

AUGUST 2, 2018 - ITEMS OFF-THE-FLOOR

1. Motion to refer to the Parish Planning Commission for recommendation an Ordinance to amend Section 125-188 of the St. Tammany Parish Land Development Code, relative to the administrative approval of minor subdivisions north of the Urban Growth Boundary Line. (Tanner)

2. Resolution to acknowledge the authority, pursuant to Home Rule Charter, Sections 1-04, 1-06, 3-01, and 3-09, Article VII, Section 14 (C) of the Louisiana Constitution, and LA. R.S. 33:7631, et. seq., for St. Tammany Parish Government, through the office of the Parish President, to enter into a Cooperative Endeavor Agreement and/or Intergovernmental Agreement with Lakeshore Villages Master Community Development District and other parties for infrastructure inspection, testing and reporting in conjunction with development of Lakeshore Villages Subdivision. (Ward 9)(District 13) (Blanchard)

3. Ordinance to extend for six (6) months the moratorium on the receipt of submissions by the Parish Zoning and Planning Commissions for the rezoning or re-subdivision of property and/or on the Issuance of permits for construction or placement of any building structures on property south of Interstate 12, north of Highway 190, west of Highway 11, and east of the Precinct S19 boundary line within unincorporated boundaries of Ward 9 in District 14. (Smith)

MOTION OFF-THE-FLOOR #1

Motion to refer to the Parish Planning Commission for recommendation an Ordinance to amend Section 125-188 of the St. Tammany Parish Land Development Code, relative to the administrative approval of minor subdivisions north of the Urban Growth Boundary Line. (Tanner)

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: OTF #1

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: TANNER

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 2 DAY OF AUGUST, 2018

AN ORDINANCE TO AMEND SECTION 125-188 OF THE ST. TAMMANY PARISH LAND DEVELOPMENT CODE, RELATIVE TO THE ADMINISTRATIVE APPROVAL OF MINOR SUBDIVISIONS NORTH OF THE URBAN GROWTH BOUNDARY LINE.

WHEREAS, in order to best serve the citizens residing north of the Urban Growth Boundary Line it is necessary to amend Section 125-188 of the St. Tammany Parish Land Development Code (formerly Ordinance 499) relative to private drives in use prior to the establishment of the Urban Growth Boundary Line.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the following amendments be made to Section 125-188 of the St. Tammany Parish Land Development Code:

Sec. 125-188. - Minor subdivision review.

(a) *Urban growth boundary line.* There is hereby established, for purposes of this section, 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 20-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 subsection. For purposes of this subsection, 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 subsections (b)(1) and (2) of this section:

(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 designation 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 hereinbelow, 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.

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

c. When a single parcel to be subdivided is located south of the urban growth boundary line, all of the lots must have direct public road frontage.

d. 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 five parcels per minor subdivision request. The front parcel must meet the public road frontage requirements, except when it abuts a previously approved minor subdivision which has access to a public road as set forth below or when accessed via a private road or private drive that was established and in use prior to the creation of the Urban Growth Boundary Line in October 2010. Other (rear) parcels may be created as a flag lot, to be accessed via a strip of land, or may be created to be accessed via a servitude that otherwise meets all other flag lot requirements below or when accessed via a private road or private drive that was established and in use prior to the creation of the Urban Growth Boundary Line in October 2010.

1. 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 30 and 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.

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

3. 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.

4. 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.

5. For purposes of section 125-189, the access strip shall be considered a private drive accessing one lot or parcel.

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

7. The proposed minor subdivision otherwise meets all of the requirements for administrative approval that are not in conflict with the particular requirements of subsection (b)(2)c of this section.

e. 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, or a minimum of one 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.

f. The department of environmental services determines that the proposal is in compliance with section 125-85.

g. The department of engineering Determines that the proposal is in compliance with section 125-88. Properties being reviewed through the minor subdivision process, when located north of the urban growth boundary and where all lots being created are a minimum of one acre in size, are not subject to the requirements of section 125-88 but will be reviewed at the time of permitting for drainage impacts.

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

i. 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 blue or black line bone fide survey prints on either eight-inch by 11-inch or 11-inch by 17-inch paper depicting the entire parcel that is being subdivided, inclusive of the parent and residual parcels being created.

