of illumination shall be mercury vapor fixtures which are available in one hundred seventy-five, two-hundred-fifty, and four-hundred watts, (175W, 250W, 400W). The two-hundred-fifty and four-hundred watts (250W, and 400W)

- shall require a taller than normal pole when used.
- c. High-pressure sodium fixtures can also be used and are available to municipal, Parish, state and highway lighting districts or through a metering system to private developers. Developers must coordinate their metering systems for sodium fixtures with the public utility company serving the area.
- d. The minimum street light pole height shall be twenty-feet (20') measured from ground elevation to bracket and light fixture connection. Heights of over twenty-six feet (26') must be reviewed and approved by the public utility company serving the area.
- e. Street lighting poles and fixtures must be located in such a way as not to cause potential hazards to traffic or pedestrian, interfere with existing power lines, or place unnecessary glare on residences.
- f. Street lighting poles shall be spaced accordingly to provide a consistent and even illumination pattern within the subdivision development.
- g. Specific design and construction standards shall meet [the standards of] the public utility company serving the area. These standards can be obtained from the public utility company serving the area.
- h. Maintenance and operation of the lighting facilities within each subdivision, once established, shall be managed by the lighting district.
(Ord. No. 85-393, adopted May 16, 1985)

8. A traffic signage plan required.

The developer(s) shall be required to submit a traffic signage plan for the purpose of providing proper traffic signage. Traffic signage plan specifications shall be in accordance with “Street Identification and Traffic Control Signs; Installation Regulated”, as depicted in the supplemental section of this subdivision ordinance.

9. A developer must file application with the St. Tammany Parish Department of Planning for a land clearing permit prior to obtaining a “work order” relative to the preliminary subdivision approval process, in order for the parish to properly review and assess the land management practices proposed by the developer relative to the preservation and addition of plants and trees on-site.
(Ord. No. 08-1798, adopted April 3, 2008)

Sec. 40.061.01 Hydrological Study and Plan

1. A hydrological study/plan shall be completed by a qualified hydrologist and shall be submitted by all developers of new subdivision developments.
2. For the purpose of this section, a qualified hydrologist shall be a state licensed civil engineer. All required drawings and hydrological analysis need to be stamped and certified (signature and date) by a civil engineer licensed in the State of Louisiana.

3. A hydrological analysis of both pre-development and post-development runoff shall be provided. The applicant shall also provide a water surface profile for 100 year, 50 year, 25 year and 10 year storm events. The hydrological analysis shall meet all applicable Parish Ordinances and the following requirements:
 - a. The developer's engineer shall also study the effect of any proposed development on existing downstream drainage facilities outside the area of the development. Local drainage studies, together with any other appropriate study, shall serve as a guide to needed improvements as determined by the Department of Engineering.
 - b. No development may be constructed or maintained so that surface waters from such development are collected and channeled downstream as such locations or at such volumes or velocities as to cause degradation, alteration or damage to lower adjacent properties.
 - c. Where it is anticipated that the additional runoff incident to the development will increase the water surface profile downstream, the Parish shall withhold approval of the development until provisions have been made for the detention of storm water and resolution of such conditions in conformance with these requirements and the Department of Engineering. No development shall be approved unless the necessary drainage will be provided to a drainage watercourse or facility that is adequate to receive the proposed drainage without adverse impact on downstream properties;
 - d. No development may be constructed or maintained where such development would impede the flow of water from upstream properties across the property proposed to be developed. All drainage rights-of-way and culverts or other drainage facilities shall be large enough to accommodate runoff from the property proposed to be developed as well as upstream flow originating outside of the proposed development. All existing watercourses passing through the property of the proposed development shall be maintained to accommodate 100 year storm events. Any proposed alteration or relocation of an existing watercourse or drainage facility may only be approved when the Department of Engineering has determined that any such proposal meets all applicable parish drainage requirements. The developer's engineer shall determine the necessary size of the drainage facilities, assuming conditions of maximum potential watershed development permitted by these regulations.

(Amended per Ord. No. 11-2426, adopted January 6, 2011)

4. When a qualified hydrologist creates a study/plan for a particular drainage area, said study/plan must determine the effect(s), if any, of the proposed development on the drainage basin; and the qualified hydrologist shall present engineering proposals, if any, to certify that the rate of runoff will not be increased by the proposed development.

- a. The Rational Method may be used for determining the storm water runoff when the contributing areas is less than or equal to 200 acres up to the time of concentration.

The runoff coefficient shall be selected by the design engineer and shall be appropriate for the subject property and must account for the duration and intensity of the rainfall event.

- b. When the SCS method or equivalent is used, the following requirements shall apply:
 - (1) Curve Numbers shall be those published by the Louisiana Department of Transportation and Development and/or the "National Engineering Handbook, Hydrology: Section 4, Chapters 6-12".
 - (2) When using the SCS Method, adjustments requiring disclosure include but are not limited to:
 - (a) Changes to the 484 IUH coefficient in the peak flow equation
 - (b) Adjustments for ponding, imperviousness and channel improvements.
 - (c) Antecedent soil moisture condition
 - (d) Slope and sub area length over width ratio assumptions
 - (e) Storm Intensity Distribution, but only if approved by the Parish Engineering Director
 - (f) Proper lag time equations
- c. The Time of Concentration shall be determined for both pre- and post-conditions using methods accepted by the engineering community, e.g. "National Engineering Handbook, Hydrology: Section 4, Chapter 15," and appropriate for the conditions as approved by the Parish Engineer. If the lag method is used, the following restrictions shall apply:
 - (1) The appropriate area slope and defined by lag equation shall be used.
 - (2) Adjustments shall be made for channel improvements and impervious areas.

5. Detention design shall be a part of the hydrologic study/plan and shall include detention pond(s) and metering structure(s). Linear detention within roadside ditches is not acceptable and shall not be included as storage areas in the drainage calculations. The plan shall be developed in accordance with the Department of Engineering's review and approval.

- a. On site detention requirements may be waived or modified based on hydrological analysis of existing conditions, location of the development within the drainage basin and analysis assuring no negative effect within the basin of the waiver. A

waiver is expressly prohibited for developments located within the upper one-third of the drainage basin, unless the runoff resulting from the development can be routed to a regional detention facility.

After technical review, the Department of Engineering shall accept or reject the proposed waiver. The waiver will be presented to the planning commission for preliminary approval.

- b. If a waiver is accepted pursuant to the previous paragraph, in lieu of on site detention, the developer shall be assessed a Drainage Fee. This fee shall be payable to the Parish or designated drainage district for the sole purpose of making improvements to the affected drainage basin. The fee shall be due prior to the issuance of any work orders by the Parish.
- c. The drainage fee shall be per acre, as follows:
 - A-1, A-2 and A-3 Subdivisions \$1,500.00
 - A-4 and A-5 Subdivisions \$2,000.00
 - A-6, Commercial and Industrial Subdivisions \$3,500.00

PUDS of same density as above subdivision designations shall follow the same fee structure. The fee shall be used solely for planning, acquisition and/or construction of regional detention facilities and/or system improvements within the affected basin.
- d. All drainage structures shall be designed to provide for reductions in peak rate of runoff for all storm events up to the 100 year storm. The peak rate of runoff for the 25, 50 and 100 year storm shall be reduced by 25%. At no time shall the peak rate of runoff exceed that of the pre-development conditions of the subject parcel. Calculations shall be provided for the 25, 50 and 100 year storm events that display the effects of a 2 and 24 hour duration.
- e. Pre-development calculations shall be based on the “heavily forested” condition unless otherwise approved by the Department of Engineering.
- f. No fill shall be placed in any flood zones designated as AO/AH or A1-A30 without an approved fill plan. All fill for residential home construction shall conform to Ordinance 2183-AA adopted July 5, 2001. Finished floor elevation shall be at least 6" above nearest adjacent road and also conform to the rules and regulations promulgated by Federal Emergency Management Agency (FEMA) and National Flood Insurance Program (NFIP).
- g. All subdivisions receiving Tentative approval prior to the effective date of this ordinance will be governed by the previous drainage requirements. (*Amended per Ordinance No. 03-0725, adopted August 7, 2003*)

h. A subdivision development located within the boundaries of Gravity Drainage District No. 5 shall, at the same time, also submit its hydrological study and plan to the District for review and comment to the Parish Engineer. All costs associated with the review of the plans by the Drainage District shall be assessed to the developer. The District shall submit its comments to the Parish Engineer within 30 days of receipt of the plan. The Parish Engineer shall have final authority on approval of the proposed hydrological plan. *(Created per Ordinance No. 04-0949, adopted September 2, 2004)*

6. In the event of a conflict between any provision within this Section, or between a provision in this Section and any other drainage or flood control ordinance, the more stringent provision shall be applicable.

