

Ord.

2006-0027

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 06-1-23

An ordinance to amend the St. Charles Code of Ordinances, Appendix C, Subdivision Ordinance pertaining to definitions, subdivision development criteria, street blocks, and railroad crossings.

WHEREAS, Improved technology has made The St. Charles Parish Subdivision Ordinance more accessible to the public; and,

WHEREAS, St. Charles Parish has become an increasingly desirable place for the new residential subdivisions; and,

WHEREAS, Subdivision development trends in St. Charles Parish have included creating residential lots along existing roadways with some or all required infrastructure; and,

WHEREAS, Surrounding land uses are impacted by such developments as well as those stemming from major subdivision developments; and,

WHEREAS, the Subdivision Ordinance does not address mitigating those impacts; and,

WHEREAS, The St. Charles Parish Council desires to promote orderly and equitable subdivision development using an orderly Subdivision Ordinance.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Appendix C, Section I. B. *Definitions:* is amended as follows:

Administrative Resubdivision. Any resubdivision action resulting in five (5) or fewer lots wherein no net increase is proposed, and where no public improvements are required.

Block. ~~A parcel of land bounded by streets, or street and the exterior of the development.~~ An area of land bounded by a street or by a combination of streets, parks, cemeteries, railroads, exterior boundaries of a subdivision, drainage servitude, or waterway.

Major Subdivision. Any resubdivision action resulting in more than five (5) lots (including the remainder of original tract), and / or any resubdivision containing a proposed street, and / or any resubdivision in which public improvements are required.

Minor Subdivision. Any resubdivision that results in the creation of no more than five (5) lots and does not require new or extending public improvements, and is not in conflict with any provision of the Zoning Ordinance, as amended or the Subdivision Ordinance, as amended.

Public Improvement. Any street, roadway, parkway, streetlight, drainage feature, fire hydrant, pedestrian way, or other infrastructure for which the local government may ultimately assume the responsibility for maintenance and operation.

Resubdivision. Any change to an approved or recorded subdivision plat that affects any lot line, street layout, or area reserved for public use; or that affects any survey, map, plan, deed, or property transferred and legally recorded prior to the adoption of the Subdivision Ordinance of 1981.

Subdivision. ~~The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development, other than agricultural.~~ Any land, vacant or improved, which is divided into two or more lots, parcels, sites, units, plots, tracts, or other division of land.

SECTION II. That the St. Charles Parish Code of Ordinances, Appendix C, Section II. **Subdivision Procedure.** is amended as follows:

B. Administrative Resubdivisions.

In instances where no net increase of lots is proposed, and five (5) or fewer lots are proposed, and no public improvements are required, the Parish President and the Director of Planning and Zoning may certify and thereby approve or disapprove such applications for subdivisions without public notice, public hearing, Commission approval, or Council approval, provided that the proposal is in compliance with relevant land use regulations including the St. Charles Parish Zoning Ordinance and Subdivision Regulations, as amended. The resubdivision plan for such a resubdivision shall meet the criteria listed in Section II.C.3. of this Section. This authority shall not exceed the limits herein.

C. Minor Resubdivisions.

1. In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal Preliminary Plat shall be required. However, the presented plan of resubdivision shall conform to requirements outlined in Section II.C.3. of this Section. The Planning & Zoning Commission has the authority to approve or disapprove such resubdivisions without Council action, provided the required public notice and public hearing actions have occurred. The proposal shall be in compliance with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations, as amended. This authority shall not exceed the limits herein.
2. In instances where a net increase of more than five (5) lots is proposed by subdivision or resubdivision and no public improvements are required, no formal Preliminary Plat shall be required. However, the presented plan of resubdivision shall conform to requirements outlined in Section II. C. 3 of this Section. Approval requires certification by the Planning & Zoning Commission, determination and mitigation of impacts to public improvements, Ordinance by the Council, and certification by the Parish President.
3. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information:
 - a. Location of the property.
 - b. Name(s) and address(es) of the owners.
 - c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
 - d. Existing property lines and lot numbers, including names and width of adjoining streets.
 - e. Proposed property lines and revised numbers of proposed lots.
 - f. Location and dimensions of existing buildings.
 - g. Layout and dimensions of servitudes and rights-of-way (including sidewalks). Existing drainage ditches and canals and their respective servitudes.
 - h. Existing lakes and ponds.
 - i. North arrow and scale.

