

**T. P. Ordinance No. 23-41**

**AN ORDINANCE AMENDING AND ENACTING CHAPTER 36 – PLANNING AND DEVELOPMENT, ARTICLE IV-STANDARDS FOR SUBDIVISION OF PROPERTY, SECTION 36-90-MINOR SUBDIVISION STANDARDS**

**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. 36-90. Minor subdivision standards.**

- (a) *General standards for minor subdivisions pertaining to the division and partition of property.*
- (1) *Generally.* Minor subdivisions are considered the following:
- a. Residential minor partitions known as mini partitions and small partitions.
  - b. Minor commercial partitions.
  - c. These types of divisions can be administratively approved and must be submitted on 11-inch by 17-inch sheets for review. These subdivisions shall follow the following requirements unless otherwise specified in this subsection.
- (2) *Frontage.* Lots shall have a minimum road frontage of 125 feet on a publicly maintained road or existing private road as recorded with the parish's 911 office prior to the date of the adoption of the ordinance on January 23, 2023.
- (3) *Total square footage.*
- a. *Residential minor partitions.* Lots shall have a minimum total square footage of 21,780 square feet or one-half acre.
  - b. *Minor commercial partitions.* Lots shall have a minimum total square footage of 43,560 square feet or one acre.
- (4) *Residential minor partitions.* A minimum 60-foot width must be provided for any new right-of-way or private road for road access, drainage, utilities and sewage. This must be provided for any new lots not fronting on an existing publicly-maintained road, or existing private road. Lots may be allowed on existing publicly maintained roadways or on existing private recorded with the 911 office prior to the date of the adoption of the ordinance (January 23, 2023) from which this chapter is derived, provided each type meets the minimum infrastructure requirements. Future divisions proposed within ten years of original approval must follow all major subdivision regulations including planning commission approval.
- a. *Mini partitions fronting on a public road.* Shall have 125-foot road frontage on an existing publicly maintained right-of-way, minimum total square footage of 21,780 or one half acre.
    - i. A minimum of three acres will be allowed to be divided with a 60-foot access servitude with a maximum of two lots. Minimum front of 125 feet is required.
  - b. *Mini partition fronting on a private road.* A private road can be existing with a minimum of 60-foot width in accordance with chapter 42 and appendix C. The road must be recognized by 911 and public works.

A 20-foot wide easement dedicated for sewer leading to a publicly maintained waterway shall be required to be identified on an existing private road. These proposed subdivisions as defined in this subsection shall meet the standards of section 36-89(d), subsection (a) of this section.

The survey must include a note saying, "After this property division, no further division is allowed within ten years or until the private road is upgraded to parish construction standards." Roads in this type of partition may be paved or gravel surfaced. Prospective owners must be advised of public service restrictions as stated in section 36-89(d).  
**Previous Planning Department approved divisions of property must have lapsed 10 years from approval date to allow any future divisions.**

    - i. A tract of land consisting of four to ten acres and fronting on a private road may be subdivided into parcels of 80,000 square feet with 200 feet minimum of frontage on the private road. (lots are approximately 1.8 acres)
    - ii. A tract of land consisting of ten to 20 acres and fronting on a private road may be subdivided into no more than five parcels of at least four acres with each parcel having a minimum of 200 feet of frontage on the private road.
    - iii. A tract of land consisting of 20 to 35 acres and fronting on a private road may be subdivided into no more than seven parcels of at least five acres with each parcel having a minimum of 250 feet of frontage on the private road.
    - iv. A tract of land consisting of 35 to 60 acres and fronting on a private road may be subdivided into no more than ten parcels of at least six acres with each parcel having a minimum of 300 feet of frontage on the private road.
    - v. A tract of land consisting of 60 acres or more fronting on a private road may be subdivided into no more than ten parcels of at least ten acres with each parcel having a minimum of 400 feet of frontage on the private road.
    - vi. The survey must include a note saying, "After this property division, no further division is allowed until the private road is upgraded to parish construction standards."
    - vii. Road in this type of partition may be paved or gravel surfaced. Prospective owners must be advised of public service restrictions as stated in section 36-89(d).

