

T. P. Ordinance No. 23-62

AN ORDINANCE TO AMEND T.P. ORDINANCE NO. 23-55
CHAPTER 36 – PLANNING AND DEVELOPMENT, ARTICLE IV –
STANDARDS FOR SUBDIVISION OF PROPERTY, SECTION 36-90 –
MINOR SUBDIVISION STANDARDS – FAMILY PARTITIONS

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, family 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 10 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' 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 3 acres will be allowed to be divided with a 60' access servitude with a maximum of 2 lots. Minimum front of 125' is required.
 - b. *Mini partitions 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 10 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 (4) to ten (10) 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 (10) to twenty (20) acres and fronting on a private road may be subdivided into no more than five parcels of at least four (4) acres with each parcel having a minimum of 200 feet of frontage on the private road
 - iii. A tract of land consisting of twenty (20) to thirty-five (35) acres and fronting on a private road may be subdivided into no more than seven (7) parcels of at least (5) acres with each parcel having a minimum of 250 feet of frontage on the private road.
 - iv. A tract of land consisting of thirty-five (35) to sixty (60) acres and fronting on a private road may be subdivided into no more than ten (10) parcels of at least six (6) acres with each parcel having a minimum of 300 feet of frontage on the private road.

- v. A tract of land consisting of sixty (60) acres or more fronting on a private road may be subdivided into no more than ten (10) parcels of at least ten (10) 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.
- d. *Family Partitions.* These divisions are intended to be divisions between family members as stated in this section.
- 1. Family members include ascendants and descendants of the first degree and siblings, including step and half blood relation.
 - 2. Legal ownership must be provided with the application.
 - 3. Affidavit that is provided by the Parish must be notarized and provided at the time of application.
 - 4. 35' access servitude will be allowed, and lots must at least be 125' frontage on servitude of an existing public right of way.
 - 5. No extension of an existing servitude to create said division is allowed.
 - 6. The maximum number of lots will be determined by the family partition definition. Any future divisions beyond the maximum number per the family partition definition shall not be granted unit 10 years has passed from the original approval date. There shall be no transfers/sales/etc. of any family partition parcels within the first 10 years from the approval date. Any additional divisions can be requested that have higher standards (i.e.: small partition, major subdivision, or planning commission approval).
 - 7. The following statements shall be added to the property deed and survey plats:
 - a) "After the maximum property divisions have been given, no further divisions are allowed within 10 years or until the servitude is brought up to parish road right of way standards."
 - b) "Any creation of an access servitude, private right of way will be noted as private and will not be maintained or accepted into the parish maintenance system."
 - c) There shall be no transfers/sales/etc. beyond the family partition definition and the notarized relationship affidavit before 10 years from the survey approval date.
 - 8. There shall be no fee collected for this type of division.
 - 9. Divisions must meet the minimum lot size and frontage requirements set forth in Section 36-90 (a) (1) (2) and (3).
- (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.
 - 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 sixteen feet. If the average width of the paved surface is less than sixteen 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 10 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 10 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 4 but no more than 8 must be considered a small partition and those regulations would apply. Additional lots (including original partition) over 8 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 (4) 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 Planning Department.
 - (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 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:

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. Bruno, the foregoing ordinance was hereby declared adopted on this 13th day of November, 2023 by the following roll-call vote:


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

NAYS:

ABSENT: Ingraffia, Mayeaux

NOT VOTING:

ATTEST:



Jill DeSouge
Clerk of Council
Tangipahoa Parish Council



David P. Vial
Chairman
Tangipahoa Parish Council

INTRODUCED: October 23, 2023

PUBLISHED: November 9, 2023 OFFICIAL JOURNAL Hammond Daily Star

ADOPTED BY TPC: November 13, 2023

DELIVERED TO PRESIDENT: 17th day of November, 2023 at 8:00am

APPROVED BY PRESIDENT: 

Robby Miller 11/20/2023
Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: 20th day of November, 2023 at 11:00am