

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 April 26, 2012, and laid over for publication of notice:

L.P. ORDINANCE 12-11

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 13 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "SUBDIVISION REGULATIONS," SECTION 13-49.3, "SUBMITTALS" AND SECTION 13-50, "PROCEDURES FOR SUBDIVISIONS WITH IMPROVEMENTS", AND ADDING SECTION 13-54.4, "TRAFFIC IMPACT STUDY" AS FOLLOWS.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, May 24, 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.

Lisa Frederick, Council Clerk

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 April 26, 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 May 24, 2012, on Motion of _____ and seconded by _____:

L.P. ORDINANCE 12-11

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 13 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "SUBDIVISION REGULATIONS," SECTION 13-49.3, "SUBMITTALS" AND SECTION 13-50, "PROCEDURES FOR SUBDIVISIONS WITH IMPROVEMENTS", AND ADDING SECTION 13-54.4, "TRAFFIC IMPACT STUDY" 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 13-49.3 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 (3) AND (7) and the first paragraph directly under (7) shall be deleted entirely and the following shall be added to that Section:

SECTION 13-49.3. SUBMITTALS

- B. 3.** Drainage District (if applicable) – 1 copy, of the final plat on the 18th day of the month to the Planning Commission meeting at which it is to be considered.
- 7.** The drainage impact study must be submitted to the Review Engineer, Planning Director and Drainage District (if applicable) and approved prior to the final plat being considered at the Planning Commission meeting. 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.

FURTHERMORE, 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 C. Subdivisions with Improvements, the title "Drainage Impact Study" shall remove the wording "*(if required)*".

FURTHERMORE, 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 C. Subdivisions with Improvements, the title “School Impact Study” (1) shall be deleted entirely and the following shall be added to that Section:

School Impact Study

1. At the discretion of the Parish Council the O/D/S may be required to submit a school impact study. In addition the O/D/S shall submit one (1) page description and preliminary plat/site plan to the Livingston Parish School Board.

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, A. THROUGH E., of the Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by deleting and adding the following paragraphs which shall read as follows:

Section 13-50. Procedure for Subdivisions With Improvements

- A. **STAGE 1 – *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. **STAGE 2 – *Preliminary plat***

- (1) Upon the satisfactory conclusion of the informal discussion with the Planning Commission’s Review Engineer and other designated officials the preliminary plat and the preliminary plat checklist Form 20-A shall be submitted. The preliminary plat is a conceptual plan of a proposed development and does not represent a fully engineered, dimensioned or designed project and must include current and future filings and/or development.

The preliminary plat must be submitted in accordance with Section 13-49.3 C, and placed on the Planning Commission Agenda for a public hearing. After the Planning Commission has held a public hearing, and made its recommendation to the Parish Council, the preliminary plat proceeds to the Council for consideration.

- (2) 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 twenty-five (25’) 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 Commission meeting at which the subdivision is to be considered. The sign shall be titled “A 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
4. Number of acres in the development

- (3) *Time in which the Council acts.* Following the submission of the preliminary plat and other material submitted in conformity to these regulations, the Livingston Parish Council shall, within sixty (60) days, approve, disapprove, or defer thereon as submitted or modified, and if approved, the Parish Council shall express its approval on the preliminary plat or give its reasons for disapproval. The applicant may waive this requirement and consent to an extension of such period. Any cancellation or deferral request by O/D/S shall be deemed as consent to an extension of the time period contained herein. All such requests for deferrals or agenda cancellation shall be in written form.

- (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 and the remainder retained by the Livingston Parish Council.
- (5) *Approval of preliminary plat.* Approval of the preliminary plat authorizes the O/D/S to proceed with the Drainage Impact Study; however, the O/D/S may choose to submit the Drainage Impact Study along with the preliminary plat. Following approval of the preliminary plat, the Drainage Impact Study, and any other requested impact studies, the O/D/S may proceed with construction plans and final plat in accordance with these regulations. Approval of the preliminary plat shall be effective for twenty-four (24) months.
- (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 and Review Engineer.