D. Major Resubdivisions. If any public improvements are required for resubdivision into more than five (5) lots, approval shall consist of Preliminary Plat Approval and Construction Approval by the Planning & Zoning Commission, and Final Approval by the Parish Council.

1. In instances where a net increase of more than five (5) lots is proposed, and / or the required public improvements are deemed by the Planning Director to be insignificant, and where no new public streets are to be dedicated, approval shall require certification by the Planning & Zoning

Commission, public improvements installed to completion, determination and mitigation of impacts to drainage, sewer, and recreation, Ordinance by the Council, and certification by the Parish President.

E. Preliminary Plat Requirements.

1. **When Required.** A formal preliminary plat shall be required for all subdivisions except where no street, drainage, or sewer improvements are required. (See Section II.C.). (Ord. No. 94-12-4, § XVII, 12-5-94)
2. **Mandatory Submission Requirements.** The preliminary plat shall conform to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The preliminary plat shall contain the following mandatory information:
 - a. The name(s) and address(es) of the owner(s) and subdivider(s).
 - b. The seal of the land surveyor preparing the plat and the date of preparation. The plat shall be dated within one (1) year of the subdivision application date.
 - c. A title block containing the subdivision name, location of the property, a true north arrow, and the required scale for the preliminary plat, both written and graphic. The preliminary plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet for a subdivision of one hundred and sixty (160) acres and less. If the subdivision contains more than one hundred and sixty (160) acres, the preliminary plat may be drawn to a scale of one (1) inch equals two hundred (200) feet.
 - d. Existing property lines, including width and names of bounding streets.
 - e. Section and township lines.
 - f. Zoning district boundary lines, only when such boundary lines bisect the proposed subdivision.
 - g. Location and dimensions of existing improvements, including municipal numbering where applicable.
 - h. Qualifying statement, as follows: "St. Charles Parish land use regulations, including setback standards, supersede private subdivision covenants where parish regulations are more restrictive."
 - i. Existing drainage ditches and canals and their respective servitudes.
 - j. Existing lakes and ponds.
 - k. Name(s) and address(es) of adjoining property owner(s) as they appear on the tax assessor's roles.
 - l. Name(s) of adjoining subdivisions.
 - m. Layout and dimensions, including area, of all proposed lots which shall be numbered consecutively.
 - n. Layout and dimensions of servitudes and rights-of-way, including sidewalks.
 - o. Existing bridges, culverts, watermains, sanitary and storm sewers, and other underground structures indicating pipe sizes, grades, and manholes.
 - p. Existing contours at one (1) foot intervals using mean sea level datum for ground slope within the subdivisions.
 - q. Proposed method and source of sewage disposal and/or treatment.
 - r. Proposed method and plan for drainage.
 - s. Location and size of any proposed school sites, park sites, playgrounds, or other special uses of land.
 - t. A composite road plan with graphic alignment, proposed street names, right-of-way widths, curve radii and tangent length, intended type of surfacing material, street lighting plan, and the

location and type of any proposed railroad crossing(s) for subdivision access. (Ord. No. 00-8-1, § I, 8-7-00)

- u. Vicinity map at a scale of one (1) inch equals two thousand (2,000) feet.
 - v. Statement of Dedication. Submission of the Preliminary Plat shall be accompanied by a written "Statement of Dedication," indicating the subdivider's intent to submit a final "Act of Dedication" prior to approval of the Final Plat. (Ord. No. 00-11-12, § II, 11-20-00)
3. Preliminary Plat/Additional Submission Requirements.
- a. Drainage Impact Analysis. A Drainage Impact Analysis shall be completed by a Civil Engineer registered with the State of Louisiana for all subdivisions of property of one (1) acre or greater. The said Drainage Impact Analysis shall be prepared pursuant to the guidelines specified in these regulations. (Ord. No. 00-11-12, § III, 11-20-00)
4. Preliminary Plat Procedure.
- a. Submission Procedure. An application for subdivision approval and the Preliminary Plat shall be submitted to the Director of Planning and Zoning from the record owner(s) of the property being subdivided. If the property is in the name of a corporation, a resolution authorizing the subdivision or authorizing an individual to request such approval shall be submitted. One (1) Mylar or film reproducible copy, five (5) original copies, and one (1) 11" x 17" Mylar or film reproducible copy of the Preliminary Plat shall accompany the application. Upon submission, the Preliminary Plat shall be stamped with the date of filing, and with an acknowledgment that the required filing fees have been paid. (Ord. No. 00-11-12, § IV, 11-20-00)
 - b. Departmental Review. The Director of the Department of Planning and Zoning shall then review the Preliminary Plat for conformance with the relevant land use regulations. The Director of Planning and Zoning shall inform the subdivider in writing within fifteen (15) calendar days of the date of receipt of the Preliminary Plat the data submitted does or does not meet the objectives of these subdivision regulations. If the data submitted does not meet the objectives of these regulations, the reason(s) shall be so stated. When the Preliminary Plat is found to conform to these regulations, the Commission, through the Department of Planning and Zoning, shall schedule a public hearing on the proposed subdivision.
 - c. Waiver or Modification of Specific Subdivision Regulations. Should the Director discover that specific aspects of the submitted Preliminary Plat fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or modification of existing regulations. Any application for Preliminary Plat approval which contains a request for a waiver or modification of any subdivision regulation shall contain a specific reference to the request and state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or modification of these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.
 - d. Public Hearing Notice. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to

