

PUBLIC NOTICE - Notice Is Hereby Given That the Tangipahoa Parish Council Will Meet in **Regular Session** on Wednesday, December 26, 2018 Immediately Following the Public Hearing Held At 5:30 PM At Tangipahoa Parish Government Building, 206 East Mulberry Street, Amite, Louisiana, contact number (985) 748-3211

PUBLIC HEARING - Notice Is Hereby Given That a Public Hearing Will Be Held by The Tangipahoa Parish Council on Wednesday, December 26, 2018 at 5:30 PM At Tangipahoa Parish Government Building, 206 East Mulberry Street, Amite, Louisiana, contact number (985)748-3211, on the following:

T.P. Ordinance No. 18-82- Introduction of an ordinance amending Tangipahoa Subdivision Regulations concerning wetlands, lot sizes and density, open space, land clearing, and traffic analysis

T.P. Ordinance No. 18-83- An ordinance placing 25 MPH speed limit signs and drive like your kids live here signs on Bassimier Road in District No. 6 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20

T.P. Ordinance No. 18-84- An ordinance amending T.P. Ordinance No. 09-II recognizing the change of ownership on contract agreement from Waste Connections to Amwaste of Louisiana, LLC

**Tangipahoa Parish Council
Tangipahoa Parish Government Building
206 East Mulberry Street, Amite, LA 70422
Regular Meeting Immediately Following Public Hearing
December 26, 2018**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE *(All Veterans and active military, please render the proper salute)*

ROLL CALL

CELL PHONES - *Please Mute or Turn Off*

ADOPTION OF MINUTES- Regular meeting dated December 10, 2018

PUBLIC INPUT - *Anyone Wishing to Address Agenda Items Which Were Not on Public Hearing*

PARISH PRESIDENT'S REPORT

I. Financial Report

REGULAR BUSINESS

2. Adoption of T.P. Ordinance No. 18-82- Introduction of an ordinance amending Tangipahoa Subdivision Regulations concerning wetlands, lot sizes and density, open space, land clearing, and traffic analysis
3. Adoption of T.P. Ordinance No. 18-83- An ordinance placing 25 MPH speed limit signs and drive like your kids live here signs on Bassimier Road in District No. 6 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20
4. Adoption of T.P. Ordinance No. 18-84- An ordinance amending T.P. Ordinance No. 09-II recognizing the change of ownership on contract agreement from Waste Connections to Amwaste of Louisiana, LLC

BEER, WINE, AND LIQUOR PERMITS

LEGAL MATTERS

COUNCILMEN'S PRIVILEGES

ADJOURN

Kristen Pecararo
Clerk of Council

Daily Star
Please Publish December 20, 2018

Posted @ T.P. Courthouse Annex December 20, 2018

In Accordance with the Americans with Disabilities Act, If You Need Special Assistance, please contact Kristen Pecararo at 985-748-2290 describing the Assistance that is necessary.

BACKUP MATERIAL FOR AGENDA ITEM:

Adoption of T.P. Ordinance No. 18-82- Introduction of an ordinance amending Tangipahoa Subdivision Regulations concerning wetlands, lot sizes and density, open space, land clearing, and traffic analysis

T.P. ORDINANCE NO. 18-82

"AN ORDINANCE TO AMEND THE TANGIPAHOA PARISH SUBDIVISION REGULATIONS AS REGARD WETLANDS, LOT SIZES AND DENSITY, OPEN SPACES, LAND CLEARING AND TRAFFIC ANALYSIS THE DEVELOPMENT STANDARDS FOR LARGER SUBDIVISIONS"

WHEREAS, larger subdivision developments create increased environmental and social problems associated with public infrastructure and water drainage issues;

WHEREAS, these changes have been recommended by Bridget Bailey, Community Development Director for the Tangipahoa Parish Government's Office of Community Development; and

WHEREAS, these changes have also been approved and recommended by the subdivision regulation committee of the Tangipahoa Parish Council.

