

T. P. Ordinance No. 23-43

AN ORDINANCE AMENDING AND ENACTING CHAPTER 36 – PLANNING AND DEVELOPMENT, ARTICLE VII-APPROVAL PROCESS AND PROCEDURES, SECTION 36-172-PROCEDURAL PROCESS FROM SUBDIVISION OF PROPERTY

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 VII. APPROVAL PROCESS AND PROCEDURES

Sec. 36-172. Procedural process for subdivision of property.

- (a) *Special use subdivisions prior to October 9, 2001* **will be** exempt from review and approval. To allow certain special use subdivisions, as defined in section 36-9 to include manufactured home parks that have presented plans ~~and have been granted a newer permit letter from the department of health and hospitals before October 9, 2001,~~ will not be required to have approval from the planning commission. ~~to increase the number of lots that were not developed at the initial time of approval from the department of health or Tangipahoa Parish Sewerage District No. 1 original flow rate.~~ This approval does not include parks that are upgrading or installing a new sewage ~~not previously approved.~~ This also does not include any changes to the original plans. If the developer decides to make changes or upgrade/install sewerage ~~he~~ shall obtain approval from the planning commission and follow the development regulations in effect at the time. Manufactured Home parks developed prior to Planning Commission authority shall not expand their unit count greater than units currently served. All units replacing single family units to be replaced by single family units.
- (b) *Optional administrative review procedure.*
- (1) *Conceptual plan review.* The **Planning** department ~~of community development~~ will provide an informal review of any proposed subdivision of property. The developer should call and make an appointment for a conceptual review. There is no required application for a conceptual review. There are no submittal requirements for a conceptual plan review. There is no written review summary provided by the department of community development. The review will focus on the conceptual plan, requirements and procedures needed for formal submittal and approval.
- (c) *Administrative review approvals.*
- (1) *Minor subdivisions.*
- a. Minor subdivisions that follow may be approved by the **Planning Department** ~~community development office~~ without submittal to the planning commission for review. The following are considered minor subdivisions.
1. Mini partitions.
 2. Small partitions.
 3. Minor commercial partitions.
- b. New minor subdivisions shall meet the minor subdivision standards in article IV of this chapter for mini partitions, small partitions, and minor commercial partitions.
- c. Minor subdivision applications.
1. Submit the completed minor subdivision application with appropriate fees.
 2. Submit the listed documents on the instructions for the type of the minor subdivision requesting review.
- (2) *Amendments to lots of record.*
- a. The realignment or shifting of lot boundary lines, including removal, addition, alignment, or shifting of interior lot boundary lines, or the redesignation of lot numbers, provided the application meets the flowing requirements:
1. Does not involve the creation of any new public street or other public improvement except as otherwise provided in this section;
 2. ~~Does not involve more than two acres of land or three lots of record;~~
 3. Does not reduce a lot size below the minimum area or frontage requirements established by this chapter; and
 4. Otherwise meets all the requirements of this chapter.
- b. Modifications of approved subdivision. The planning department is authorized to approve minor modifications to an approved subdivision. All modifications not listed as minor in this subsection shall be considered by the body that approved the original subdivision. The following modifications shall be considered minor:
1. Additional or change in the easements sizes that do not affect the general placement of buildings or general location of roadways;
 2. Reduction in the number of lots;
 3. Reduction of length of streets; or
 4. Modification of public utility service.
- c. Any resubdivision of land that consolidates a number of lots into a smaller number of lots and does not involve any new development only requires administrative approval. Any amendment to a lot of record that involves changes only to the metes and bounds,

changes to easements or rights-of-way, either private or public, only requires administrative approval.

- d. All amendments to lots of record shall require a completed application and submittal of the required documents as stated in Appendix A to the ordinance from which this chapter is derived.