the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning and at the building in which the public hearing shall be held. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to the following parties:

- (1) The subdivider and the owners (at the address(es) listed on the Preliminary Plat).
 - (2) The owners of the land adjoining the platted land as their names appear on the tax assessor's records. If the subdivider owns the contiguous property, the next subsequent landowner shall be notified.
 - (3) The St. Charles Parish Council through the Council Secretary.
- e. **Public Hearing/Decision Process.** The subdivider or his representative shall be present at the public hearing to explain the proposal and to answer questions. Following the public hearing, the Commission shall either:
- (1) Approve the Preliminary Plat as submitted.
 - (2) Conditionally approve the Preliminary Plat with conditions stated in writing.
 - (3) Disapprove the Preliminary Plat within sixty (60) calendar days of the date of the public hearing unless the time is extended by mutual agreement between the Commission and the subdivider.

The reason(s) for disapproval shall be stated in writing to the subdivider. Approval or conditional approval shall be evidenced by the Commission Chairman's signature on the Preliminary Plat. Any conditions or requirements shall be referenced and attached to the Preliminary Plat and application. The Commission, through the Department of Planning and Zoning, shall notify the Parish President and the Parish Council of the decision regarding the presented Preliminary Plat. Approval or conditional approval shall be valid for a period of six (6) months from the date of the Commission decision, unless extended by the Commission. Preliminary Plat approval of any successive phase of an approved subdivision expires when construction is interrupted on any such phase for a period of six (6) months or more.

F. Subdivision Construction.

1. **Approval Procedure--Planning Commission Approval Required.** After receiving Commission approval of the Preliminary Plat and approval by the railroad company for installation of a new railroad crossing (if any) to be dedicated for public subdivision access, the Subdivider shall submit one (1) Mylar or film reproducible, and five (5) original copies of complete construction plans and specifications, and one (1) 11" x 17" Mylar or film reproducible copy of the site plan to the Department of Planning & Zoning for the area to be developed. The Department of Planning & Zoning shall keep the Mylar or film reproducible complete set, and 11" x 17" copy and shall distribute two (2) copies to the Department of Public Works and Wastewater and one (1) copy to the Department of Waterworks. (Ord. No. 00-8-1, § II, 8-7-00; Ord. No. 00-11-12, § V, 11-20-00)

Upon acceptance of the complete construction plans and specifications, letters of no objection from the Directors of the Department of Public Works & Wastewater, the Department of Waterworks, the Contract Monitor (for street light plan), and Parks and Recreation (detailing the accepted recreation obligation), shall

be forwarded to the Planning and Zoning Commission via the Department of Planning and Zoning. Upon receipt, the Planning and Zoning Commission shall, through the Department of Planning and Zoning, schedule a public hearing on the proposed construction approval for the subdivision. No construction work shall begin until formal construction approval by the Planning & Zoning Commission is granted.

Upon Construction Approval by the Planning and Zoning Commission, the Director of Planning and Zoning shall notify the Subdivider by registered letter that he may proceed with the construction of the proposed subdivision. This notification shall also include an itemized listing of all remaining subdivision development fees, which shall be due and payable to the parish at least fifteen (15) days prior to Final Plat consideration by the Council. The Subdivider is then obligated to inform the Director of Planning and Zoning in writing of his intention to proceed, so that arrangements may be made to monitor the installation of improvements. (Ord. No. 00-11-12, § V, 11-20-00)

- a. **Public Hearing Notice.** The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning and at the building in which the public hearing shall be held. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to the following parties:
 - (1) The subdivider and the owners (at the address(es) listed on the Preliminary Plat).
 - (2) The owners of the land adjoining the platted land as their names appear on the tax assessor's records. If the subdivider owns the contiguous property, the next subsequent landowner shall be notified.
 - (3) The St. Charles Parish Council through the Council Secretary.
- b. **Public Hearing/Decision Process.** The subdivider or his representative shall be present at the public hearing to explain the proposal and to answer questions.