Sec. 40-061.02 Proposed Central Sewerage and Water Systems

Alternatively, if a subdivision is proposed with central sewerage and/or water system(s), the developer may submit to the Director of Public Works, or his successor, a preliminary subdivision plan of the development for preliminary approval by the Planning Commission provided the submission is made of such system(s) in a schematic design or other plan satisfactory to the Director of Public Works. Conditional preliminary approval may be granted by the Planning Commission based on the schematic design or plan pending approval of the system(s) by the Department of Environmental Services of St. Tammany Parish. However, no submission for final approval of the subdivision plan by the Planning Commission shall be made or considered until the approval of the central sewerage and/or water system(s) by the Department of Environmental Services of St. Tammany Parish has been received by the Planning Commission; and the developer is not relieved of any other requirements of submission within this ordinance.

Sec. 40-061.03 Construction of Model/Speculation Homes

1. A developer of a subdivision may start construction of model homes or homes for resale (more commonly known as "spec" homes) at the time preliminary approval (work order) is granted only upon receiving final zoning action.
2. Building permits must be acquired for any homes started under the authority of the aforementioned paragraph and according to the guidelines as set forth in the St. Tammany Parish Land Use Regulatory Ordinance No. 523.
3. The construction of model homes shall be limited to five (5) home sites or 10% of the total number of lots within each phase of the development receiving preliminary approval, whichever is the lesser amount.

Sec. 40-061.04 Limitations Imposed Prior to and During Construction

1. Should work not commence within one year after the issuance of a work permit in any subdivision for which approval of the preliminary plan was given by the Planning Commission, or its successor in office, no work can thereafter commence unless and until the Planning Commission, or its successor in office, extends the time thereof. The governing authority need not extend the time for commencement and may require the reprocessing thereof in the same manner and to the same extent, including payment of fees pertaining hereto, as if said subdivision were a new proposed development.

However, in any case, a work permit must be granted by the Parish within one (1) year after receiving preliminary approval by the Planning Commission; otherwise, the development must be resubmitted for preliminary review and subject to all applicable advertising requirements and payment of fees. *(Amended per Ord. No. 03-0688, adopted June 5, 2003)*

2. If development and construction ceases within a subdivision for a period of one (1) year after the release of the work order/permit, said subdivision developer must refile for preliminary approval and may be required to pay refiling fees subject to review by the St. Tammany Parish Planning Commission.

Sec. 40-061.05 Soil Analysis Required

A geotechnical investigation and soil analysis report is required to be submitted to the Department of Engineering upon approval of preliminary plans by the St. Tammany Parish Planning Commission. Data for soil boring and soil mechanics laboratory tests is to be included. The report will include a summary of findings and recommendations. The work shall be performed by a Louisiana certified testing laboratory and at the expense of the developers.

Sec. 40-061.06 Roadway Grade and Soil Information Required

The proposed roadway grade should be furnished. The sub-grade soil survey should be adequate as determined by the project's engineer, to sufficiently design the roadway embankment. Any deviation therefrom shall require the approval of the Department of Engineering. In general, the information shall consist of a soil survey of the sub-grade showing the classification and characteristics of different layers of soil, elevation of the water table, field moisture, the density of the in-place material along the center line (muck deposits, rock formations, quicksand, if applicable, shall be identified). Consolidation tests and embankment stability analysis for high fills and organic tests in questionable areas shall be performed if necessary at the discretion of the aforementioned department.

(Amended per Ord. No. 88-918, adopted February 18, 1988)

Sec. 40-061.07 Traffic Conditions

1. The consulting engineer shall consider traffic conditions and repetitive loads in roadway and paving design. An estimate of the number and weight of heavy axle loads expected during the design life of the pavement shall be furnished to the Department of Engineering. Design of a single 32-kip axle load is used to define a heavy axle load. In the absence of a detailed traffic analysis report furnished by a traffic engineer, the information provided below shall be an estimate of such loads and used to design adequate pavement thickness.

Type of Street or Highway	Approximate No. of Heavy Trucks per Design Period
Parking lots, driveways, light traffic residential streets, light traffic farm roads	7,000
Residential streets, rural farm and residential roads	7,000 - 15,000
Urban minor collector streets, rural minor collector roads	70,000 - 150,000
Urban minor arterial and light industrial streets, rural major collector and minor arterial highways	700,000 - 1,500,000
Urban freeways, expressways and other principal arterial highways, rural interstate and other principal arterial	2,000,000 - 4,500,000

2. With the sub-grade soils information, traffic conditions and concrete modules of rupture now known, the design of the pavement section can be determined by:
 - a. using the approximate range-number of heavy trucks expected during the design period, a stress ratio can be obtained
 - b. the stress ratio is the ratio of maximum allowable stress in the concrete to the modules of rupture of the concrete, and since the rupture factors are known, the maximum allowable stress can be determined

Sec. 40.061.08 Maintenance Obligations

1. Maintenance obligations are established when the developer has received preliminary approval. Said obligation shall be used to ensure the repair of any damage to a Parish road or drainage system resulting from construction activity in connection with the subdivision.
 - a. The amount of the obligation will be based upon the existing condition of the affected Parish road, its type of construction (e.g. gravel, concrete, asphalt), the length of the road exposed to construction traffic, and other such factors as may be deemed appropriate such as existing terrain, anticipated amounts of heavy traffic, etc....
 - b. The amount of a maintenance obligation is not expected to exceed:

\$10/linear ft. for gravel roads or streets
\$20/linear ft. for asphalt roads or streets
\$30/linear ft. for concrete roads or streets
 - c. The amount of the obligation will be determined by the St. Tammany Parish Department of Engineering and prescribed within the work order. Maintenance obligations must be established for at least one (1) year or the duration of construction within the subdivision, whichever comes first.
 - d. After completion of the subdivision, and upon written request from the developer, the Department of Engineering may release the maintenance obligation by same written request to the Department of Finance.
2. All maintenance obligations established by the Department of Engineering must have acceptable securities submitted to and on file with the Department of Finance, and no work orders will be issued until such action has been completed.
3. Acceptable securities are required to be posted by a developer of a newly constructed subdivision development in order to ensure that monies are available, if needed, to make repairs to any existing Parish roads if the Developer defaults on his obligations.
4. Acceptable security, as set forth by the Department of Finance, to ensure fulfillment of maintenance obligations shall be:
 - a. Cash, to be held in escrow by the Department of Finance.
 - b. Letter of Credit from a financial institution with a Scheshunoff Bank Quarterly rating of C+ or above. If the financial institution rating falls below a C+ rating

during the term of the obligation, the St. Tammany Parish Council will allow one additional quarter for the rating to rise to an acceptable level.

If the rating does not rise to an acceptable level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default of his obligation, and the letter of credit will be called.

If the financial institution's rating falls to a NR (not rated) level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the letter of credit will be called.