(3) 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 25 acres in size, only the residual parcels being created are required to be surveyed for purposes of this chapter. 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 subsection (g) of this section.

(4) The surveys to be provided must include the following information pursuant to subsections (c)(4)a through e of this section:

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.

(5) 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.

(6) The fees for the minor subdivision of property within the growth management area shall be as follows:

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

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

(7) 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 hereinabove, 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 120-52 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 or, when applicable, does not comply with the underlying zoning.

(3) When the minor subdivision of an original parcel of property to create five or less lots has received minor subdivision approval under the provisions of this section as amended hereby, or under the provisions of this section as it existed prior to the effective date of the ordinance from which this chapter is derived, 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 subsection (g) of this section.

(e) Procedure.

(1) Written notice of the filing of all applications for administrative approval of a minor subdivision shall be promptly provided to the parish council, through the council administrator, at least five 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 section 125-96(d).

(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 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 planning director, or a waiver of an applicable regulation is requested, the applicant may make an application to the planning commission for minor subdivision review and approval of the plat. Any request for a waiver of the requirements of this section shall be in accordance with section 125-224.

(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.

(3) 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.

(g) 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 the ordinance from which this chapter is derived, 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.

(h) Impact fees. The parish's mandatory impact fees pursuant to 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 owners of said lots.

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

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

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

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

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

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF NOVEMBER, 2018; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: _____, 2018

Published Adoption: _____, 2018

Delivered to Parish President: _____, 2018 at _____

Returned to Council Clerk: _____, 2018 at _____

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-OTF # 2

COUNCIL SPONSOR: MS. BLANCHARD

PROVIDED BY: CIVIL DIVISION ADA

RESOLUTION TO ACKNOWLEDGE THE AUTHORITY, PURSUANT TO HOME RULE CHARTER SECTIONS 1-04, 1-06, 3-01, AND 3-09, ARTICLE VII, SECTION 14(C) OF THE LOUISIANA CONSTITUTION, AND LA. R.S. 33:7631, ET. SEQ., FOR ST. TAMMANY PARISH GOVERNMENT, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT AND/OR INTERGOVERNMENTAL AGREEMENT WITH LAKESHORE VILLAGES MASTER COMMUNITY DEVELOPMENT DISTRICT AND OTHER PARTIES FOR INFRASTRUCTURE INSPECTION, TESTING AND REPORTING IN CONJUNCTION WITH DEVELOPMENT OF LAKESHORE VILLAGES SUBDIVISION. (WARD 9)(DISTRICT 13)

WHEREAS, the re-development of Lakeshore Villages Subdivision is being undertaken by D.R. Horton, Inc.-Gulf Coast, in partnership with the Lakeshore Villages Master Community Development District, and particularly as it relates to construction and maintenance of road, drainage and other public infrastructure; said infrastructure to be ultimately owned and maintained by the development district; and

WHEREAS, the construction of infrastructure improvements as part of the development of future phases of the subdivision includes elements of engineering inspection, testing, and reporting normally undertaken by and reported to parish government; and

WHEREAS, considering the unique nature of many aspects of the development of this particular subdivision, including the speed at which it is being undertaken, the participation of an additional public entity besides the parish in certain public infrastructure, and the limited resources available to the parish to meet the ideal needs of the development; and

WHEREAS, the execution of agreement(s) in furtherance of infrastructure construction, inspection, testing, and reporting will promote the success of the development and the public interest in the best use of parish resources.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that St. Tammany Parish Government, through the Office of the Parish President, pursuant to Home Rule Charter Sections 1-04, 1-06, 3-01, and 3-09, Louisiana Constitution Article VII, Section 14(C), and La. R.S. 33:7631 et. seq. is authorized to enter into a Cooperative Endeavor Agreement and/or Intergovernmental Agreement, which meets or exceeds all requirements of parish and Louisiana law, with Lakeshore Villages Master Community Development District and other parties for required infrastructure inspection, testing and reporting in conjunction with development of Lakeshore Villages Subdivision, and the ultimate assumption of ownership of infrastructure by the development district.

