

T. P. Ordinance No. 23-19

**AN ORDINANCE AMENDING AND ENACTING CHAPTER 36 -
PLANNING AND DEVELOPMENT, ARTICLE IV- STANDARDS FOR
SUBDIVISION OF PROPERTY, SEC 36-91-MAJOR SUBDIVISION
STANDARDS – ½ ACRE LOTS**

BE IT ORDAINED by the Tangipahoa Parish Council-President Government, State of Louisiana, acting as the Governing Authority thereof revises and amends the Tangipahoa Parish Code of Ordinance as follows:

CHAPTER 36 PLANNING AND DEVELOPMENT

ARTICLE IV – STANDARDS FOR SUBDIVISION OF PROPERTY

Sec. 36-91. Major subdivision standards.

- (a) *General design standards.* The design standards in this section shall apply to subdivisions, as defined in this section.
- (1) All proposed subdivisions as defined in this section shall meet the standards of its subsection and all other local, state, and federal agencies' requirements. All such requirements found herein are to be labeled on plats as identified to receive approval from the planning commission.
- (2) Street standards.
- a. The arrangement, character, extent, width, grade, and location of all streets will conform to the specifications of the Louisiana Department of Transportation and Development (LADOTD).
 - b. Street jogs with centerline offsets of less than 125 feet will be avoided. See appendix C to the ordinance from which this chapter is derived.
 - c. A tangent at least 100 feet long shall be used between reverse curves. See appendix C to the ordinance from which this chapter is derived.
 - d. Streets will be laid out so as to intersect at right angles.
 - e. Property lines at intersections will be rounded with a radius of 30 feet or greater.
 - f. All hard-surfaced, dead-end streets will end with a cul-de-sac or "T" turn around. A cul-de-sac shall have a minimum right-of-way diameter of 125 feet and a minimum roadway surface diameter of 100 feet. See appendix C to the ordinance from which this chapter is derived.
 - g. Streets that have a left or right turn with a central angle of 80 to 100 degrees may incorporate a semi cul-de-sac. See appendix C to the ordinance from which this chapter is derived.
 - h. No street names will be used which will duplicate or be confused with the names of existing streets filed with the 911 office.
 - i. All streets and road rights-of-way will be 60 feet.
 - j. Typical street detail will be followed with all streets. See appendix C to the ordinance from which this chapter is derived.
 - k. All entrances to a subdivision shall be approved by the planning commission.
 - l. Street name and safety enforcement signs shall be posted in the subdivision by the developer and shall conform to MUTCD published by Federal Highway Administration.
 - m. In the case of existing parish maintained streets, the developer will dedicate a right-of-way for this street. If the developer decides to upgrade the road, the parish is only responsible for the maintenance of said road in the condition existing at the time of completion of the subdivision. Property owners may petition the parish council for upgrading and will pay for the upgrading on a front-foot basis.
 - n. The design engineer must certify that any improvement tests meet the requirements of the Louisiana Standard Specifications for Roads and Bridges and of the planning commission.
 - o. All newly created lots shall front and have access strictly from inside the said subdivision. No lots shall front on an existing parish maintained right-of-way, access servitude, or existing private road.
 - p. It shall be prohibited for any lot within an approved subdivision to have rear access via a driveway to or from any street or road that is not dedicated within the boundaries of the approved subdivision plat.
 - q. Temporary construction entrances/roads shall be designed and constructed for subdivisions in excess of 100 lots or phased construction during the preliminary phase if possible. The parish engineer or a designee shall have the final authority to determine if reasonable effort was made to achieve construction routes and the authority to require or waive the need of these routes.
- (3) Wetlands area location and designation.
- a. Plats shall depict the wetlands as submitted to the corps of engineers on preliminary plat plans and as identified on an United States Army Corps of Engineers (USACE) jurisdictional determination letter and map on final plat plans submitted for approval.

- b. All FEMA-designated floodways are to be plotted on the preliminary subdivision proposal map, and shall, to the maximum extent possible, remain protected and non-developed, unless a release and waiver is provided by the parish government with a no-rise certificate approved.
 - (4) All FEMA-identified flood zones (X, A, AE, V, VE zones) are to be labeled on all subdivision plats and indicate the source of this information.
 - (5) Phased construction.
 - a. No additional phases of subdivisions may be started until infrastructure (drainage, roads, ditches, water and sewer) of phases approved by the parish planning commission are completed as determined by parish engineer and/or drainage district administrator.
 - b. As-built plans shall depict the wetlands as determined by the Corps of Engineers.
 - (6) Sewerage and water systems. A community sewerage treatment plant and community water system shall be provided for any proposed subdivision containing more than eight lots, unless:
 - a. Each lot created is one acre or greater; and
 - b. Has 125 feet of frontage.