- c. Certificate of Deposit from a financial institution with a Scheshunoff Bank Quarterly rating of C+ or above. The certificate of deposit must be pledged to the St. Tammany Parish Council, and held with a safekeeping agreement in a safekeeping account.

If the financial institution rating falls to a C during the term of the obligation, the St. Tammany Parish Council will allow one additional quarter for the rating to rise to an acceptable level.

If the rating does not rise to an acceptable level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called.

If the financial institution's rating falls to a NR (not rated) level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called.

- d. U.S. Treasury Bills or U.S. Treasury Notes, pledged to the St. Tammany Parish Council to be held in a safekeeping account with a safekeeping agreement.
- e. Bond issued by a Surety Company listed on the Federal Register, licensed in the State of Louisiana and acceptable to the Parish.

- 5. The Parish Treasurer is charged with the responsibility to ensure that securities do not lapse or expire. In addition, the Parish Treasurer shall be responsible for notifying the developer at least ninety (90) days prior to the expiration of the obligation and further informing said parties that a public hearing will be held regarding the disposition of said obligation.

(Created by Ord. No. 99-3077, adopted May 20, 1999)

6. The Parish Engineer shall determine whether the developer has complied with all applicable requirements of development before any obligation can be released. In the event that a developer requests or the staff recommends an extension or renewal of an obligation, the Department of Engineering shall have the sole authority to move on any said request.
7. If a developer defaults and cannot or will not meet his obligation at or on the prescribed date and time that said obligation is due to expire, the Department of Engineering shall have the authority to call any outstanding security on the property in question and instruct the Department of Finance via the Parish treasurer to seize those securities necessary to complete any maintenance obligation germane to the development.

SECTION 40-070.0 FINAL SUBDIVISION REVIEW

As part of the final application process, the developer shall submit to the Department of Planning, after completion of all construction and after the final inspection and recommendation of approval by said Department of Engineering, eighteen (18) copies of the final subdivision plat for approval, and provide the appropriate signature lines for the Planning Commission Chairman, Planning Commission Secretary, Director, Department of Engineering and Clerk of Court, and provide the appropriate spaces for the map file number and filing date. The final subdivision plat shall be folded in a rectangular or square shape with the Parish signatures on the face, and shall provide the following information and contain include the following items, data and certifications:

(Amended per Ord. No. 00-0160, adopted June 1, 2000)

- a. name of subdivision
- b. name and address of developer
- c. location of development (section, township, range)
- d. name and address of surveyor and/or engineer
- e. vicinity map inset
- f. boundary survey
- g. scale of plat
- h. north direction arrow
- I. section corner tie
- j. location of permanent markers at each lot corner in accordance with LRS: 33:5051
- k. subdivision restrictions or covenants
- l. statement concerning the admittance or omission of mobile homes
- m. act of dedication of streets and drainage servitudes
- n. engineer's certification and seal on plat
- o. surveyor's certification and seal on plat
- p. Board of Health letter of approval
- q. sewerage and water plans (Ord. No. 86-630)

- r. total acres in subdivision
- s. total number of lots and dimensions
- t. building setback lines
- u. existing street conditions
- v. total length of streets
- w. names of all streets (on plat)
- x. all intersections at 90 degrees
- y. street elevations
- z. bench marks (N.G.V.D.)
- aa. flood zone and wetland demarcation lines or shading
- bb. existing and proposed easements and servitudes
- cc. surrounding land uses (on plat)
- dd. municipal mailing address for each lot
- ee. as-built drawings for central sewage, water facilities, and street and drainage infrastructure
- ff. legal instrument for recordation stating responsibility for maintenance and upkeep of the greenspace areas
- gg. traffic control devices and street sign plan
- hh. two (2) copies of the final subdivision plat and drainage plan on a 3 ½" floppy disk in either AutoCAD DXF file or any other version of AutoCAD DWG format as per Section 40-070.04 Computer Disk Requirements
- ii. the applicant shall produce clear mortgage and conveyance certificates from the Office of the Clerk of Court run in the names of all parties having ownership and/or controlling interest in access to the property, and on the "caption" of what the applicant proposes to dedicate to the St. Tammany Parish Council

Sec. 40-070.01 Compliance with Interstate Land Sales Act

An affirmative response to "**Interstate Land Sales Act**", signifies that the developer has:

1. Provided an affidavit that the developer is exempt by statute from the provisions of the Interstate Land Sale Act; or
2. furnished a certified copy of a letter to the office of Interstate Land Sales Registration indicating that the developer has applied to the office of Interstate Land Sales Registration for an exemption; or
3. furnished a certified copy of a letter to the office of Interstate Land Sales Registration indicating that the developer is applying for registration with the office of Interstate Land Sales Registration.

Sec. 40-070.02 Final Subdivision Plat Recording

1. Subsequent to the St. Tammany Parish Planning Commission approving a final subdivision plat, the Developer shall be responsible for remitting eighteen (18) final subdivision plats to the Department of Planning for recordation within the public records.
2. Once the final subdivision plat has been recorded for public record, original copies shall be distributed to the Developer as well as to various local and State agencies whom require said plats for their records and files.
3. Violations of this section will be subject to the penalties as set forth in section 40-000.0 Introduction, of this ordinance.
(Amended by Ord. No. 07-1556, adopted May 3, 2007)

Sec. 40-070.03 Industrial Subdivision Exceptions

1. Subdivisions intended for industrial use (zoned industrial) are to follow the normal procedures for subdivision development, with the exception that the developer is not required to show lots or parcels on the subdivision plan, and may choose to create large tracts of three (3) acres or more without additional review before the Planning Commission, if the following conditions are met:
 - a.. revised plats are completed by a duly licensed surveyor/engineer, platting the new parcels as said parcels are created
 - b. revised plans are completed by a duly licensed surveyor/engineer showing any associated street, drainage, utility, sewage, or other changes in previous plans that arise because of the creation of the new parcels
 - c. revised plans and plats must be submitted to and approved by the Department of Engineering, the Department of Permits and Inspections, and the Department of Planning prior to the sale of any parcel or construction related to the parcel
(Amended by Ord. No. 88-918, adopted February 21, 1988)
2. If any administrative official who does not approve the revised plan as per the referenced to section above, the official shall notify the developer by certified mail. The developer may then appeal the disapproval of the new parcels/plans to the Planning Commission. Such appeal must be received in writing by the Secretary of the Planning Commission within fifteen (15) calendar days of the notice of disapproval.
(Amended by Ord. No. 88-897, adopted January 21, 1988, amended per Ord. No. 00-0172, adopted July 6, 2000)

Sec. 40-070.04 Computer Disk Requirements

1. The developer's engineer shall submit two (2) copies of the final subdivision plat and drainage plan on a 3 ½" floppy disk in either an AutoCAD DXF file or any other version of AutoCAD DWG format. Said drawings must be able to be connected to state plane coordinates and shall have several specified layers and polygons. These drawings must be organized in the following manner:
 - a. The drawings must contain two points to tie the subdivision into state plane coordinates,
 - b. the centerline of all roadways must be clearly marked,
 - c. the subdivision phase boundary and individual lots and roads must be separated into polygons, and
 - d. road names, road dimensions, lot numbers, lot size, lot dimensions, elevations, building set backs, drainage servitudes, green space, gravity drainage features including detention/retention ponds and outfall structures, subsurface drainage features, utilities, vicinity map, title block features and any other text data must be separated into layers.