BE IT FURTHER RESOLVED that when drafted and executed, the necessary agreements for this stated purpose shall include language reserving to parish government the right to establish required testing, inspection and reporting standards, intervene as necessary should deficiencies be noted, and requiring warranty obligations as otherwise required by parish regulations.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 2 DAY OF AUGUST , 2018, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

Item Off the Floor

Administrative Comment

RESOLUTION TOENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT AND/OR INTERGOVERNMENTAL AGREEMENT WITH LAKESHORE VILLAGES MASTER COMMUNITY DEVELOPMENT DISTRICT AND OTHER PARTIES FOR INFRASTRUCTURE INSPECTION, TESTING AND REPORTING IN CONJUNCTION WITH DEVELOPMENT OF LAKESHORE VILLAGES SUBDIVISION. (WARD 9)(DISTRICT 13)

This resolution is time sensitive and requires consideration from off the floor to allow sufficient time for execution of the finalized agreements within a timeframe which would help reduce delay with approval and construction of the multiple phases of this development.

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: OTF #3

ORDINANCE COUNCIL SERIES NO:

COUNCIL SPONSOR: MR. SMITH

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY:

SECONDED BY:

ON THE 2 DAY OF AUGUST, 2018

ORDINANCE TO EXTEND FOR SIX (6) MONTHS THE MORATORIUM ON THE RECEIPT OF SUBMISSIONS BY THE PARISH ZONING AND PLANNING COMMISSIONS FOR THE REZONING OR RE-SUBDIVISION OF PROPERTY AND/OR ON THE ISSUANCE OF PERMITS FOR CONSTRUCTION OR PLACEMENT OF ANY BUILDING STRUCTURES ON PROPERTY SOUTH OF INTERSTATE 12, NORTH OF HIGHWAY 190, WEST OF HIGHWAY 11, AND EAST OF THE PRECINCT S19 BOUNDARY LINE WITHIN UNINCORPORATED BOUNDARIES OF WARD 9 IN DISTRICT 14.

WHEREAS, on March 3, 2016, the Parish Council adopted Ordinance C.S. No. 16-3473 establishing a six (6) month moratorium on the receipt of submissions by the Parish Zoning and Planning Commissions for the rezoning or re-subdivision of property and/or on the Issuance of permits for construction or placement of any building structures on property south of Interstate 12, north of Highway 190, west of Highway 11, and east of the Precinct S19 boundary line within unincorporated boundaries of Ward 9 in District 14; and

WHEREAS, to continue to protect and preserve the health, safety and property interests of residents from the adverse effects of traffic and flooding hazards resulting from intensification of development within the a certain portion of, to include the North Slidell Revitalization Project (NSRP), of Ward 9, District 14 of St. Tammany Parish, it is necessary to extend the moratorium; and

WHEREAS, the Department of Transportation (DOTD) is currently conducting a traffic analysis to access the increased traffic volume along the Interstate 12 and Hwy. 11 Slidell Corridor to determine potential solutions for increased vehicular, pedestrian and general area safety.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it extends for six months the moratorium on the receipt of submissions by the Parish Zoning and Planning Commissions for the rezoning or re-subdivision of property and/or on the Issuance of permits for construction or placement of any building structures on property south of Interstate 12, north of Highway 190, west of Highway 11, and east of the Precinct S19 boundary line within unincorporated boundaries of Ward 9 in District 14.

BE IT FURTHER ORDAINED, that the moratorium imposed may be vacated, in whole or in part, by resolution of this governing body pursuant to Chapter 2, Article XVI, Section 2-264 of the Parish Code of Ordinances.

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

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

EFFECTIVE DATE: This Ordinance shall become effective immediately and remain in effect through September 7, 2018.

MOVED FOR ADOPTION BY: SECONDED BY:

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

YEAS: _____

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF SEPTEMBER , 2018 ; AND BECOMES ORDINANCE COUNCIL SERIES NO .

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: , 2018

Published Adoption: _____, 2018

Delivered to Parish President: _____, 2018 at _____

Returned to Council Clerk: _____, 2018 at _____

ADMINISTRATIVE COMMENT - OFF-THE-FLOOR #3

It is necessary for this Ordinance to be heard Off-the-Floor on August 2, 2018 because the introduction of the moratorium was inadvertently left off of the regular Agenda. The moratorium needs to be introduced in August and adopted on September 6, 2018 because it will expire September 7, 2018. Therefore, this Ordinance needs to be introduced Off-the-Floor, so it may be adopted at the September 6, 2018, preventing a gap in the Moratorium.