If both above standards apply, then individual sewer systems may be installed.
 - (7) Minimum lot size on a cul-de-sac and semi cul-de-sac. Lots fronting on a semi cul-de-sac shall not have less than ~~60~~ 105 feet of frontage. See appendix C to the ordinance from which this chapter is derived.
 - (8) All major subdivisions point of egress and ingress shall be upon a public right-of-way with a minimum average paved surface width of 18 feet. If the average width of the paved surface is less than 18 feet, the developer shall be responsible for obtaining the necessary right-of-way expansions and shall bear the costs of any expansion of the right-of-way and widening of the paved surface. In the event an expansion is necessary, the widening shall be performed the full length of the frontage road to the next major intersection of a publicly maintained right-of-way.
 - (9) All major subdivisions shall have a traffic study performed by an independent qualified engineer to assess the impact the subdivision may have on the immediate surrounding public roads and determine what, if any, changes, additions, or alterations would be required in addition to the minimum paved surface width requirement. A full and detailed report shall be submitted for review prior to any final plat approval by the planning commission. Any changes, additions, or alterations suggested by the traffic study may be required of the developer.
- (b) *Commercial subdivisions.* Commercial subdivisions are identified as proposed partitions containing more than ten lots or a proposed partition containing two or more lots where new road access infrastructure is required to be constructed for the intended purpose of commercial developments.
- (1) Lots sizes meet the minimum 125 feet road frontage.
 - (2) Each lot must be a minimum of one acre each.
 - (3) A wetlands jurisdictional determination in writing from the Corps of Engineers is obtained.
 - (4) Survey plat shall state that the lots are for the intended purpose of commercial development. No single-family residential houses or multifamily residential developments shall be allowed on parcels.
 - (5) A comprehensive drainage plan is required if new road construction is proposed for access.
 - (6) These subdivisions are considered major subdivisions and must be approved by the parish planning commission.
 - (7) All such partitions must be filed with the parish clerk of court before any commercial development plans can be reviewed and permits issued.
 - (8) Sewerage discharge verification is required for the approval of these subdivisions. Details concerning where sewer effluent will be received by a public, maintained waterway will be required at the time of the commercial development plan.
- (c) *Townhomes.* A townhouse is a residential structure consisting of family dwelling units constructed in a series or group including more than two units with some common walls and shall be subject to the following requirements:
- (1) Minimum lot size shall be 2,400 square feet.
 - (2) Minimum lot width shall be 24 feet.
 - (3) Setbacks from property lines:
 - a. Front: 20 feet;
 - b. Rear: 15 feet;
 - c. Sides: ten feet.
 - (4) Lot arrangement:
 - a. No more than four townhouse units shall be grouped in one structure.
 - b. No portion of a townhouse/condo accessory structure in or related to one group of continuous townhouses or condos shall be closer than 20 feet to any portion of a townhouse/condo or accessory structure related to another group or to any building outside of the townhouse/condo area.