SUBSTANTIAL CHANGES

1. A change in the number of lots, amounting to an increase or decrease of five percent (5%) or more of the total number from the previously approved plat.
2. Re-design of the subdivision or any portion thereof which would change the street pattern or overall layout of the previously approved plat.
3. Relocation or addition any sewage treatment facility.
4. Relocation or addition of any drainage facility, except as mandated by an agency with the legal authority to govern the change.

C. STAGE 3 – 2nd Preliminary Plat Approval and other Supplementary Materials

Once the preliminary plat approval is granted and prior to proceeding with construction plans, the O/D/S must submit for 2nd approval to the Parish Planning Commission and the Parish Council, the following along with a copy of the approved preliminary plat:

1. *Drainage Impact Study (required and approved by Review Engineer)*
Upon receipt of the preliminary plat, the Review Engineer must complete review of the drainage impact study in accordance with Section 13-57 of these regulations. The O/D/S shall have a drainage impact study prepared and sealed by a civil engineer currently licensed to practice in the State of Louisiana. The drainage impact study must be submitted to the Review Engineer and Drainage District (if applicable) for review and approval. The drainage impact study must be submitted in accordance with Section 13-49.3(C). 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.
2. *Traffic Impact Study (required and approved by Review Engineer)*
Upon receipt of the preliminary plat, the Review Engineer must complete review of the traffic impact study in accordance with Section 13-54.4 of these regulations. The O/D/S shall have a traffic impact study prepared and sealed by a civil engineer currently licensed to practice in the State of Louisiana. All information and analysis submitted by the O/D/S must follow the requirements and methods outlined in Section 13-54.4.
3. *Wetland Mitigation Plan*
If the proposed development contains wetlands then a "wetland mitigation plan" must be submitted.
4. Before giving Stage 3 approval, the Parish Council may at their discretion require:
 - (a) A school impact study and approval by the school board; and

- (b) Additional impact studies as may be warranted by the type and location of the development.
- 5. In addition to Section 13-46, the Parish council may deny approval:
 - (a) If the plan does not conform to the community's existing character
 - (b) Places a burden on existing community infrastructure
 - (c) For unsatisfactory or inadequate studies or plans

D. STAGE 4 – Construction plans

- (1) Within seven (7) days of submittal of the construction plans, specifications, and drainage calculations, the Review Engineer must provide the O/D/S's Project Engineer with comments from his review. After all the comments have been addressed by the Project Engineer, the Review Engineer must provide to the Parish President a letter of recommendation of conformity to these regulations. Following the review by the Review Engineer, two sets of construction plans must be submitted to the Parish President's office for approval. Within seven (7) days of receipt of the letter of recommendation from the Review Engineer, the Parish President or the Planning Director must issue a letter of approval to the O/D/S's Project Engineer.
- (2) Flood zones as reflected on the FIRM maps shall be indicated on the construction plans.
- (3) Any changes or re-design of construction plans shall be indicated on the construction plans.

STAGE 4 – Construction

Construction procedure requirements are to be followed as set forth in Section 13-50.2 of these regulations.

E. STAGE 5 – Final Plat and bonding

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: Chapter 13, Planning and Development, of the Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by **adding** the following Section, SECTION 13-54.4, TRAFFIC IMPACT STUDY, which shall read as follows:

Section 13-54.4. TRAFFIC IMPACT STUDY

This section establishes requirements for transportation studies that provide information on traffic projected to be generated by proposed developments. The purpose and intent of these requirements is to protect the health, safety, and welfare of the citizens and visitors of Livingston Parish by ensuring the provision of safe and adequate transportation facilities. It is the further intent of this section to establish requirements for the identification of any potential traffic operational problems or concerns, as well as potential solutions to such problems or concerns.