Following the public hearing, the Commission shall either:

- (1) Approve the Preliminary Plat for Construction as submitted.
- (2) Conditionally approve the Preliminary Plat for Construction with conditions stated in writing.
- (3) Disapprove the Preliminary Plat for Construction within sixty (60) calendar days of the date of the public hearing unless the time is extended by mutual agreement between the Commission and the subdivider.

The reason(s) for disapproval shall be stated in writing to the subdivider. Any conditions or requirements shall be referenced and attached to the Preliminary Plat and application. The Commission, through the Department of Planning and Zoning, shall notify the Parish President and the Parish Council of the decision regarding the presented Preliminary Plat and its Construction Approval. Construction approval of any phase of an approved subdivision expires when construction is interrupted on any such phase for a period of six (6) months or more.

(Ord. No. 99-12-9, §§ I, II, 12-6-99)

2. Construction Plan Mandatory Submission Requirements

- a. **Construction Plan.** All improvements shall conform to Section III, Geometric Standards, and Section IV, Designs Standards, as contained in these regulations. The basic requirements of construction plans for street, drainage, water, and sewer improvements include, but are not limited to, the following:
 - (1) **Title Sheet.** The title sheet shall show the following:
 - a. **Vicinity Map.** The vicinity map shall show an area large enough to identify several surrounding landmarks or municipalities. The map shall be oriented so that the north arrow points upward.
 - b. **Layout Map.** The layout map shall be drawn at a scale of one (1) inch equals two thousand (2,000) feet and shall show the general configuration of the subdivision and the immediate surrounding or connecting roadways or subdivisions. The scale shall be shown below the map.
 - c. **Subdivision Name.** The name of the subdivision as it appears on the approved preliminary plat and the words "Construction Approval Subdivision Plans" shall be shown in bold letters. The subdivision name shall also be shown on the lower right hand corner of the title sheet. (Ord. No. 02-9-22, § I, 9-23-02)
 - d. **Index.** The index to sheets in the plans will be shown in the upper left hand corner of the title sheet. The index shall include a list of all sheets in order by number and description.
 - e. **Signature.** The signature and seal of a Professional Land Surveyor licensed to practice in the State of Louisiana.
 - (2) **Contour Map.** The contour map shall be prepared covering the area of the subdivision and all additional areas of any watershed which drains into the property to be developed.
 - (3) **Storm Drainage System Plan.** A layout map shall be prepared showing the proposed and existing subsurface storm drainage system and/or ditch drainage system within the subdivision, all outfall drainage systems, and individual drainage areas.
 - (4) **Sanitary Sewer System Plan.** A layout map shall be prepared showing the proposed and existing sanitary sewerage systems.
 - (5) **Water Distribution System Plan.** A layout map shall be prepared showing the proposed and existing water distribution systems.
 - (6) **Street Lighting System Plan.** A layout map shall be prepared showing the proposed street lighting system.
 - (7) **Typical Section Sheet.** A section sheet shall be provided showing the finished section of streets with all utilities included.
 - (8) **Plan Profile.** A plan profile of all streets shall be provided including the following:
 - a. Profile along centerline and each property line.
 - b. Proposed finished centerline grade with station numbers and elevations.
 - c. Grade of storm sewer and/or ditch drainage system.
 - d. Size and grade of sanitary sewer lines.
 - e. Design details of street, drainage, and sewerage improvements.
 - (9) **Base Flood Elevation Data.** Base Flood Elevation (FEMA) data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