Sec. 40-070.05 Direction of Flow of Surface Water for Individual Lots or Parcels

1. The developer's engineer shall indicate on the "as-built" paving and drainage plan the direction of flow of surface water for individual lots or parcels. The surface drainage must be designed to flow toward the roadway or to a ditch which is adjacent to the lot or parcel. The ditch must be located within a Parish servitude when it is a public access subdivision or within a private servitude when it is a private subdivision.
(Amended per Ord. No. 00-0139, adopted May 4, 2000)

Sec. 40-070.06 Street Address on Final Drawings

1. A developer's surveyor shall be responsible for meeting with the 911 Addressing Office for the purpose of obtaining street addresses for each lot within a subdivision after the Planning Commission has approved the final subdivision plat drawing.
2. The surveyor shall include street addresses on all approved final subdivision plat drawings and submit fifteen (15) final subdivision plat drawings to the Planning Department for recordation.
3. The 911 Address Office shall review the drawings for conformance to either a uniform numbering or lettering system prior to the recordation of the final subdivision plat drawings.
(Amended per Ord. No. 00-0221, adopted November 2, 2000)

Sec. 40-071.0 Final Approval Prior to and After Completion of Improvements

Final subdivision approval can be granted by the Planning Commission upon written request and after formal public hearings conducted before said commission in accordance with Parish law and after receiving certification from the developer that the following items have been satisfactorily addressed:

1. Streets and other improvements are certified by the developer to be substantially complete insofar as to provide safe and efficient all weather access and traffic flow.
2. Drainage improvements are substantially complete and a letter from the Department of Environmental Services approving the sewer and water systems proposed.
3. A surety obligation pledged to St. Tammany Parish in the form of either and/or a funded performance or warranty letter of credit from a qualified bank or financial institution in good standing and doing business within the Parish, or by providing cash and or its equivalent to be held in receipt by the Department of Finance.
4. It shall be mandatory, prior to final subdivision approval, for the developer to remove, or cause to be removed, any encroachments from any servitudes and easements, of whatever nature or description, and from any right of ways that are dedicated, or to dedicated to the parish.
(Item 4. created per Ord. No. 08-1904 adopted August 7, 2008)

Sec. 40-071.01 Warranty and Performance Obligations

1. **Performance Obligations** are established when the developer has received final subdivision approval and has substantially completed the project and/or due to some extenuating circumstances, has not completed all of the construction, which warrants said performance obligation.
 - a. The amount of a performance obligation shall be based upon the following current estimated costs of construction of a street and supporting improvements:
 - Concrete Streets - \$60.00 per linear foot
 - Asphalt Streets - \$40.00 per linear foot
 - Gravel Streets - \$20.00 per linear foot
 - b. The Planning Commission shall establish and set forth the amount of the performance obligation as well as the duration. Performance obligations shall be set for six (6) month or one (1) year periods or until the work requiring the

establishment of said obligation has been satisfactorily completed and accepted by the Parish engineer.

2. **Warranty Obligations** are established upon final acceptance of the subdivision which includes the construction of all street and drainage improvements. Said warranty obligation assures the Parish that all construction work, completed by the developer, is in accordance with the plans and specifications of the development and free from any structural defects.

a. The amount of a warranty obligation shall be based upon the following current estimated repair costs for a street and supporting improvements:

- Concrete Streets - \$15.00 per linear foot
- Asphalt Streets - \$12.00 per linear foot
- Gravel Streets - \$10.00 per linear foot

b. The Planning Commission shall establish and set forth the amount of the warranty obligation as well as the duration. Warranty obligations shall be set for a minimum period of one (1) year to insure serviceability and structural integrity of the street and drainage infrastructure.

3. All performance and/or warranty obligations must be secured by acceptable securities submitted to and on file with the Department of Finance, and no lots can be sold until such action has been procured.

4. Acceptable security is required to be posted by a developer of a newly constructed subdivision development in order to ensure that monies are available, if needed, to complete all construction requirements and to assure the serviceability and maintenance of all roadways within said development in the event a developer defaults on his obligation.

5. Acceptable security, as set forth by the Department of Finance, to ensure fulfillment of maintenance obligations shall be:

- a. Cash, to be held in escrow by the Department of Finance.
- b. Letter of Credit from a financial institution with a Scheshunoff Bank Quarterly rating of C+ or above. If the financial institution rating falls below a C+ rating during the term of the obligation, the St. Tammany Parish Council will allow one additional quarter for the rating to rise to an acceptable level.

If the rating does not rise to an acceptable level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be

considered in default of his obligation, and the letter of credit will be called. If the financial institution's rating falls to a NR (not rated) level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the letter of credit will be called.

- c. Certificate of Deposit from a financial institution with a Scheshunoff Bank Quarterly rating of C+ or above. The certificate of deposit must be pledged to the St. Tammany Parish Council, and held with a safekeeping agreement in a safekeeping account.

If the financial institution rating falls to a C during the term of the obligation, the St. Tammany Parish Council will allow one additional quarter for the rating to rise to an acceptable level.

If the rating does not rise to an acceptable level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called. If the financial institution's rating falls to a NR (not rated) level, the developer will have fifteen (15) days to provide acceptable alternative security, or the developer will be considered in default on his obligation, and the certificate of deposit will be called.

- d. U.S. Treasury Bills or U.S. Treasury Notes, pledged to the St. Tammany Parish Council to be held in a safekeeping account with a safekeeping agreement.
 - e. Bond issued by a Surety Company listed on the Federal Register, licensed in the State of Louisiana and acceptable to the Parish.
6. The Parish Treasurer is charged with the responsibility to ensure that securities do not lapse or expire. In addition, the Parish Treasurer shall be responsible for notifying the developer and financial institution holding the pledged securities at least ninety (90) days prior to the expiration of the obligation and further informing said parties that a public hearing will be held regarding the disposition of said obligation.
(Amended per Ord. No. 99-3077, adopted May 20, 1999)
7. The Parish Engineer shall determine whether the developer has complied with all applicable requirements of development at least one-hundred and twenty (120) days prior to the expiration of the obligation and before any obligation can be released.

The Engineer shall furnish the developer and developer's engineer with a punch list of required work. The developer's engineer must certify to the Parish Engineer at least sixty (60) days prior to the expiration of the obligation, that the punch list has been completed. If not, the obligation will be automatically extended for one (1) year or until the work has

been satisfactorily completed.

The obligation shall not be extended beyond one (1) year and will not be reduced, otherwise the obligation shall be called.

The Engineering Department will reinspect for warranty release only after receiving certification from the developer's engineer that the work has been satisfactorily accomplished. If the work is not completed to the satisfaction of the Engineering Department, said department shall impose a \$100.00 inspection fee any subsequent reinspection required.

In the event that a developer requests or the staff recommends an extension, the Department of Engineering shall have the sole authority to move on any said request with the exception of releasing warranty obligations, which shall be the duty and function of the Council.

(Amended per Ord. No. 99-3077, adopted 05/20/99, amended by Ord. No. 99-3176)

8. If a developer defaults and cannot or will not meet his obligation at or on the prescribed date and time that said obligation is due to expire, the Planning Commission and/or the Council shall have the authority to call any outstanding security on the property in question and instruct the Department of Finance via the Parish treasurer to seize those securities necessary to complete any performance or warranty obligations germane to the development.

Sec. 40-072.0 Minimum Standards for Street Construction and Improvements

1. The improvements proposed and constructed for all developments under these regulations shall meet the specifications found in the publication entitled "State of Louisiana, Department of Highways, Standard Specifications for Roads and Bridges" (1982 edition), Louisiana Department of Transportation and Development, Office of Highways, Roadway Plan Preparation Manual (November 15, 1982, edition).

Any subsequent amendments or editions hereto of said specifications shall apply when adopted by the State of Louisiana, Department of Highways.

The improvements must also be constructed in accordance with the approved design of the developer's engineer.