- A. The O/D/S must determine, and state in writing, the anticipated impact of the proposed development on the existing transportation network. All information and analysis submitted by the O/D/S must follow the requirements and methods outlined in this section. There are four levels (Thresholds 1, 2, and 3) of analysis. Any development that is required to submit a Traffic Impact Statement or Study to DOTD will be exempt from the requirements of this section and shall submit the required Traffic Impact Statement or Study to the proper review

agency at DOTD. When a Traffic Impact Statement or Study is submitted to the Parish for review, the following conditions will apply:

1. The study must be completed and submitted with the Preliminary Plat or Stage 3 submittal.
2. All analysis must be performed by a Louisiana registered professional civil engineer with experience in performing similar type studies.
3. Prior to beginning a Comprehensive Traffic Impact Study (Threshold 3), the Engineer will meet with the Review Engineer and the Planning Director to develop the exact scope of the study and determine the actual area to be studied and methods used.

B. Traffic Impact Analysis Threshold Levels

1. **Threshold 0 (Traffic Impact Statement Required)** - If the proposed development results in less than forty (<40) peak hour trips, either AM or PM (whichever is greater) the O/D/S would submit:
 - a. The proposed trip generation and distribution;
 - b. Source of information (Trip Generation Manual), or a comparison to equivalent site in Livingston Parish with known trip data.
 - c. Sight distance evaluation;
2. **Threshold 1 (Traffic Impact Statement Required)** - If the proposed development results in greater than forty (>40) and less than seventy-five (<75) peak hour trips, either AM or PM (whichever is greater) the O/D/S would submit:
 - a. a. through c. above, and;
 - d. Analysis of the access/egress of development in relation to Level-of-Service of the adjacent roadway system.
3. **Threshold 2 (Limited Traffic Impact Study)** - If the proposed development results in greater than seventy-five (>75) and less than four hundred (<400) peak hour trips either AM or PM the O/D/S would submit:
 - a. a. through d. above, and;
 - e. Recommendations for any roadway and/or intersection improvements to maintain or improve the existing Level-of-Service;
 - f. Provide vehicle accident data in proximity to site (if available);
 - g. Analysis of the roadway capacity (existing and/or proposed) on all roadway links abutting the proposed development site and identify necessary roadway and/or intersection improvements to maintain the existing Level-of-Service;
 - h. An analysis of the nearest major intersection (typically signalized) in each direction from the major site driveway.
4. **Threshold 3 (Comprehensive Traffic Impact Study)** - If the proposed development results in greater than four hundred (>400) peak hour trips either AM or PM the O/D/S would submit:
 - a. a. through h. above and;
 - i. The new traffic generated for the proposed development would be distributed onto the existing transportation network within an area defined by the Engineer

Review Agency. Analysis of each roadway link and intersection link within this area for both existing and proposed conditions;

j. Identification of any deficiencies determined by this analysis and resolve such deficiencies.

C. The peak hour trips are not the only threshold factor in deciding which type of analysis will be required. At the discretion of the Review Engineer and the Parish Planning Director, other items which significantly influence the traffic movements or safety (such as a development that falls within a high-accident area) may require a higher level of study.

D. A proposed development which is found to overburden the existing transportation network or cause a reduction in service of affected roadways below an acceptable Level of Service may require the O/D/S, at the agreement of the Review Engineer, Parish Planning Director and the Planning Commission, to modify the development proposal to minimize the identified traffic related impacts. Modifications to applications for projects may include, but shall not be limited to:

1. A reduction in the projected vehicle trips per day;
2. Dedication of additional right-of-way for future roadway improvements;
3. Rerouting of traffic and proposed access points serving the proposed project; or
4. Participation in funding transportation facilities, including signals, roadway, and intersection improvements.

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 24th of April, 2012.

Cindy Wale, Council Chair

ATTEST:

Lisa Frederick, Council Clerk

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.