

1999-5004

INTRODUCED BY: CHRIS TREGRE, PARISH PRESIDENT
(Department of Planning & Zoning)

ORDINANCE NO. 99-12-8

An ordinance amending the St. Charles Parish Zoning Ordinance of 1981 and the St. Charles Parish Subdivision Regulations of 1981, to change the setback requirements from property line to servitude line; to require a soil analysis, soil borings, and geotechnical reports during subdivision review; to require right of way along major drainage canals during subdivision process; and to require buildable areas to be defined on final subdivision plats.

- WHEREAS,** The St. Charles Parish Council desires to implement subdivision regulations specific to physical construction near major drainage canals; and,
- WHEREAS,** the effect of these land use regulations shall guide the safe and uniform development of future physical construction along such drainage canals in St. Charles Parish; and,
- WHEREAS,** erosion and subsidence of property along major drainage canals is exacerbated by physical construction near such canal banks; and,
- WHEREAS,** The St. Charles Parish Subdivision Regulations of 1981 provides geometric standards for the minimum width of drainage right of ways and servitudes; and,
- WHEREAS,** no major canal drainage right-of-way shall be incorporated into the property boundary lines of any lots within future proposed subdivisions; and,
- WHEREAS,** final subdivision plats should clearly indicate the buildable areas taking into consideration the extended setback requirements along major drainage canals.
- WHEREAS,** the St. Charles Parish Council desires to protect the health safety and welfare of future property owners by increasing the required width of drainage right of ways.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances of 1981, Appendix C, Subdivision Regulations, Section I. B. *Definitions* be amended by adding the following subpart:

Major Drainage Canal. Any canal with a depth greater than 4 feet or width greater than 20 feet; **and,**

SECTION II. That the St. Charles Parish Zoning Ordinance of 1981, Section X.B. be amended by adding the following statement:

B. Exceptions to Area Regulations

Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be twenty feet measured from the inner boundary of such servitude or right of way; **and,**

SECTION III. That the St. Charles Parish Code of Ordinances of 1981, Appendix C, Subdivision Regulations, Section II.D.2. be amended by adding the following:

- j. Soils Analysis, soil borings, and geotechnical reports shall be performed by a Licensed Professional Engineer. This shall apply to proposed subdivisions, which abut an existing or proposed Major Drainage Canal. The Department of Public Works shall determine specification of the soil analysis, soil borings, and geotechnical reports. Should analysis indicate substandard soils, the Department of Public Works shall require bulkhead construction or acceptable alternatives for the purpose of stabilizing the canal banks; **and,**

SECTION IV. That the St. Charles Parish Subdivision Regulations of 1981, Section III.D. Servitudes and Rights-of-Way be amended as follows:

2. Drainage Servitude. Whenever a drainage channel, stream, or water course exists or is provided for in a subdivision, a servitude or right-of-way shall be dedicated on each side of such facilities to provide for maintenance and construction. The minimum width shall be the top bank width of the drainage ditch plus ~~ten (10)~~ twenty (20) feet on one (1) side and ~~five (5)~~ ten (10) feet on the opposite side; **and,**

SECTION V. That the St. Charles Parish Subdivision Regulations of 1981, Section II.E.2. be amended by adding the following:

- r. Buildable area within individual lots considering all applicable setbacks including setbacks from major drainage servitudes and setbacks.

NOW, THEREFORE BE IT ORDAINED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby provide that the Code of Ordinances, the St. Charles Parish Zoning Ordinance of 1981 and the St. Charles Parish Subdivision Regulations of 1981, Parish of St. Charles, State of Louisiana is amended to change the setback requirements from property line to servitude line; to require a soil analysis, soil borings, and geotechnical reports during subdivision review; to require right of way along major drainage canals during subdivision process; and to require buildable areas to be defined on final subdivision plats.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, MINNICH, ALEXANDER, CHAMPAGNE, ABADIE, AUTHEMENT

NAYS: NONE

ABSENT: JOHNSON, DUHE, SIRMON

And the ordinance was declared adopted this 6TH day of December, 1999, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
 SECRETARY: [Signature]
 DLVD/PARISH PRESIDENT: 12-8-99
 APPROVED: [Signature] DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
 RETD/SECRETARY: 12-9-99
 AT: 10 AM RECD BY: [Signature]

AMENDED BY:

00-5-7