2. All newly constructed streets in subdivisions shall be constructed to the following minimum standards:
 - a. Paving width shall be a minimum of twenty (20) feet wide;
 - b. shoulders shall be a minimum of four (4) feet wide on each side of the paving

- c. consisting of an aggregate surface;
 - c. swell ditches, if provided, shall be graded at 3 to 1 slopes; and
 - d. the minimum road base design shall include a six (6) inch layer of sand, clay and gravel.
3. If the developer should decide not to dedicate the streets to the Parish, desiring said streets to remain privately owned, the St. Tammany Parish Planning Commission may still grant final approval for the subdivision development. However, construction standards and surety obligations for said private streets will remain the same as required for publicly dedicated streets.
4. In addition, the developer must clearly note within the final subdivision plat and within the deed restrictions of each title of land sold; that the streets are privately owned and maintained and cannot therefore, be accepted into the Parish road maintenance system until said streets can meet the current construction standards established and regulated by St. Tammany Parish.
- (Amended per Ord. No. 90-1344)*

Sec. 40-073.0 Acceptance of Streets Into the Parish Road System

1. No streets in a subdivision development shall be accepted into the Parish Road Maintenance System unless they conform to the minimum Louisiana Department of Transportation and Development standards and rules adopted in accordance with LSA R.S. 48:35 § 35.1, or in accordance to Parish accepted construction standards. Further, the Parish shall require funded certification of conformance through the establishment of performance and or warranty letters of credit, to ensure that the developers obligation to construct the roads shall be accomplished.
2. Subdivision streets that have been constructed in accordance with (section 1) shall be automatically accepted in the Parish Road Maintenance System, when final approval is granted by the Planning Commission and the plats have been subsequently recorded. In order for a subdivision to receive final approval, the developer shall be required to provide a one-year funded letter of credit for performance and/or warranty purposes in the manner as set forth in Section 40-071.01, or as the same as may be hereafter amended.
3. Streets in existing or dormant subdivisions that may never have been constructed to Parish standards (usually private streets), could be accepted into the Parish Road Maintenance System, but by Parish ordinance only, and subject to the following requirements:
- a. the streets must be inspected and certified by the Engineering Department as being in substantial compliance to Parish construction standards
 - b. if streets are not in substantial compliance to Parish construction standards, the

- Engineering Department can require that said streets be improved
- c. provisions made for a minimum two (2) year and maximum of five (5) year funded warranty letter of credit to ensure the integrity and durability of the streets.
4. Between sixty (60) and ninety (90) days before the expiration date of the warranty letter of credit, the Parish Department of Engineering shall inspect the streets to determine their condition. Upon completion of the inspection, said department shall recommend to the governing authority to either extend, release or call said letter. 1.

Sec. 40-074.0 Subdivision Restrictions and/or Covenants

1. Protective covenants are essential to the sound development of proposed residential areas. Covenants properly prepared and legally sound contribute to the establishment of the character of a neighborhood and to the maintenance of value levels through the regulation of type, size and placement of buildings, lot sizes, reservation of easements, and prohibition of nuisances and other land uses that might affect the desirability of a residential area.
2. The covenants should provide enforcement provisions, be recorded in public land records and be made superior to the lien of any mortgages that may be on record prior to recording of the protective covenants.
3. Protective covenants regulating the use of land represent an express agreement between the subdivider and the lot purchasers. Through this agreement, all parties seek to gain certain advantages; the subdivider to aid his land development program and the purchasers to protect their investments. Strict enforcement of suitable protective covenants gives the best assurance to each lot owner that no other lot owners within the protected area can use property in a way that will destroy values, lower the character of the neighborhood, or create a nuisance.
(Amended per Ord. No. 88-916, adopted February 18, 1988)
4. In zoned communities protective covenants are an important supplementary aid in maintaining neighborhood character and values. The extent of zoning protection is limited to governmental exercise of police powers of maintaining and promoting public health, safety and welfare.

Protective covenants being agreements between private parties can go much further in meeting the needs of a particular neighborhood and in providing maximum possible protection.

5. Development sponsors should have their protective covenants drafted by legal counsel. The preliminary draft of the covenants should be submitted to the Planning Director for comment at the time the developer presents his tentative subdivision plan for approval.

6. The proper form of protective covenants varies. A generally acceptable and enforceable form is written declaration by the owner of the entire tract which is recorded in land office records. When a separate declaration is made it is good practice to record it simultaneously with the recordation of the subdivision map.
(Amended per Ord. No. 88-916, adopted February 18, 1988)
7. The written declaration of protective covenants is a preferable form for establishing a uniform scheme for the development and protection for an entire area. Piecemeal control by inserting covenants in individual deeds at the time properties are conveyed is not conducive to harmonious development.
8. Protective restrictive covenants should be listed at the top right hand corner of all final subdivision plats so as to afford the opportunity for potential buyers of property as well as owners who have already purchased property to clearly see and understand the guidelines for the development and enforcement provisions established for the subdivision.
(Amended per Ord. No. 88-916, adopted February 18, 1988)

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 corner of the property where the said two street rights-of-way intersect.
(Amended per Ord. No. 94-2142, adopted December 15, 1994)
- h. 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)

SECTION 40-080.0 RESUBDIVISION REVIEW

- 1. A resubdivision of a lot or lots in existing subdivisions that are recorded for public record and inspection must receive the approval in accordance with the following procedures before any parcel is sold. Resubdivisions of lots are not exempt for any reason from the following application and procurement requirements.:
 - a. **Major Resubdivision** - When more than five (5) lots will be created or a waiver is requested of any applicable subdivision regulation, a public hearing review in accordance with the following procedures will be required:
 - 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 ten (10) blue or black line prints of a bona fide survey on either (8"x11"), (8 ½"x14") or (11"x17") paper, indicating the following:
 - (1) the proposed division of the lots indicating the total square footage of all of the property involved within the resubdivision request and the individual square footage of each new lot created
 - (2) surveyor's live stamp or seal on all 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 . 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.
 - (5) spaces for the signatures of the Chairman of the Planning

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

- c. Submit a copy of the subdivision restrictions or covenants of the subdivision.
 - d. The fees for a resubdivision 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 were lot lines will be adjusted) to be resubdivided.
 - e. The Department of Planning staff will review the proposed resubdivision request and present said request before the regularly scheduled meeting of the Planning Commission, who in turn will consider said request based on the validity, merit and according to regulations contained within this ordinance.
 - f. If the resubdivision request is approved, the survey plat will be recorded within ten (10) to fourteen (14) days after the Planning Commission meeting 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.
- b. **Minor Resubdivision** - When five (5) or fewer lots will be created and all newly created lots meet all other applicable requirements as established by ordinance, an administrative review will be required in accordance with the following procedure:
1. Submit a signed letter from the owner or owners of property involved within the resubdivision request, stating their reasons for the proposal.
 2. Submit ten (10) blue or black line prints of a bona fide survey on either (8"x11"), (8 ½"x14") or (11"x17") paper, indicating the following:
 - a. the proposed division of the lots indicating the total square footage of all of the property involved within the resubdivision request and the individual square footage of each new lot created
 - b. surveyor's live stamp or seal on all ten (10) 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, and any other data pertinent and germane to the resubdivision 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. Submit a copy of the subdivision restrictions or covenants of the subdivision.
4. The fees for a resubdivision 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 resubdivided. 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.
5. The Director of Planning shall approve or deny the application within fourteen (14) days of acceptance of the application. The Director may not grant waivers to any applicable regulations.
6. If the resubdivision request is approved, the survey 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.
7. 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 40.080.1 of these regulations.
(Amended per Ord. No. 06-1295, Adopted April 6, 2006, Amended per Ord. No. 01-0242)

SECTION 40-081.0 DORMANT SUBDIVISION REVIEW

Dormant subdivisions. A subdivision of land duly filed for record in the office of the St. Tammany Parish Clerk of Court, where actual on site improvements, (i.e., drainage, roads, building construction, etc.), have never been constructed or have deteriorated substantially, or where said improvements have been lacking or neglected do to the lack of appreciable development.