- (5) Size of front and back yard. Each townhouse/condo shall have, on its own lot, a minimum of 120 square feet of front yard and a minimum of 360 square feet of back yard. Such yard shall not be used for off-street parking or for any accessory building.
 - (6) Side yard and back yard setback. Each townhouse/condo shall have a ten-foot side setback per building and a 15-foot rear setback.
 - (7) Off-street parking. Two parking spaces per unit shall be supplied with at least a minimum of one car space behind the setback line.
- (d) *Major residential subdivisions.* Major residential subdivisions are identified as proposed partitions containing more than eight lots or five acres for the development of single-family residential homes and shall require a land clearing permit per section 36-111(b). These proposed subdivisions as defined in this subsection shall meet the standards of subsection (a) of this section and the following standards:
- (1) The proposed minimum dwelling unit size shall be stated on the final plat for recordation.
 - (2) Stormwater management area requirement:
 - a. There shall be a minimum stormwater management area requirement of 20 percent of the gross area of the subject property being subdivided that is 20 acres or less.
 - b. There shall be a minimum stormwater management area requirement of 20 percent of the gross area of the subject property being subdivided that exceeds 20 acres or 50 lots or more.
 - c. Any preserved wetlands, floodways, or areas of special flood hazard (SFHA) may be counted towards meeting the 20 percent standard. The preliminary and final plat shall delineate those areas included in the minimum stormwater management area.
 - (3) Lots sizes and dimensions within the metropolitan planning area (MPA) and outside of areas of special flood hazard. The following set of development standards are for lots within the parish's designated metropolitan planning area (see map in appendix B to the ordinance from which this chapter is derived) and outside of areas of special flood hazard:
 - a. ~~80-foot road frontage~~ A minimum of One Hundred Twenty-Five feet (125') road frontage;
 - b. 120-foot depth minimum;
 - c. ~~9,600-square-foot minimum~~ A minimum of a 1/2 acre lot (21,780 Sq feet); and
 - d. Ten-foot-wide side and rear setback for yards.
 - e. ~~Exceptions. Lots fronting onto approved cul-de-sacs, roundabouts, and/or a minimum of two lots facing onto a 90-degree road intersection within the new proposed subdivision may have lots with frontage widths of less than 80 feet. In such cases, lot widths may be 60 feet wide at the building setback line but will still contain the minimum 9,600 square feet allowed in this subsection (3).~~
Exemptions: Lots fronting on an approved cul-de-sac or roundabout within a new proposed subdivision may have lot frontage width of 105'. In such cases, lot widths may be 85' wide at the building setback line but must still contain the minimum of 1/2 acre and 21,780 sq feet.
 - f. A minimum eight-foot side yard setback per side will be permitted on such approved lots.
 - (4) Lots sizes and dimensions outside of the metropolitan planning area (MPA) and outside of areas of special flood hazard. The following set of development standards are for lots outside the parish's designated metropolitan planning area (see map in appendix B to the ordinance from which this chapter is derived) and outside of areas of special flood hazard:
 - a. ~~100-foot road frontage~~ A minimum of One Hundred Twenty-Five feet (125') road frontage;
 - b. 120 feet in depth minimum;
 - c. ~~12,000-square-foot minimum~~ A minimum of a 1/2 acre lot (21,780 Sq feet); and
 - d. Ten-foot-wide side and rear setback for yards.
 - e. ~~Exceptions. Lots fronting onto approved cul-de-sacs, roundabouts, and/or a minimum of two lots facing onto a 90-degree road intersection within the new proposed subdivision may have lots with frontage widths of less than 80 feet. In such cases, lot widths may be 60 feet wide at the building setback line but will still contain the minimum 9,600 square feet allowed in this subsection (3).~~
Exemptions: Lots fronting on an approved cul-de-sac or roundabout within a new proposed subdivision may have lot frontage width of 105'. In such cases, lot widths may be 85' wide at the building setback line but must still contain the minimum of 1/2 acre and 21,780 sq feet.
 - f. A minimum eight-foot side yard setback per side will be permitted on such approved lots.
 - (5) Lot sizes and dimensions within the special flood hazard areas as established by the adopted DFIRM. The following set of development standards are for all lots created within the special flood hazard areas:
 - a. Minimum lot area must be one acre (43,560 square feet) or greater;
 - b. 120-foot depth minimum;
 - c. ~~120-~~ 125-foot road frontage, minimum;
 - d. 25-foot-wide front, ten-foot-wide side and rear yard setbacks;
 - e. Clearing of individual lots shall not exceed 50 percent of the gross lot area.