- (10) 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. (Ord. No. 99-12-8, § III, 12-6-99)
 - (11) Railroad Crossing(s). If roadway requires a railroad crossing for subdivision access, the subdivider shall submit with the construction plans a copy of the proposed railroad crossing agreement required by the applicable railroad company. The Parish Attorney shall review and return the proposed agreement with comments to the developer within two (2) weeks of the submittal date. Upon submittal of an agreement satisfactory to the Parish Attorney, the Parish President is given authority to execute the agreement as needed for construction of the railroad crossing. (Ord. No. 00-8-1, § III, 8-7-00)
- b. Recreation Impact Acknowledgement. After receiving Commission approval of the Preliminary Plat, the Director of Planning & Zoning shall submit a letter to the Director of Parks and Recreation detailing the land donation calculations and the fee calculations that the developer is to satisfy. A letter of reply from the Director of Parks and Recreation, detailing the accepted provisions, shall be submitted to the Director of Planning and Zoning before formal construction approval.
 - c. Wetland Delineation and/or Wetland Permits. Wetland Delineations must be approved by the U.S. Army Corps of Engineers/New Orleans District; Surveillance and Enforcement Section. If any portion of the property to be developed is designated as jurisdictional wetlands, then all wetland permits must be received prior to construction plan approval. All wetland documentation shall be approved, in writing, by the St. Charles Parish Coastal Zone Management Section before formal construction approval. (Ord. No. 99-3-16, § 1, 3-22-99)
(Ord. No. 00-11-12, § VI, 11-20-00)
- G. Final Plat Requirements.
1. When Required. A formal Final Plat shall be required for all subdivisions where a formal Preliminary Plat has been required.
 2. Mandatory Submission Requirements. The Final Plat shall conform to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The Final Plat shall be drawn in black, waterproof ink on polyester base film or equal drawing material. The scale shall be one (1) inch equals one hundred (100) feet. When required, the Final Plat may be on several sheets. The size of each sheet shall be twenty-four (24) by thirty-six (36) inches. If multiple sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet; any such index sheet shall contain a north arrow, scale, and date. Five (5) such copies of the Final Plat shall be furnished with the submission. The Final Plat shall contain the following information:

- a. The seal of the land surveyor preparing the plat and the date of preparation. Certification statement and signature by a Professional Land Surveyor licensed to practice in the State of Louisiana. The statement shall certify that the final Plat is based upon an actual survey made by said individual, that the distances, courses, all angles and all survey information are shown correctly, that monuments have been set and the lot and block corners are staked correctly on the ground, and that the Professional Land Surveyor has fully complied with the provisions of Louisiana Revised Statutes 33:505¹, et seq., and all parish ordinances governing the subdivision of land.
- b. A title block containing the subdivision name, name and signature of the subdivider, a true north arrow, and the required scale for the Final Plat, both written and graphic.
- c. The boundary lines of the subdivision, with accurate distances, angles, and bearings.
- d. The exact location and widths of all existing and recorded streets intersecting or paralleling within three hundred (300) feet of the boundaries of the subdivision.
- e. Municipal, township, range, parish, and section lines shall be accurately tied to the lines of the subdivision by distances, angles, and bearings.
- f. Street and alley rights-of-way, together with street names and widths.
- g. All curve data including the length of all arcs, radii, internal angles, points of curvatures, lengths, and bearings of tangents.
- h. All lots and tracts with dimensions, linear and angular, necessary to readily determine the exact boundary of all lots and tracts which are part of the subdivision. All lots shall be numbered in a consecutive manner with no tract or portion of the subdivision omitted. In addition, municipal numbering shall be provided where applicable.
- i. Qualifying statement, as follows: "St. Charles Parish land use regulations, including setback standards, supersede private subdivision covenants where parish regulations are more restrictive."
- j. All existing drainage ditches, canals, lakes, and ponds.
- k. All easements, servitudes, or other rights-of-way together with the limitation of the easement(s).
- l. All permanent monuments required by these regulations shall be shown. Monuments and their locations shall be shown on the Final Plat:
 - (1) At all corners, control points and angle points on the boundary of the subdivision, but spaced no more than five hundred (500) feet apart.
 - (2) At all points where the boundary of the subdivision intersects street right-of-way lines.
 - (3) At all corners formed by the intersection of street right-of-way lines.
 - (4) At the point of curvature and the point of tangency on all horizontal curves.
- m. Inundation elevation shall be shown and all areas subject to inundation shall be delineated. The one hundred (100) year flood elevation shall be shown.
- n. Boundaries of all property offered for dedication for public uses or other special use. Any property that may be designated by deed or covenants for the common use of the property owners in the subdivision shall contain in the deed or covenant a statement of responsibility for maintenance.

- o. Statement of Dedication printed upon the Final Plat, signed by the owner(s), and stated as follows:

Dedication

"The right-of-way of streets shown hereon, if not previously dedicated, is hereby dedicated to the perpetual use of the public. All areas shown as servitudes are granted to the public for use of utilities, drainage, sewage removal, or other proper purpose for the general use of the public. No building, structure, or fence shall be constructed, nor shrubbery planted within the limits of any servitude so as to prevent or unreasonably interfere with any purpose for which the servitude is granted.

