

## NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on August 23, 2012, and laid over for publication of notice:

### L.P. ORDINANCE 12-34

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 13 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "SUBDIVISION REGULATIONS," SECTION 13-45, "DEFINITIONS", SECTION 13-49.3, "SUBMITTALS", SECTION 13-49.6 "REQUIREMENTS FOR MINOR SUBDIVISIONS", SECTION 13-50, "PROCEDURES FOR SUBDIVISIONS WITH IMPROVEMENTS", SECTION 13-54.1, "STREETS AND STANDARDS," SECTION 13-55, "SERVITUDES; RIGHTS OF WAY", AS FOLLOWS.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, September 13, 2012, at six (6:00) o'clock p.m., at the Parish Council Chambers, Governmental Building, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

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Lisa Frederick, Council Clerk

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Cindy Wale, Council Chair

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on August 23, 2012 a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage September 13, 2012, on Motion of \_\_\_\_\_ and seconded by \_\_\_\_\_:

L.P. ORDINANCE 12-34

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 13 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "SUBDIVISION REGULATIONS," SECTION 13-45, "DEFINITIONS", SECTION 13-49.3, "SUBMITTALS", SECTION 13-49.6 "REQUIREMENTS FOR MINOR SUBDIVISIONS", SECTION 13-50, "PROCEDURES FOR SUBDIVISIONS WITH IMPROVEMENTS", SECTION 13-54.1, "STREETS AND STANDARDS," SECTION 13-55, "SERVITUDES; RIGHTS OF WAY", AS FOLLOWS.

WHEREAS, on September 13, 2001, the Livingston Parish Council adopted L.P. Ordinance 01-16, "An Ordinance to Amend and Reenact Article IV, Chapter 13, Subdivision Regulations, of the Livingston Parish Code of Ordinances and Related Matters Thereto;" and

WHEREAS, the Livingston Parish Council has enacted numerous amendments to Chapter 13 of the Code of Ordinances to make necessary and desirous updates and revisions to that section of the Code setting out Subdivision regulations; and

WHEREAS, the Livingston Parish Council now desires to make further amendments to the Subdivision regulations.

THEREFORE, BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana:

SECTION 13-45, DEFINITIONS, of ARTICLE IV of CHAPTER 13 of the Code of Ordinances is hereby amended as follows by deleting and adding the following definition for "Garden Homes":

***Garden Homes:*** A Garden Home is a detached, single-family unit typically situated on a reduced size lot that orients outdoor activity within rear patio areas for better use of the site for outdoor living space. The garden home cannot be in a zero lot-line configuration. The rear yard of a garden home is typically enclosed with a privacy fence, which is six feet high within required setback areas and sometimes higher within the building envelope.

FURTHERMORE, BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana:

SECTION 13-45, DEFINITIONS, ***Subdivision*** of ARTICLE IV of CHAPTER 13 of the Code of Ordinances is hereby amended as follows by deleting Section (4) and replacing this section with the following:

- (4) All subdivision and/or re-subdivision developments with and without improvements consisting of a combined total of eight (8) lots or more, not previously submitted, must submit for approval to the Parish Planning Commission and Parish Council, all requirements set forth in section 13-49.5 or 13-50, accordingly.

FUTHERMORE, BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana:

SECTION 13-49.3 of ARTICLE IV of CHAPTER 13 of the Code of Ordinances is hereby amended as follows:

SECTION 13-49.3 SUBMITTALS, SECTION B. Subdivisions without Improvements shall be deleted entirely and the following shall replace that Section:

## SECTION 13-49.3. SUBMITTALS

### B. Subdivisions without Improvements

The O/D/S must submit a final plat to the Review Engineer and Planning Commission Office and placed on the Planning Commission Agenda and Parish Council Agenda for consideration. A drainage impact study may be required if the Review Engineer determines that the subdivision meets the requirements set forth in Section 13-57. The final plat must be submitted as follows:

1. Review Engineer - 1 copy, including supplementary material and completed Form(s) 20 and 20-B, on the 18th day of the month prior to the planning commission meeting at which it is to be considered. Include drainage inverts and pipe diameters per Sec. 13.59.A.2.
2. Planning Department – 12 copies and 1-11”x17” or smaller copy complete and corrected, including supplementary material including transmittals showing that submittals to all parties and completed Form(s) 20 and 20A, on the 18th day of the month prior to the planning commission meeting at which it is to be considered.
3. Drainage District (if applicable) – 1 copy of the final plat, and the drainage impact study (if required) on or before the 8th day of the month prior to the Planning Commission meeting at which it is to be considered.
4. Parish Health Unit – 1 copy, on the 18th day of the month prior to the Planning Commission meeting at which it is to be considered.
5. Sewer District (if applicable) – 1 copy, on the 18th day of the month prior to the Planning Commission meeting at which it is to be considered.
6. Fire District – 1 copy, on the 18th day of the month prior to the Planning Commission meeting at which it is to be considered.
7. A drainage impact study must be submitted for ten (10) lots or more to the Review Engineer, Planning Director and Drainage District (if applicable) and approved prior to final plat approval. For less than ten (10) lots, the drainage impact study will not be required unless it is recommended by the Review Engineer/Planning Director or Drainage District. Within ten (10) working days of submittal of the drainage impact study the Review Engineer and Drainage District (if applicable) must provide the O/D/S’s Project Engineer with comments from his review.

The drainage impact study must be submitted on the 8th day of the month prior to the Planning Commission meeting to be considered.

Following the approval of the preliminary plat by the Parish Council, any improvements (if necessary) shall be completed prior to the final plat stage. The original of the final plat must be submitted to the Review Engineer and Parish President and/or Planning Director for approval and signature. After all fees are paid the plat is approved and signed, the O/D/S shall record a copy of the plat in the official records of the Clerk of Court and provide four (4) certified copies to the Planning Commission office.

FURTHERMORE, BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana:

SECTION 13-49.6 of ARTICLE IV of CHAPTER 13 of the Code of Ordinances is hereby amended as follows:

SECTION 13-49.6 REQUIREMENTS FOR MINOR SUBDIVISIONS, paragraphs A, B, C, D, & E shall be deleted in its entirety and replaced with the following:

- A. All divisions of property shall be cumulative as of the year 2000 forward and shall not be re-subdivided beyond minor subdivision requirements.

- B. All lots divided shall be at a minimum of sixteen thousand (16,000) square feet with minimum of eighty (80) feet at building line.
- C. Any division over four (4) lots must front an existing public road; however, when four (4) lots or more are divided, the developer may have a maximum of seven (7) lots on an existing public road, but no more than four (4) lots may be on a minimum forty (40) foot servitude access as described below if under 1,056 feet of linear footage. If over 1,056 feet of linear footage, there must be sixty (60) foot servitude.

When four (4) lots or less are divided, the developer may choose any type forty (40) or sixty (60) foot servitude access with a mandatory “buyer beware” affidavit and must note on the plat that the Livingston Parish Council has no agreement or obligation to take in or maintain this access. Any division of property that utilizes the minimum forty (40) or sixty (60) foot servitude access shall not be re-subdivided at any time in the future pursuant to this ordinance.

- D. Once the Planning Department has received plat for a minor subdivision, the Livingston Parish Council clerk and any appropriate drainage district are to be notified in writing. The Planning Department will have ten (10) working days to approve or produce a written letter of objection to the developer or the developer’s authorized representative, and the Councilman of the area. The ten (10) working days will begin after the erection of the sign and plat has been submitted. This excludes family partition and is not subject to Section 13-54.1.
- E. The following sign will be required for minor subdivisions. The O/D/S shall erect a four (4’) foot by eight (8’) foot black and white sign with a minimum of four (4”) inch high letters located with no obstructions within five (5) feet of the nearest public right-of way leading to the subdivision. The bottom of the sign shall be at least four (4’) feet from the ground. Twenty-five percent (25%) of sign may be dedicated for advertising purposes and graphics, provided such area is contiguous. The sign shall be erected at least 10 days prior to the planning director approval. The sign shall be titled “A Minor Subdivision Is Proposed For This Site” and shall contain the following information:
  - 1. Name, address and phone number of O/D/S
  - 2. Name of subdivision or development
  - 3. Number of lots (to be divided)
  - 4. Number of acres in the development

BE IT FURTHER ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana: Chapter 13, Planning and Development, SECTION 13-50, PROCEDURE FOR SUBDIVISIONS WITH IMPROVEMENTS, SECTION A, AND PARTS (4) AND (6) OF SECTION B., AND SECTION E of the Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by deleting and adding the following paragraphs for Section 13-50, Section A, and Parts (4) and (6) of Section B and the entirety of Section E which shall read as follows:

#### **Section 13-50. Procedure for Subdivisions With Improvements**

- A. STAGE 1 – Preliminary Meeting (*Informal discussion*)** PRIOR to the filing of an application for approval of the preliminary plat, a representative is REQUIRED to have an informal discussion with the Planning Commission’s Review Engineer and other parish staff and officials deemed appropriate in an effort to resolve technical matters regarding the proposed subdivision prior to consideration by the Planning Commission.