- a. The Planning Commission reserves the right to impose certain requirements on dormant subdivisions, with regard to the health, safety and general welfare of the public.
- b. Construction or reconstruction of any streets in dedicated Parish rights-of-way must first receive Planning Commission approval prior to commencement of construction.
(amended per Ord. No. 88-897, adopted January 21, 1988)

SECTION 40-082.0 SUBDIVISIONS (SPECIAL USES) REVIEW

The Parish recognizes the need for flexibility with the regulations with regards to the development of some subdivisions that have unique and distinct characteristics particular to them, that would not otherwise be provided for by the strict interpretation and enforcement of these subdivision regulations.

Therefore, the following regulations shall apply the to those types of developments referenced to in the following subsections:

Sec. 40-083.0 Commercial Shopping Centers

1. Due to the wide variation in purpose and design of commercial shopping centers, each development will have its particular effect on public safety, health, and welfare. The developer is required to consult with the Department of Planning, Department of Engineering, and Department of Environmental Services of St. Tammany Parish, and then with the Planning Commission at a point early in the planning process to establish the requirements for a particular site and project.
2. Where reasonable and practical, commercial shopping centers shall follow the same procurement process as regular subdivision development.

Sec. 40-084.0 Mobile Home Parks

A developer of a mobile home park, whether selling lots, renting or leasing sites, must follow the prescribed subdivision review process inclusive of Section 40-050.0 Tentative Subdivision Review, Section 40-060.0 Preliminary Subdivision Review and Section 40-070.0 Final Subdivision Review.

Furthermore, once the prescribed subdivision process has been completed, a subdivision plat must be filed and recorded for public record in the St. Tammany Parish Clerk of Courts Office before any lots can be sold, rented or leased.

1. Definitions

Mobile home park: A parcel (or contiguous parcels) of land which has been designated and improved so that it contains four (4) or more mobile or modular home spaces available to the general public for lease or rent and shall be regulated by subdivision regulations. The tract or tracts which comprise the mobile home park shall consist of a minimum of ten (10) acres of land, which cannot be sold or otherwise alienated except as an individual unit during the existence of the park.

Mobile home: A structure, transportable in one or more sections which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent basis , and designed to be used as a dwelling with or without a permanent stand, when connected to the required utilities.

Mobile home space: A designated parcel of land in a mobile home park designed for the accommodation of one mobile home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.

Mobile home stand: The area of a mobile home space which has been reserved for the placement of a mobile home.

2. **General Requirements**

- a. A minimum of ten (10) acres is required for a mobile home park.
- b. Lot lines need not be delineated within the park; however, each mobile home site must be clearly designated on the subdivision plat and meet minimum setback requirements.
- c. All mobile home parks must receive State Fire Marshal approval as per the NFPA Life Safety Code Pamphlet 501A prior to issuance of a work permit.

3. **Density**

A mobile home park shall have a gross density of not more than eight (8) units per acre.

4. **Setbacks**

- a. All mobile homes shall be located at least twenty-five feet (25') from any roadway.
- b. No mobile home shall be situated in a manner so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.

5. **Roadways**

- a. Safe and convenient access shall be provided for vehicular traffic and emergency vehicles at all times.
- b. Each mobile home lot within a mobile home park shall have direct access to a park street or public street. The access shall be an unobstructed area not less than ten feet (10') in width which may be pedestrian in character.
- c. All roadways shall be hard surfaced in accordance with subdivision regulations with the exception that one-way streets shall have a forty foot (40') minimum right-of-way with a sixteen foot (16') compacted sub-base, with four foot (4') shoulders and a twelve foot (12') hard surfaced road. Composition of base

material shall be according to subdivision regulations.

Said roadways are acceptable in mobile home parks solely for the purpose of this section. When so installed, they shall not be eligible for nor accepted into the Parish Road Maintenance System.

- d. Streets and walkways designed for the general use of mobile home park residents shall be lighted during the hours of darkness. Such lighting shall not be under the control of the mobile home occupant. Poles shall not exceed thirty-five feet (35') in height, and longitudinal spacing shall not exceed two hundred feet (200').

6. **Sidewalks**

If sidewalks are provided, they shall be located not less than one foot (1') from the property line. Sidewalks shall connect individual homes with parking areas. In no case shall sidewalks be less than four feet (4') wide.

7. **Vehicle Parking**

- a. Two (2) off-street automobile parking spaces shall be required for each mobile home stand. The minimum dimension of these spaces shall be nine feet (9') wide by twenty feet (20') deep. In no event shall parking be located over one hundred feet (100') from the corresponding mobile home stand.
- b. Parking spaces are required to be composed of a minimum of a four inch (4") compacted sub-base of clay, sand and gravel, with a two inch (2") surface course of gravel or shell.

8. **Recreation/Open Space**

- a. Twenty-five percent (25%) of the total land area shall be open space reserved for the exclusive use of the residents of the park.
- b. This area shall be maintained in a clean and sanitary condition at all times.

9. **Floodplain Provision**

Any mobile home park or portion thereof that is located within the special floodplain hazard area defined by the Federal Insurance Administration shall be required to comply with conditions placed upon the park by the Planning Commission and the Department of Engineering, including but not limited to the following requirements:

- a. Construction or modification of sewerage, water supply, and drainage facilities to meet appropriate approval by the Department of Environmental Services of St. Tammany Parish and/or Department of Engineering.
- b. Requirements for protective measures such as dikes or levees;
- c. Use of paints, membranes or mortar to reduce seepage of water through walls; and

- d. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

10. General Lot Requirements

- a. Mobile homes shall be installed on a mobile home stand which must provide a second base for structural support of the mobile home to secure the structure against uplifting, sliding, overturning, shifting or uneven settling.
- b. Anchorage to resist flotation and lateral movement must be provided.

11. Mobile Home Stand

Each mobile home stand shall have, as a minimum for support, one sixteen inch by sixteen inch (16" x 16") concrete pad four inches (4") in thickness for every fifty square feet (50 sq. ft.) of floor area.

12. Maintenance Requirements

- a. The mobile home park shall be maintained in a clean sanitary condition at all times.
- b. The storage of automobiles is prohibited.
- c. No pets shall be allowed to roam the mobile home park; if pets are allowed, they shall be confined in a fenced yard or on a leash.
- d. Trash receptacles shall be screened by a six foot (6') sight obscuring fence.
- e. Grass, weeds, and other vegetation not considered as part of the ornamental landscape shall not exceed twelve inches (12") in height.

13. Electrical Systems

- a. Underground utilities shall be provided.
- b. Electric hookups shall be provided to all mobile home stands and there shall be at least one electrical single-phase outlet supplying a minimum of 115/230 volts.

14. Water System

- a. Pure potable water shall be supplied to each and every mobile home occupied in mobile home parks.
- b. This system shall be designed, constructed, and protected in accordance with current health, plumbing, electrical, and fire protection standards, codes, and ordinances adopted and administered by the State of Louisiana and/or the Parish of St. Tammany.

15. **Sewage Disposal System**

Central sewerage systems are required for all mobile home parks under inspection of, and regulated by the Department of Environmental Services of St. Tammany Parish and any appropriate state agencies.

16. **Fences**

If fences are provided, fences for privacy purposes shall be connected to the mobile home and shall not exceed six feet (6') in height and shall not be placed closer than five feet (5') to any other mobile home.

17. **Fire Protection**

Access to a mobile home for fire protection services shall be such as to permit fire apparatus to approach within one hundred feet (40') of each mobile home.

18. **Responsibilities of Owner**

- a. The owner of the mobile home park shall be responsible for the supervision, operation and maintenance of the park. The owner or his designer shall be available or on call at all times in the event of an emergency.
- b. The owner shall be responsible for ensuring that each mobile home within his mobile home park complies with the provisions of these regulations.

19. **Compliance with Subdivision Regulations**

Mobile home subdivisions are required to follow the subdivision regulations and procedures as specified within this ordinance.