(d) *Planning commission approvals.*

- (1) General design and improvement standards. Minor modifications to the minimum subdivision lot standards so as to reduce lot dimensions and area of no more than two lots per subdivision. Each lot so modified shall be within ten percent of the standard minimum lot dimension and area. Small partition subdivision and mini partitions are excluded from these considerations.
- (2) Planning commission approval is required for the following types of subdivisions of land and must follow the procedures for preliminary approval, final approval, and as-built of infrastructure approval:
 - a. Major subdivisions consist of creating ~~nine~~ **ten** lots or more.
 - b. Major commercial subdivisions.
 - c. Townhouses-recognized as major subdivisions herein.
 - d. Amendments to existing major subdivisions. These are recognized as existing developments and shall follow all standards as such.
- (3) Preliminary approval request.
 - a. The subdivisions listed in subsection (d)(2) of this section shall meet the standards in article V of this chapter.
 - b. The owner/developer shall complete the application for preliminary approval and pay fees at time of notification to the planning commission.
 - c. The owner/developer shall submit preliminary plans meeting the requirements listed in Appendix A to the ordinance from which this chapter is derived for technical review committee preliminary approval at time of notification to the planning commission.
- (4) Special written notification requirements for development of land.
 - a. The developer/owner or his agent shall give 30 days' advance written notice by certified mail to all adjacent property owners of any new proposed development requiring a public hearing as per this chapter. The letter must include the date, time and place of the planning commission public hearing and a narrative description of the proposed development with contact information for developer/owner and the planning department.
 - b. For proposed development containing more than 50 multifamily dwellings units, **50 single family dwellings**, or mobile home parks containing more than 50 living units or mobile homes, the following additional public notifications shall be required when the parish engineer or ~~community development~~ **Planning** director determines that cooperation between the parish and any incorporated area within the parish is necessary to address adequate infrastructure needs of the proposed development.
 1. The developer, owner or his agent shall be required to give 30 days' advance written notice by certified mail of the proposed development, including the date, time and place of the planning commission public hearing and a narrative description of the proposed development and provide contact information to:
 - (i) The mayor or chief executive officer of any incorporated area of the parish within 1,000 feet of the proposed subdivision providing that the incorporated area agrees to notify the parish government of any such development that is within 1,000 feet inside the corporation limit;
 - (ii) The parish council representative whose council district includes such proposed subdivision;
 - (iii) The fire district administrator whose fire district or primary coverage area includes the proposed subdivisions;
 - (iv) The school board superintendent and district representative whose school district includes the proposed subdivision;
 - (v) The parish water district or other community water provider unless the developer plans to install a private community water system;
 - (vi) The parish sewer district.Any comments resulting from this notification must be presented to the parish engineer and ~~community development~~ **Planning** director within ten days of the notifications.
 2. Copies of certified mail receipts shall be provided to the planning department for the record.
- (5) New subdivision notification signage requirements.
 - a. The developer shall place a four-foot by eight-foot sign at the site of the proposed subdivision with the following information on the sign:
 1. A statement of the name and type of development;
 2. Number of lots;
 3. Developer's name and phone number;
 4. Date of drainage district board meeting, if applicable;
 5. Date of preliminary hearing.
 - b. The sign must be posted 60 days prior to preliminary hearing with date and location.
 - c. The sign information must be verified by the planning department prior to posting.

- d. The sign shall be posted behind the public right-of-way at the site of proposed development at a visible location. Multiple signs may be required at corner sites.
- (6) Upon technical review committee approval, the owner/developer shall submit the complete preliminary plan with any revisions required for approval for review by the planning department. The planning department shall schedule a public hearing and put the development on the next available planning commission agenda.
- (7) Digital copies shall be provided to the planning department seven days prior to the planning commission meeting.
- (8) Ten complete sets of subdivision plans shall be provided at the planning commission at the regular scheduled commission meeting.
- (9) Development plans are to be presented at the meeting by the developer or the developer's respective engineer; owner/developer must be present at this time.
- (10) A total overall conceptual design layout is to be submitted for the entire proposed development that includes all phases for development. If subdivision is to be divided into phases, all potential phases must be shown. No construction activities may begin until final approval is received.
- (11) Discussion of plans by the commission will be noted in the minutes.
- (12) Approval of a preliminary plan will not constitute or imply final approval.
- (13) Preliminary approval shall expire if final approval is not given by the planning commission within 12 months of receiving preliminary approval. The entire development or specific phases may be brought forward for final approval. If individual phase approval is requested and given, then any remaining phases are required to be approved by planning commission before construction may begin.
- (14) All documents required in a final approval application as per regulations at time of submission must be provided to the planning commission for the development or phase being requested for final approval.
- (15) Final approval request.
 - a. There shall be 30 days between preliminary approval and final approval requests.
 - b. The owner/developer shall complete final approval application and pay fees at the time of submission.
 - c. The owner/developer shall submit final plans meeting the requirements listed in Appendix A for technical review committee final approval.
 - d. A subdivision's final plans approved by the technical review committee shall be placed on the agenda for the next available planning commission meeting.
 - e. Digital copies of the approved plans by the technical review committee shall be provided to the planning department seven days prior to the planning commission meeting.
 - f. Ten complete sets of subdivision plans shall be provided at the planning commission at the regular scheduled commission meeting.
 - g. The owner/developer shall notify secretary at least ten working days prior to the meeting.
 - h. Discussion of plans by the commission will be noted in the minutes.
 - i. Final approval may be requested for the entire development or submitted by phases. Once approval is granted, construction of infrastructure may begin for what was submitted and approved.
 - j. All phases are required to have been given final approval and have infrastructure completed within five years of final approval of first phase.
 - k. Any phases proposed on preliminary plat or subdivision infrastructure improvements not completed within five years of receiving final approval must be resubmitted for new approval and shall meet all current infrastructure standards at the time of the new request.
- (16) Construction of infrastructure. Complete construction of all improvements of all utilities, streets, drainage as per final approval plans. If construction differs from plans, as-built set of plans must be submitted.
- (17) As-built infrastructure approval.
 - a. The owner/developer shall obtain inspection and approval letter from parish engineer or department of public works and drainage district requesting the two-year maintenance period to begin.
 - b. The owner/developer shall provide laboratory testing results and cover letters that summarize the testing results into a pass/fail/explanation format and be prepared and certified by the testing facility to the parish engineer and department of public works.
 - c. The owner/developer shall prepare as-built documents in accordance with requirements in Appendix A to the ordinance from which this chapter is derived (entitled "As-built documents-following final approval and construction of infrastructure").
 - d. The owner/developer shall secure improvement for all utilities, streets, drainage. Maintenance guarantee in the amount as determined by current fee schedule. All documents listed in as-built documents in Appendix A to the ordinance from which this chapter is derived shall be provided to the planning department for the parish engineer to review.
 - e. After site inspections are made by parish engineer and all other required personnel, then approval may be given. Once approval is given, the developer will then have plans stamped and certified by an engineer and the final plat with all required signatures shall be recorded at the parish clerk of court.
 - f. The developer is required to provide to the planning department a copy of recording page; then lots can be sold.