**B.**

- (4) *Action noted on plat.* The action of the Livingston Parish Council shall be noted on five (5) copies of the preliminary plat. One (1) copy shall be returned to the O/D/S, one (1) copy provided to Review Engineer's office, one copy to the Parish Health Office, one copy to the Parish Planning Department and the remainder retained by the Livingston Parish Council.
- (6) *Changes or alterations.* Any changes made by the O/D/S after approval of the preliminary plat shall be submitted in electronic format and reviewed by the Review Engineer and Planning Director. If the change by the O/D/S is substantial in nature which is defined below, then approval can only be granted by the Planning Commission or Parish Council. If the suggested change is not substantial in nature, then approval can be granted by the Planning Director.

**E. STAGE 5 – Final Plat and bonding**

The final plat, upon the recommendation of the review engineer, the planning director shall approve the final plat.

The O/D/S may request approval of the final plat by constructing all improvements shown on the construction plans and posting a maintenance bond to start the 18 (eighteen) month maintenance period. The procedures are defined in Section 13-50.2 of these regulations and only apply after completion and final inspection. The O/D/S may choose to substantially complete construction and post a performance bond for punch list items shown on the final inspection report to receive approval of the final plat.

BE IT FURTHER ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana: Article IV of Chapter 13, Planning and Development, SECTION 13-54.1, "STREET STANDARDS", paragraph A shall be deleted in its entirety and replaced with the following:

A. All new roads/streets (private or public) shall be paved and constructed in accordance with these regulations. The O/D/S that constructs a private road shall be required to obtain a signed affidavit from all buyers located on the private road acknowledging it is a private road and not maintained by the parish. A copy of the signed affidavit must be sent to the parish council office. A large note shall be placed on the final plat stating the following: BUYER BEWARE --- THE STREETS, ROADS, SERVITUDES AND RIGHTS OF WAY IN THIS SUBDIVISION WILL NOT BE MAINTAINED BY THE LIVINGSTON PARISH COUNCIL OR ANY OTHER PUBLIC BODY. A variance for private all purpose servitudes may be obtained when a subdivision of four (4) lots or less (minor subdivision) is created as a subdivision that may be legally re-subdivided. A minimum forty (40) foot, all purpose private servitude is required. This type of minor subdivision must be approved by the Parish Council or the Planning Director (LPO 04-16) and cannot undergo future re-subdividing (LPO 03-12, 03-24, 04-02).

FURTHERMORE, BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana:

SECTION 13-55 of ARTICLE IV of CHAPTER 13 of the Code of Ordinances is hereby amended as follows:

SECTION 13-55 SERVITUDES; RIGHTS-OF-WAY, SECTION C, The Minimum Servitude Width Shall Be Fifteen (15) Feet, amending Parts G and H by deleting and adding the following as listed below.

- G. All subdivision/re-subdivision for single family dwellings (with lot sizes of 10,000 square feet or less) and multifamily developments consisting of a combined total of (20)

lots/units or more, not yet submitted, must include one (1) guest parking space for every three (3) single family lots or multifamily units. These spaces must be separate from the lots and centrally located for use. The total number of lots shall include all filings.

- H. All subdivision/re-subdivision garden home and multifamily developments consisting of a combined total of (30) lots/units or more, not yet submitted, must include non-wetland, usable and cleared “recreational space” minimum ¼ acre for every 30 lots/units.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

The effective date of this ordinance shall be as prescribed by law.

Upon being subjected to a vote, the vote thereon was as follows:

YEAS:

NAYS:

And the ordinance was declared adopted on the 13<sup>th</sup> of September, 2012.

\_\_\_\_\_  
Cindy Wale, Council Chair

ATTEST:

\_\_\_\_\_  
Lisa Frederick, Council Clerk

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INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.

APPROVED BY PRESIDENT \_\_\_\_\_  
Layton Ricks Date

VETOED BY PRESIDENT \_\_\_\_\_  
Layton Ricks Date

RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.