20. **Fees**

Upon the initial submission of the plats to the Planning Commission, the mobile home park developer shall pay the following fees and charges connected with the procuring, inspection, building, testing and evaluating of the mobile home park submitted:

- a. One hundred dollars (\$100.00) per one acre of land or fraction thereof;
- b. Twenty-five percent (25%) of said amount shall be paid to the St. Tammany Parish Planning Commission for those inspections and reviews which are equivalent to tentative approval; and
- c. Seventy-five percent (75%) of said amount shall be paid to the St. Tammany Parish Department of Engineering at the time of those inspections and reviews which are equivalent to preliminary approval.

The cost of laboratory testing and inspections for aggregate or hard surfaced road will be borne by the mobile home park developer and will be invoiced through the testing laboratory selected to do the testing.

21. **Fines**

Any person who violates any provision of these regulations shall upon conviction be punished by a fine of not less than one hundred dollars (\$100.00) per day for each day's failure to comply with any provision herein.

22. **Licenses**

It shall be unlawful for any person to operate or maintain any mobile home park within the unincorporated areas of St. Tammany Parish unless he holds a valid license issued by the St. Tammany Parish Department of Planning or its successor authorized representative of the St. Tammany Parish Council. Said license shall be issued in the name of the current property owner for the specific mobile home park.

a. **License fees.** For each license issued under the provisions of these regulations, there shall be paid to the St. Tammany Parish Department of Planning an annual fee based on the number of mobile home spaces in the park for which the license is issued. The fee shall be five dollars (\$5.00) per space for the first five (5) spaces and two dollars (\$2.00) per space for each additional space.

b. **New licenses.** Application for a license required by a new, altered or extended mobile home park shall be in writing and on a form provided by the St. Tammany Parish Department of Planning. The license shall be applied for at the same time tentative plans are submitted to the Department of Planning. Said license shall be approved by the Planning Commission prior to tentative approval. New licenses shall be valid for one calendar year.

c. **Renewal licenses.** A license for a mobile home park shall be valid for the calendar year in which it is issued by the Department of Planning. Application for such license shall be in writing on a form provided by the Department of Planning and shall be renewed annually upon a satisfactory inspection in which the applicant's mobile home park is found to be in compliance with these regulations. Prior to issuance of a renewal license by the Department of Planning, the applicant shall possess and present a current title to said property for examination to operate and maintain a mobile home park.

d. **Transfer of license.** Upon the sale, transfer, or donation of a licensed mobile home park, the vendor (Licensee) shall notify the Department of Planning in writing within five (5) working days of said sale, transfer, or donation. Such notice shall include the name and address of the vendee of the mobile home park. No mobile home park shall be sold or otherwise alienated except as a whole unit during the existence of the park.

Upon application in writing for transfer of the license, the Parish shall transfer the license which will remain valid until its expiration.

e. License revocation or suspension. When the Department of Planning determines that any person holding a license under these regulations has or may have violated any of the provisions of this section or any health regulations of the state, a written notice shall be served on such licensee in person or by registered mail, specifying the violation(s) and requiring correction within thirty (30) days. If corrections have not been made within thirty (30) days, the Parish shall have the right to revoke all licenses pertaining to said park and require that the property owner rid the park of all trailers or mobile homes.
(Amended per Ord. No. 88-987, adopted January 21, 1988)

Sec. 40-085.0 Mobile Home Parks (Non-conforming)

1. The purpose of this section is to provide a means for nonconforming mobile home parks (prior to December 18, 1980) to qualify for licensing purposes, by providing minimum quality regulatory standards as established by St. Tammany Parish within this section.
2. **Application requirements.** An application containing the following minimum quality standards for nonconforming mobile home parks, shall be submitted to the Department of Planning.
 - a. Three (3) copies of a site development plan (11" x 17" minimum size) shall be submitted and drawn to scale indicating the following items:
 - 1.) name of development
 - 2.) name of developer/owner
 - 3.) section, township and range
 - 4.) vicinity map at top left-hand corner of plan
 - 5.) north arrow
 - 6.) total number of sites within development (indicate sites by using rectangular boxes)
 - 7.) setbacks from all streets
 - 8.) existing streets and type of surfacing
 - 9.) total acreage of development
 - 10.) type of sewage disposal
 - 11.) disclosure of any open space or recreational areas
 - b. A legal description that defines the boundaries of the development.
 - c. A copy of the maintenance and/or operation agreement for the development.
 - d. Upon satisfactory completion of the application requirements, the Department of Engineering and/or Planning Commission shall issue a Mobile Home Park License to the developer/owner of the mobile home park.

3. **Fees**

- a. There shall be a one-time processing fee of fifty dollars (\$50.00) to cover administrative costs for reviewing the application requirements.
- b. All licensing fees shall conform to the established fees as set forth within Section 40- 084.0 **Mobile Home Parks**.

4. **Expansion of Nonconforming Mobile Home Parks**

Any expansion of nonconforming mobile home parks shall be required to conform to the established rules and regulations as set forth in Section 40-084.0 **Mobile Home Parks**.
(Amended per Ord. No. 88-897, adopted January 21, 1988)

Sec. 40-086.0 Planned Unit Developments

1. Persons desiring to use land as a planned unit development shall first submit the necessary plans and documentation as required by Ordinance No. 523, "Land Use Regulations" (Appendix C, Zoning), Section 2.09 entitled "Planned Unit Development District".
2. It is the intent of this section that a project site plan, which sets forth the proposed concept, layout, design, and intended land uses, shall be submitted to the Parish Department of Planning simultaneously with the application for the rezoning of a Planned Unit Development as described per Land Use Ordinance No. 523.

Further, the applicant shall submit an application for tentative subdivision review as described per this section to the Parish Department of Planning prior to any development or construction activity commencing on the property.
(Amended per Ord. No. 00-0138, adopted May 4, 2000)

3. Preliminary and final review and approval shall be carried out accordance to Section 40-060.0 **Preliminary Subdivision Review** and Section 40-070.0 **Final Subdivision Review**, and any and all other applicable sections of these regulations.
4. For PUD Zones containing a total of twenty-five (25) acres of land or less, tentative, preliminary, and final approvals can only be given for a single phased development.
(Subparts 5 & 6 rescinded per Ord. No. 03-0609, adopted February 6, 2003)

Sec. 40-087.0 Recreational Vehicle Park & Camping Ground Subdivision

1. Recreational park subdivisions are required to follow the subdivision regulations and procedures as specified by this Appendix as amended.

2. Developers of all recreational camping grounds and/or recreational vehicle park subdivisions shall apply for the appropriate zoning classification as prescribed by the Parish Zoning Ordinance No. 523 (Appendix C).
3. The development of recreational camping ground and/or recreation vehicle park subdivision(s) shall conform to all applicable guidelines established in Section 60-22 through 60-22.99 "RVP Recreational Vehicle Park District" or Ordinance No. 523 (Appendix C), as well as conform to the following:

4. **Floodplain Provisions**

Any recreational park or portion thereof that is located within the special floodplain hazard area defined by the Federal Insurance Administration shall be required to comply with conditions placed upon the park by the Council and the Planning Commission including but not limited to the following:

- a. construction or modification of sewerage, water supply, and drainage facilities to meet appropriate approval by the Department of Environmental Services of St. Tammany Parish and/or Department of Engineering
- b. requirements of protective measures such as dikes or levees
- c. use of paints, membranes, or mortar to reduce seepage of water through walls
- d. construction of water supply and waste treatment systems so as to prevent the entrance of flood water.

5. **Responsibilities of the Owner/Developer**

- a. The owner of the recreational park shall be responsible for the supervision, operation, and maintenance of the park. The owner or his designer shall be available or on call at all times in the event of an emergency.
- b. The owner shall be responsible for ensuring that each campsite within his recreational park complies with the provisions of these regulations.