Sewage Disposal--No person shall provide a method of sewage disposal, except connection to an approved sanitary system, until the method of treatment and disposal has been approved by the Louisiana Department of Health or modern equivalent."

Signature of Owner(s)

- p. Reference to any recorded instrument which institutes private restrictions, restrictive covenants, or trusteeships.
- q. Approval signature lines for the Chairman of the Planning Commission, the Chairman of Parish Council, and the Parish President.
- r. Buildable area within individual lots considering all applicable setbacks including setbacks from major drainage servitudes and setbacks. (Ord. No. 99-12-8, § V, 12-6-99)
- s. The location of any sewer lift stations. (Ord. No. 02-5-20, § I, 5-20-02)
3. Final Plat/Additional Submission Requirements.
- a. Restrictions. A complete copy of any private restrictions, restrictive covenants, of trusteeships and their periods of existence to apply to lots in the subdivision which shall have been signed by the owner(s) or his agent and recorded in the Office of the Clerk of Court.
- b. Certification Statement by the owner(s) or his agent that the Sewer Development Connection Fee has been paid in full.
- c. Act of Dedication. Submission of the final Plat shall be accompanied by a written "Act of Dedication" (example supplied by the parish upon request) which shall be signed by the owner(s) dedicating the streets, rights-of-way, and railroad crossings (if any) to the perpetual use of the public for proper purposes. If railroad crossings required for subdivision access are to be dedicated, the Parish shall perform the required action for accepting ownership and maintenance of said railroad crossings within ten (10) working days of the Act of Dedication being accepted by the Parish, if not done so previously. (Ord. No. 00-8-1, § IV, 8-7-00)
- d. Application for Final Plat Approval. The subdivider shall submit a written letter of application for Final Plat approval.
- e. One (1) film reproducible of the sanitary sewer system.
- f. One (1) film reproducible of the storm drainage system.
- g. One (1) film reproducible of the street lighting system.
- h. One (1) film reproducible of the water system.
- i. One copy of the traverse calculations for the subdivision. The minimum traverse calculations required shall include a closed traverse of the subdivision boundaries and a closed traverse along the centerline of each street within the development. It is stipulated that the correctness and accuracy of survey data and computations rests with the Registered Professional Civil Engineer or Registered

Land Surveyor submitting the Final Plat of the subdivision. The field traverse shall be balanced by the following method:

- (1) Check angular closure. If closure is less than $(v n) \times (15 \text{ seconds})$, where n = number of angles turned, proceed with subsequent steps. If closure is greater than $(v n) \times (15 \text{ seconds})$, rerun field traverse until angular closure is less than $(v n) \times (15 \text{ seconds})$.
 - (2) Adjust all angles equally.
 - (3) Rerun traverse with adjusted angles.
 - (4) Check linear closure. If closure is within 1 in 10,000, proceed with subsequent step. If closure is not within 1 in 10,000, rerun field traverse until closure conforms to previous steps.
 - (5) Adjust dimensions by compass rule.
- j. All remaining subdivision development fees shall be submitted at least fifteen (15) days prior to Final Plat consideration by the Council.
- k. If the subdivider has requested and received a waiver to subsurface drainage requirements and built the subdivision in accordance with those provisions, he shall provide a retrofit manual, including a plat, for incremental migration to a subsurface drainage system. The manual and plat shall include, but not be limited to, all needed culvert sizing, slopes and material specifications needed to complete the project. This manual is to be used to size all culverts, including single driveway culverts, in the subdivision. (Ord. No. 01-4-5, § 1, 4-2-01)
4. Final Plat Approval/Procedure.
- a. Upon the completion of construction improvements and the receipt by the Director of Planning and Zoning of a written recommendation by the Parish Engineer that said improvements conform to these regulations, the subdivider shall submit the Final Plat, application for approval, remaining fees, and all other required information to the Council via the Department of Planning and Zoning. All specified documentation must be submitted a minimum of fourteen (14) days prior to the Council meeting at which it is to be considered. All outstanding subdivision development fees must be submitted to the Department of Planning and Zoning at least fourteen (14) days prior to the Council meeting at which it is to be considered.
 - b. The Department of Planning and Zoning shall forward one (1) copy of the required information to the Parish Engineer. The Parish Engineer shall check the Final Plat and accompanying information to insure that it:(i) meets the requirements of these regulations; (ii) conforms to the approved construction plans and specifications; and (iii) conforms to the approved Preliminary Plat and any attached conditions or requirements imposed by the Commission.
 - c. If the Final Plat and accompanying submissions are recommended for approval by the Parish Engineer, the Council may proceed to approve the Final Plat. Following concurring approval by the Parish President, the Council Chairman shall sign and date the film reproducible of the Final Plat along with five copies of the Final Plat. The Planning Commission Chairman shall also sign and date the described documents so as to evidence prior Preliminary Plat approval of the subdivision in question.
 - d. Should the Final Plat be disapproved, the Council shall notify the Subdivider in writing of such action and shall furnish the reason(s) for disapproval. The Final Plat may consist of only a portion of the approved Preliminary Plat provided that portion conforms to the Subdivision Regulations and the plat approved for the entire area.
 - e. Any Final Plat which has been approved by the Council shall be recorded by the subdivider with the Clerk of Court within sixty (60) days of the date of approval, and the Council furnished a copy of the recordation. The subdivider shall also furnish the Planning Department with one (1) film reproducible and one (1) copy of the approved Final Plat. Both documents shall reveal the applicable