- c. *Small partitions.* Creating new 60-foot rights-of-way or private roads for property division are not allowed. Any new lots created by these partitions must have frontage on existing roads. If not on an existing right-of-way (public or private) then the partition must follow the major subdivision regulations.
  - (5) *Residential minor partition setbacks.* Side and rear setbacks shall be ten feet from the property line. The front setback shall be a minimum of 25 feet from public right-of-way lines. In cases when the right-of-way lines cannot be determined, the setback line will begin 18 inches behind the back slope of the drainage ditches.
  - (6) *Minor commercial partition setbacks.* Minor commercial setbacks shall follow all prescribed setbacks and buffer area requirements as set forth in this chapter.
  - (7) *Residential minor partitions.* Any partition seeking administrative approval and not meeting the standards of this subsection shall be required to seek planning commission approval.
    - a. Planning commission approval for minor partitions must meet current lot size and frontage requirements as identified in section 36-91(d)(3) and (4); and
    - b. The applicant may be required to provide any other information requested by the planning commission.
  - (8) *Exceptions.*
    - a. Divisions for utility placement do not have specific size requirements.
    - b. Residential minor partition lots that obtain access at the dead end of a road shall have no minimum frontage required.
  - (9) *Planning commission approval; when required.* Amendments to any required statements on minor partitions require planning commission approval.
  - (10) All minor subdivisions point of egress and ingress shall be upon a public right-of-way with a minimum average paved surface width of 16 feet. If the average width of the paved surface is less than 16 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.
  - (11) *Structures.* All surveys must show any structures that are as close as ten feet of said setbacks set herein.
- (b) *Mini partitions.*
- (1) A mini partition creates a minimum of two but no more than four new lots of record.
  - (2) A 60-foot right-of-way or private road dedicated for road access, utilities and sewage leading to a parish-maintained road is allowed to be created if the original parcel to be divided is a minimum of three acres or more.
  - (3) The following statements shall be added to the property deed and plats of mini partitions, as applicable and recorded:
    - a. Any newly created right-of-way or private road dedicated for a mini partition that does not meet parish specifications for road construction will not be accepted into the parish maintenance system.
    - b. Future divisions proposed within ten years of original approval must follow any additional regulations based on total number of lots including original partition. For example: additional divisions (including original partition) of lots over four but no more than eight must be considered a small partition and those regulations would apply. Additional lots (including original partition) over eight would be a major subdivision.
- (c) *Small partitions.*
- (1) A small partition creates a minimum of five lots, but no more than eight new lots of record.
  - (2) Lots may be allowed on existing publicly maintained roadways or on existing private roadways recorded with the 911 office prior to the date of the adoption of the ordinance (January 23, 2023) from which this chapter is derived, provided each type meets the minimum infrastructure requirements and provides all the following:
    - a. A wetlands jurisdictional determination, in writing from the corps of engineers, is obtained;
    - b. A comprehensive drainage plan is presented, detailing where sewer effluent will be received by a public, maintained waterway and any major utilities.
    - c. Such small partitions may be approved by the parish engineer and a representative of the office of community development, without having to be presented to the planning commission;
    - d. All such small partitions must be filed with the parish clerk of court before any permits will be issued. The appropriate checklist shall be completed and submitted with four copies of the plat, drawn on a sheet measuring 24 inches by 36 inches; and
    - e. The same regulations apply to a private small partition except the lots may front on an existing private road with each lot consisting of four acres or more. Lots fronting on a cul-de-sac must have no less than 60 feet of frontage. Roads in a private small partition may be paved or gravel surfaced. Prospective owners must be advised of public service restrictions as stated in the gated and private communities regulations.
- (d) *Minor commercial partitions.* General minor commercial partitions result in the creation of two lots, but not exceeding four lots fronting on an existing road for access with the intended purpose of commercial developments being constructed on these lots.
- (1) Lots sizes meet the minimum 125 feet of road frontage.
  - (2) Each lot must be a minimum of one acre each.

- (3) These subdivisions are considered minor subdivisions and may be approved administratively upon signature by the ~~parish engineer, community development director~~ Planning Department and drainage district administrator, if applicable.
- (4) All such partitions must be filed with the parish clerk of court before any commercial development permits will be issued.
- (5) A wetlands jurisdictional determination, in writing from the Corps of Engineers, is obtained.
- (6) Sewerage discharge verification is not 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.
- (7) The 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.

**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 Mrs. Hyde and seconded by Mrs. Coates, the foregoing ordinance was hereby declared adopted on this 10<sup>th</sup> day of July, 2023 by the following roll-call vote:

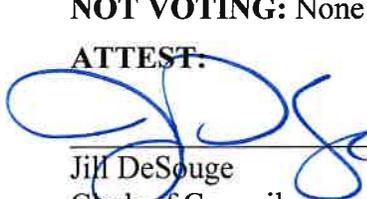
**YEAS:** Forrest, Ingraffia, Joseph, Bruno, Ridgel, Mayeaux, Wells, Vial, Hyde, Coates

**NAYS:** None

**ABSENT:** None

**NOT VOTING:** None

**ATTEST:**

  
 \_\_\_\_\_  
 Jill DeSouge  
 Clerk of Council  
 Tangipahoa Parish Council

  
 \_\_\_\_\_  
 David P. Vial  
 Chairman  
 Tangipahoa Parish Council

INTRODUCED: June 26, 2023

PUBLISHED: July 6, 2023 OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: July 10, 2023

DELIVERED TO PRESIDENT: 11<sup>th</sup> day of July, 2023 at 8:00am

APPROVED BY PRESIDENT:   
 \_\_\_\_\_  
 Robby Miller Date 7/13/2023

VETOED BY PRESIDENT: \_\_\_\_\_  
 Robby Miller Date \_\_\_\_\_

RECEIVED FROM PRESIDENT: 13<sup>th</sup> day of July, 2023 at 9:30am