6. **Licenses**

It shall be unlawful for any person to operate or maintain any recreational park within the unincorporated areas of St. Tammany Parish unless he holds a valid license issued by the St. Tammany Parish Department of Engineering or its successor authorized representative of the St. Tammany Parish Council. Said license is to be issued in the name of the current property owner for the specific recreational park.

- a. **License fees.** For each license issued under the provisions of these regulations, there shall be paid to the St. Tammany Parish Department of Planning an annual fee based on

the number of campsite spaces in the park for which the license is issued. The fee shall be five dollars (\$5.00) per space for the first five (5) spaces and two dollars (\$2.00) per space for each additional space.

b. **New license.** Application for a license required by a new, altered or extended recreational park shall be in writing and on a form provided by the St. Tammany Parish Department of Planning. The license shall be applied for at the same time tentative plans are submitted to the Department of Planning. Said license shall be approved by the Planning Commission prior to tentative approval. New licenses shall be valid for one calendar year.

c. **Renewal of license.** A license for a recreational park shall be valid for the calendar year in which it is issued by the Department of Planning. Application for such license shall be in writing on a form provided by the Department of Planning and shall be renewed annually upon a satisfactory inspection in which the applicant's recreational park is found to be in compliance with these regulations. Prior to issuance of a renewal license by the Department of Planning, the applicant shall possess and present a current title to said property for examination to operate and maintain a mobile home park.

d. **Transfer of license.** Every person holding a license to operate and maintain a recreational park shall give written notice in writing to the Department of Planning no later than five (5) working days after having sold, transferred, given away or otherwise disposed of said recreational park. Such notice shall include the name and address of the vendee of the recreational park. No recreational park shall be sold or otherwise alienated except as a whole unit during the existence of the park. Upon application in writing for transfer of the license, the Parish shall transfer the license which will remain valid until its expiration.

e. **Revocation or suspension of license.** When the Department of Planning determines that any person holding a license under these regulations has or may have violated any of the provisions of this section or any health regulations of the state, a written notice shall be served on such licensee in person or by registered mail, specifying the violation(s) and requiring correction within thirty (30) days. If corrections have not been made within thirty (30) days, the Parish shall have the right to revoke all licenses pertaining to said park and require that the property owner rid the park of all recreational vehicles.

f. **Fines.** Any person who violates any provision of these regulations shall upon conviction be punished by a fine of not less than One Hundred Dollars (\$100.00) per day for each day's failure to comply with any such provision.

(Amended per Ord. No. 88-987, adopted January 21, 1988)

SECTION. 40-090.0 SCHEDULE OF FEES

The following is a schedule of fees charged by St. Tammany Parish for the processing, inspection, testing and other administrative and indirect services incurred involving development of property, as set forth, and subject to, the requirements of this ordinance:

RESIDENTIAL (including) DORMANT, COMMERCIAL, AND INDUSTRIAL SUBDIVISIONS

Tentative Subdivision Stage:

lot fee \$100.00 filling fee plus \$15.00 per lot

Traffic Impact Fee Analysis - This fee shall consist of a \$50 submittal Fee plus \$50/mile of roadway to be studied plus \$50/intersection in study area plus \$50/proposed development in study area that have submitted a tentative plat or conditional use application.

Preliminary Subdivision Stage:

lot fee \$30.00 per lot
sewerage & water (review fee) \$10.00 per lot
linear ft. of water distribution pipe \$0.06 per linear foot
water supply facility \$30.00 per facility
linear ft. of sewerage collection pipe \$0.11 per linear foot
collection/treatment facility \$30.00 per facility

Final Subdivision Stage:

lot fee \$60.00 per lot
sewerage & water (review fee) \$15.00 per lot plus \$20.00

Note: Subdivisions requiring minimal construction and improvements shall be charged a one-time processing fee at the discretion of the Department of Planning subject to appeal by the petitioner to the St. Tammany Parish Planning Commission.

RESUBDIVISIONS

\$90.00 per acre of total land area to be resubdivided with a maximum fee of \$800.00. (Minimum fee of \$90.00, pro-rata after the first acre.) An additional and separate recordation fee (check or money order), as per the fee schedule of the Clerk of Court Office, shall be submitted with application in order to cover the cost associated with the recordation of the resubdivision survey plat. *(Amended per Ordinance Council Series No. 09-2066, adopted June 4, 2009)*

MINOR SUBDIVISIONS

\$90.00 per acre of total land area to be resubdivided with a maximum fee of \$800.00. (Minimum fee of \$90.00, pro-rata after the first acre.) An additional and separate recordation fee (check or money order), as per the fee schedule of the Clerk of Court Office, shall be submitted with application in order to cover the cost associated with the recordation of the minor subdivision survey plat.

(Amended per Ordinance Council Series No. 09-2066, adopted June 4, 2009)

PLANNED UNIT DEVELOPMENTS

Planned Unit Development (PUD) fees shall be the same as established for industrial, commercial and residential subdivisions as referenced to above.

SPECIAL CONSTRUCTION

Special construction requiring the review and inspection by the Parish engineer and or his representative shall have fees established at their discretion subject to appeal by the petitioner to the St. Tammany Parish Planning Commission. Examples of special construction are as follows: bulkheads, revetments, subsurface drainage, canals & water systems, miscellaneous construction involving the public health, welfare and safety, etc...

COMMERCIAL SHOPPING CENTERS

Fees for commercial shopping centers including “strip” shopping centers, where lots are not created, shall be an initial \$250.00 processing fee and \$100.00 per acre.

MOBILE HOME PARKS

Subdivision fees, where sites are offered for lease or rent, shall be in accordance and prescribed as per Section 40-084.0, **Mobile Home Parks**, 20. **Fees**. In the event that sites or lots are sold, fees shall be in accordance with fees established for industrial, commercial and residential subdivisions.

License fees for the operation of mobile home parks are prescribed as per Section 40-084.0, **Mobile Home Parks**, 22. **Licenses**, a.

MOBILE HOME PARKS (Non-conforming)

\$50.00 one-time processing fee to cover administrative costs

RECREATIONAL VEHICLE PARKS & CAMPING GROUNDS

Development fees shall be discretionary and determined based on the size and complexity of the development. If the developer feels that the fees, when determined, are to excessive, said developer can exercise his right to appeal the fees to the Planning Commission.

License fees are as prescribed per Section 40-084.0 **Recreational Vehicle Park & Camping Ground Subdivision, 6. Licenses, a.**

LAB TESTING

The costs of laboratory testing and inspections for hard surfaced roads will be borne by the developer and will be invoiced through the testing laboratory selected to do the testing.

SECTION 40-100.0 WAIVER OF REGULATIONS

1. Cases will occur where certain articles of the regulations cannot reasonably be complied with without causing undue hardship. If the developer or property owner of record cannot comply with certain articles, he may make a request in writing to the Chairman of the Planning Commission, stating that: He is requesting a waiver of a particular section or sections that effect him and the reasons therefor.
2. The Planning Commission may grant any such waiver as it deems proper by a resolution adopted by not less than a two-thirds majority (2/3rds) affirmative vote of the Planning Commission membership.
3. Such approved waivers shall be filed with the Director of the Department of Engineering and or development and will be so noted in the files.
(Amended per Ord. No. 88-897, adopted January 21, 1988)

SECTION 40-101.0 AMENDING OF THE REGULATIONS

All regulations, stipulations, procedures and requirements within this ordinance, shall be amended or revised at such times as needed by ordinance and supported for adoption by at least ten (10) members of the St. Tammany Parish Council.
(Amended per Ord. No. 957, adopted April 19, 1979)

SECTION 40-102.0 SAVINGS CLAUSE

All regulations (Ordinances) in conflict herewith be and the same are hereby repealed and, if any of the provisions of these regulations (Ordinances) are found to be unconstitutional by judicial decree, in that event all of the remaining provisions shall remain in full force and effect.
(Amended per Ord. No. 84-120, adopted June 21, 1984)