recording. Should the subdivider fail to record the subdivision as specified, the approval shall be invalidated.

H. **Acceptance of Improvements.**

1. **Procedure.** When construction is complete and in accordance with approved plans and specifications and after the railroad crossing(s), if any, has been accepted by the Parish, the subdivider, through his engineer, shall certify that all work has been completed and may request final inspection so that he may obtain written approval and acceptance from the St. Charles Parish Council. For a period of twelve (12) months after acceptance of the work, the subdivider shall keep all filled trenches, pipes, manholes, structures, paved or unpaved surfaces, railroad crossings, etc. constructed and in good condition. The subdivider shall make repairs to such defects in material and workmanship as may develop and may be discovered. If sewage treatment plants and/or pumping stations are constructed, the subdivider shall guarantee materials and workmanship of these facilities for a period of twelve (12) months. The subdivider shall also be responsible for reimbursing the Parish for any repair or maintenance cost associated with railroad crossings and related mechanical devices submitted to the Parish by the railroad from the date of the crossing(s) acceptance by the Parish until the end of the twenty-four month period. Railroad crossings shall remain the property of the developer until dedicated to and accepted by the Parish. (Ord. No. 00-8-1, § V, 8-7-00)
2. **Maintenance Agreement/Surety Bond.** The subdivider shall file with the parish a maintenance agreement and surety bond securing to the Parish Council the satisfactory performance of this work for a period of one year from the date of the bond. The amount of the bond shall be ten (10) percent of the cost of the improvements as determined by the Parish Engineer and the form of the bond shall be approved by the Parish Attorney. The bond shall be subject to cancellation only upon the written approval of the Parish President.
3. If any trees or shrubs exist upon any of the improvements, servitudes, easements, lands or portions of land proposed to be dedicated to the Parish, the subdivider shall remove them or shall file with the Director of the Department of Public Works a request to allow such trees and shrubs to remain at the time of dedication. The request shall include a detailed inventory of the trees or shrubs that the subdivider proposes to leave upon such improvements, servitudes, easements, lands or portions of land to be dedicated. The Director of the Department of Public Works, at his sole discretion, may approve or disapprove any such request in whole or in part.
Should the Director of the Department of Public Works approve any such request in whole or in part, the subdivider shall file with the parish a maintenance agreement and surety bond securing to the Parish the satisfactory maintenance of and/or removal of any such trees or shrubs so approved for a period of five (5) years from the date of the bond. The amount of the bond shall be one hundred (100) percent of the cost of the maintenance of and/or removal of any such trees or shrubs as determined by the Parish Engineer and the form of the bond shall be approved by the Parish Attorney. The bond shall be subject to cancellation only upon the written approval of the Parish President.
(Ord. No. 82-8-13, 8-16-82; Ord. No. 83-8-11, § III, 8-15-83; Ord. No. 84-7-17, § II, 7-16-84; Ord. No. 84-12-1, 12-3-84; Ord. No. 85-8-4, § II, 8-5-85; Ord. No. 85-12-12, § II, 12-16-85; Ord. No. 90-6-12, § II, 6-18-90; Ord. No. 91-6-16, § I, 6-17-91; Ord. No. 92-2-12, § I, 2-3-92; Ord. No. 92-3-11, §§ II, III, 3-23-92; Ord. No. 92-10-8, § VI, 10-5-92;