- (6) For parcels that are comprised of both areas of special flood hazard (flood zone A, AE, V and VE) and flood zones X and X500, the following shall apply: For all parcels where the area of special flood hazard, wetlands, and floodways are not able to be included in the stormwater management area, lots that overlap into those areas shall be developed complying with the requirements of subsection (d)(5) of this section.
- (e) *Major residential subdivisions exceeding 20 acres or 50 lots; incentivization of wetlands preservation.*
- (1) For subdivision developments exceeding 20 acres in size or exceeding 50 lots for all phases of development, the parish hereby incentivizes the preservation of wetlands as natural open areas for increased stormwater retention, groundwater recharge areas, and outdoor recreational uses. All Corps of Engineers "jurisdictional wetlands" shall be identified on all subdivision plats, and are generally to be preserved as undeveloped stormwater management areas, with no draining or filling of such, subject to the exceptions provided through section 10 of the Rivers and Harbors Act and section 404 of the Clean Water Act and those exceptions recognized by the Corps' regional and nationwide permits and by the standards adopted herein by the parish. The applicant or subdivision developer is also to indicate all FEMA identified special flood hazard areas (A, AE, V, VE zones) on the subdivision plat and indicate the source of this information.
- a. Use of jurisdictionally defined and "permitted," compensated wetlands (subject to the Army Corps of Engineers and/or state DNR requirements) may be used for primarily road and utility crossings with proper road and cross drains provided and for other parish-approved uses in an amount not to exceed 15 percent of the designated wetlands acreage shown in the wetlands determination. If the maximum 15 percent of wetlands acreage must be exceeded because of unavoidable adverse impacts or unusual property topography in which practicable avoidance and minimization has been analyzed, then the applicant or developer may bring this issue to the parish's subdivision technical review committee for consideration of a waiver.
- b. Wetlands identification and designation. ~~Any property including identified wetlands being utilized as a trade for lot density incentives as stated above must be contiguous with the developed property~~ Any preserved wetlands, may be counted towards meeting the 20 percent standard for the stormwater management area and identified on any plat submitted for review by the parish planning commission. Furthermore, the identified wetlands must be designated as undevelopable through one of the following methods:
1. The identified wetlands are deed restricted in clear and unambiguous language on both the deed and the recorded plat as being undevelopable and the designated areas shall remain undisturbed in their natural state in perpetuity;
 2. The identified wetlands are donated to the parish, state, or an agency thereof, for the purpose of creating a conservation area, or other deed restricted parcel ensuring the identified wetlands remain undisturbed and in their natural state; or
 3. Any act of donation or other act transferring the property to the parish, state, or subdivision of either, which includes the identified wetlands shall include provisions ensuring the identified wetlands remain undisturbed and in their natural state in perpetuity.
- ~~(2) Lot sizes or density bonus for wetland preservation allows for use of minimum and mixed lot sizes or conservation developments, per subsection (e) of this section, in approved lot density bonus areas in which wetlands have been preserved and traded for smaller lot sizes are allowed for each acre preserved in an acre-for-acre tradeoff. These tradeoffs are to apply to X and X500 areas only. For areas that are considered "density bonus sites," the parish must verify an acre-for-acre trade for preserved wetlands for the density bonus site and that it is indicated on the official preliminary and final plat.~~
- (f) *Private and/or gated communities.* All proposed subdivisions as defined in this subsection shall meet the standards of section 36-89 and subsections (a) and (d) of this section for dimensions as well as all of the following:
- (1) Each subdivision developer shall post a sign at the beginning of each and every subdivision entrance notifying the public that the said street is not a public road or street but is a privately owned and maintained road or street. This notification shall be conspicuously displayed on a permanent sign that is at least two feet wide by one-foot in height and is lettered in three inches or larger letters: "Private Roadway" or any similar notice that adequately notifies the public that this is a private, not public, road.
 - (2) The planning commission may approve private subdivisions with gated or guard house entrances or entrance signs notifying the public of the private nature of the subdivisions and their improvements. Said subdivisions must meet all of the requirements of this chapter except the streets may be paved or gravel surfaced. Improvements in a private subdivision shall remain private improvements rather than public improvements.
 - (3) The responsibility for maintenance and upkeep of the improvements shall be vested in the developer and/or subdivision residents as spelled out in detail in the recorded subdivision restrictions and shall address the following issues:
 - a. School buses and emergency vehicle access;
 - b. Garbage and trash collection and disposal;
 - c. Public utilities access;
 - d. Maintenance of streets, drainage, and other improvements; and
 - e. Policing of parking restrictions.

- (4) These subdivision restrictions shall be approved and filed prior to acceptance of the final plat.
- (5) Subdivisions with streets which have been retained in private ownership subject to a servitude in favor of the public which must be shown on the recorded plat may be excluded from those provisions of chapter 42 specifying surface materials, provided the following requirements are met:
 - a. A program of continued maintenance of all streets shall be submitted to the parish planning commission. The submission shall include agreements, contracts, corporation documents, deed restrictions, sureties or other legal instruments to guarantee the construction and continued maintenance, with adequate funding provisions, of such streets.
 - b. Such program providing for continued maintenance shall become part of the deed restrictions.
 - c. A written declaration in authentic form is placed on record in the conveyance records of the parish and a certified copy filed with the parish planning commission stating that said street shall be maintained as set forth in the program submitted to the parish planning commission, and the parish council or other governing body shall not be required to maintain or resurface said streets.
 - d. All materials must meet or exceed minimum standards of the state department of transportation and development, as they may be revised from time to time.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon signature of the Parish President.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

On motion by Mr. Bruno and seconded by Mr. Joseph, the foregoing ordinance was hereby declared adopted on this 24th day of April, 2023 by the following roll-call vote:


YEAS: Forrest, Ingraffia, Joseph, Bruno, Ridgel, Mayeaux, Wells, Vial, Hyde, Coates

NAYS: None


ABSENT: None

NOT VOTING: None

ATTEST:



 Jill DeSouge
 Clerk of Council
 Tangipahoa Parish Council



 David P. Vial
 Chairman
 Tangipahoa Parish Council

INTRODUCED: April 10, 2023

PUBLISHED: April 20, 2023

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ADOPTED BY TPC: April 24, 2023

DELIVERED TO PRESIDENT: 25th day of April, 2023 at 8:00am

APPROVED BY PRESIDENT: 
 _____ 4/25/2023
 Robby Miller Date

VETOED BY PRESIDENT: _____
 Robby Miller Date

RECEIVED FROM PRESIDENT: 25th day of April, 2023 at 3:00pm