- g. The developer shall submit a copy of the recorded plat to the permit office to obtain the necessary building permits.
- (e) *As-built.*
- (1) An as-built drainage plan must be presented and approved before the maintenance/construction guarantee is released.
 - (2) Effective December 1, 2008, the planning department will require as-built plans before the planning department will do any of the following:
 - a. Inspect and recommend placement on the two-year waiting list.
 - b. Sign plats.
 - c. Issue permits.
 - (3) The developer/engineer will bring the as-built plans to the planning department and schedule an inspection of infrastructure.
 - (4) The planning department will send the parish engineer and drainage district administrator (if applicable) out for inspection.
 - (5) If infrastructure is approved, the public works department will notify the developer of the security bond/letter of credit dollar amount required.
 - (6) Developer and engineer will provide bond/letter of credit and seven original plats to the planning department. The development will then be placed on the parish council agenda requesting the two-year waiting period to begin.
 - (7) Once the planning department obtains signatures, the developer/engineer will be notified.
 - (8) Signed copies can then be filed.
 - (9) Once filed copies are returned to the planning department, the planning department will release plats to begin the permit process.
 - (10) As-built infrastructure approval.
 - a. The owner/developer shall obtain inspection and approval letter from parish engineer or department of public works and drainage district requesting the two-year maintenance period to begin.
 - b. The owner/developer shall provide laboratory testing results and cover letters that will summarize the testing results into a pass/fail/explanation format and be prepared and certified by the testing facility to the parish engineer and department of public works.
 - c. The owner/developer shall prepare as-built documents in accordance with requirements in Appendix A to the ordinance from which this chapter is derived (entitled "As-built documents following final approval and construction of infrastructure").
 - d. The owner/developer shall secure improvement of all utilities, streets, drainage maintenance guarantee in the amount as determined by current fee schedule. All documents listed in as-built documents in Appendix A to the ordinance from which this chapter is derived shall be provided to the planning department for the parish engineer to review.
 - e. After site inspections are made by the parish engineer and all other required personnel, then approval may be given. Once approval is given, the developer will then have plans stamped and certified by an engineer and the final plat with all required signatures shall be recorded at the parish clerk of court.
 - f. Developer is required to provide to the planning department a copy of the recording page; then lots can be sold.
 - (11) The developer shall submit a copy of the recorded plat to the permit office to obtain the necessary building permits.
- (f) *Amendments to existing subdivision.*
- (1) For amendments to be made in a previously approved subdivision, the owner, homeowner's association, or new buyer must present the existing plat along with the amendments with requested revisions to the planning commission for approval. The following are types of amendments requiring approval:
 - a. Change in name to existing subdivision.
 - b. Creating any new infrastructure, including, but not limited to, roads, ditches, drainage and/or sewerage and water services.
 - c. Increase in the number of lots.
 - d. Any change in dwelling units minimum sizes to a previously approved subdivision by the planning commission.
 - (2) A public hearing will be held. A revised copy of the final plat and documents shall be submitted to the planning department prior to the public hearing. At the public hearing, the amendments shall be reviewed by the planning commission and voted on. Following planning commission approval the amendment changes noted on the plat and other documents shall signed by the planning commission chairman and **Planning** director ~~of community development~~, then recorded with the clerk of court.

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 Mr. Joseph, the foregoing ordinance was hereby declared adopted on this 10th 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 DeSpoue
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: 11th 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: 13th day of July, 2023 at 9:30am