Ord. No. 93-7-4, § V, 7-6-93; Ord. No. 94-3-11, § I, 3-21-94; Ord. No. 96-2-6, 2-5-96; Ord. No. 02-12-3, § I, 12-2-02)

~~C. — Minor Subdivisions/Formal Process Not Required.~~

~~1. — If no street, drainage, or sewer improvements are required, no formal Preliminary Plat shall be required, however, the presented plan shall conform to requirements outlined in Section II.C.4. of this section. (Ord. No. 94-12-4, § XIX, 12-5-94)~~

~~2. — In instances where only five (5) lots or less are proposed for resubdivision wherein no additional lots or additional streets are proposed to be created, the Parish President and the Director of Planning and Zoning shall have the authority to sign certification and thereby approve or disapprove such applications for subdivisions without public notice, public hearing, Commission approval, or Council approval, provided that the proposal is in compliance with all relevant land use regulations, as amended. This authority shall not exceed the limits herein.~~

~~3. — In instances where only five (5) lots or less are proposed to be created by subdivision or resubdivision and no new or additional streets are to be created, the Commission may approve and the Chairman of the Commission may sign certification for such applications for subdivision or resubdivision without final approval of the plat plan by the Council provided that the standard public hearing and public notification actions have been effected. The proposal shall be in compliance with all relevant land use regulations, as amended. This authority shall not exceed the limits herein.~~

~~4. — Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information:~~

~~a. — Location of the property.~~

~~b. — Name(s) and address(es) of the owners.~~

~~c. — Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.~~

~~d. — Existing property lines and lot numbers, including names and width of adjoining streets.~~

~~e. — Proposed property lines and revised numbers of proposed lots.~~

~~f. — Location and dimensions of existing buildings.~~

~~g. — Layout and dimensions of servitudes and rights-of-way (including sidewalks). Existing drainage ditches and canals and their respective servitudes.~~

~~h. — Existing lakes and ponds.~~

~~i. — North arrow and scale.~~

SECTION III. That the St. Charles Parish Code of Ordinances, Appendix C, Section II. Subdivision Procedure is amended by changing Subsection B. *Preliminary Plat Requirements* to Subsection F.

SECTION IV. That the St. Charles Parish Code of Ordinances, Appendix C, Section III **Geometric Standards**, B. *Blocks*. is hereby amended by adding:

1. Length. No block shall be longer than one thousand five hundred (1,500) feet nor less than five hundred (500) feet between street centers. **Block separation, including stub outs, shall be paved to provide a minimum of two ingresses and egresses to the proposed subdivision or accommodation for future access may be approved.**

SECTION V. That the St. Charles Parish Code of Ordinances, Appendix C, Section IV. E. *Miscellaneous*. is amended as follows:

2. Traffic control signs and signals. The Subdivider shall provide necessary traffic control signs, signals, and devices for all new streets within the subdivision. All signs and devices shall conform to the most recent edition of the Manual on Uniform Traffic Control Devices and shall be in place before acceptance of construction improvements.

Railroad Crossings. Streets within the proposed subdivision which cross railroad rights-of-way shall, at railroad crossing, contain a median strip between opposing traffic lanes. **Minimum length of median shall be 35-feet from center of railroad crossing.** Minimum curb height of median shall be eight (8) inches. Railroad crossing shall be protected with at least one flashing light signal on each side of railroad crossing. Each sign shall include at least one (1) automatic gate that when activated to lower across roadway, extends to within one (1) foot of the median curb. **All railroad crossing signs and devices shall conform to the most recent edition of the Manual on Uniform Traffic Control Devices and shall be in place before acceptance of construction improvements.** (Ord. No. 00-8-1, § VIII, 8-7-00)

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

YEAS: MARINO, FAUCHEUX, HILAIRE, RAMCHANDRAN, WALLS,
BLACK, DUHE, MINNICH

NAYS: NONE

ABSENT: FABRE

And the ordinance was declared adopted this 23rd day of January, 2006, to become effective five (5) days after publication in the Official Journal.

ACTING
CHAIRMAN:

Arnie Black

SECRETARY:

Shirley Jean Tucker

DLVD/PARISH PRESIDENT:

January 24, 2006

APPROVED:

DISAPPROVED:

PARISH PRESIDENT:

Albert O. Lague

RETD/SECRETARY:

January 25, 2006

AT: 12:10 pm

RECD BY:

J. L. G.