THEREFORE BE IT ORDAINED by the Tangipahoa Parish Council, the legislative branch of parish government, which along with the Parish President of Tangipahoa Parish, Louisiana constitute the parish government, the said Tangipahoa Parish Council-President Government having a Home Rule form of government and acting pursuant to the authority of that Home Rule Charter which became effective on October 27, 1986 as follows:

CHANGES/AMENDMENTS TO THE TANGIPAHOA PARISH SUBDIVISION DEVELOPMENT STANDARDS

1. For subdivision developments exceeding 20 acres in size or exceeding 50 lots for all phases of development, **the Parish hereby incentivizes the use of wetlands** and official FEMA designated floodways for preservation as natural open areas for increased stormwater retention, groundwater recharge areas, and outdoor recreational uses. All Corps of Engineers "jurisdictional wetlands" shall be identified on preliminary subdivision plats, and are generally to be preserved as undeveloped open space, with no draining or filling of such, subject to the exceptions provided through Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act and those exceptions recognized by the Corps' Regional and Nationwide Permits and by the standards adopted herein by the Parish. The applicant or subdivision developer is also to indicate all FEMA identified Special Flood Hazard Areas (A, AE, V, VE zones) on the preliminary subdivision plat and indicate the source of this information. Use of jurisdictionally defined and "permitted", compensated wetlands (subject to the Army Corps of Engineers and/or State DNR requirements) may be used for primarily road and utility crossings, with proper road and cross drains provided, and for other Parish-approved uses in an amount not to exceed 15% of the designated wetland acreage shown in the wetland determination. This requirement includes both commercial and residential acreage and proposals. If the maximum 15% of wetland acreage must be exceeded because of unavoidable adverse impacts or unusual property topography in which practicable avoidance and minimization has been analyzed, then the applicant or developer may bring this issue to the Parish's Subdivision Technical Review Committee for consideration of a waiver.

All FEMA designated **floodways** are to be platted on the preliminary subdivision proposal map, and shall, to the maximum extent possible, remain protected and non-developed, unless a release and waiver is provided by the parish government with a no-rise certificate approved.

All identified wetlands over the 15% approved compensated set-aside (for roads, utilities and other Parish approved infrastructure uses) may be used for open space and may be used to "trade" for lot density incentives (*the lot density bonus*) elsewhere in the same development, **outside** of the wetland designated area **if** such property is within the Parish designated **Metropolitan Urbanized Planning Area** (the Parish's MPA per attached area map). An acre per acre incentivized trade for wetland "lot density bonus sites" (smaller clustered lots than typically allowed by the Parish) will take place only **within** the Parish's designated Metropolitan Urbanized Area for this particular set of lot

standards (see below: a different set of standards is used with rural areas outside of the MPA).

**(see the definition of wetlands included in the federal Clean Water Act, as amended and wetlands as identified by an experienced firm that typically does wetland determinations, using the Army Corps of Engineers definition of jurisdictional wetlands and Corps permitting standards, or if applicable, the State DNR standards within the officially designated Coastal Zone. Tangipahoa Parish will use the same definition in its Subdivision Development Ordinance.)*

Note that wetland areas set aside from development can be counted toward the Parish's open space requirement for subdivisions and used for any approved Parish required retention ponds.

The Lot Density Bonus in MPA areas: Allows for use of minimum and mixed lot sizes, or "clustered" developments, in approved lot density bonus areas in which wetlands or floodplains have been preserved and traded for smaller lot sizes, which shall have a minimum lot width of 70(*see exceptions below) feet wide road frontage per lot, 120 feet in depth, a minimum of 10 foot side yards, and minimum 8400 square feet size per lot in areas that are considered "density bonus sites" within the MPA. An acre for acre trade for preserved wetlands for the density bonus site must be verified by the Parish and indicated on the official preliminary and final plat.

If no wetlands are available on the subdivision site in order to incentivize the use of smaller lot sizes, then an officially identified FEMA 100-year floodplain area (A and AE zones only) can be used for similar trading in place of wetlands, as 2nd option. The use of wetlands for bonus density sites, is the priority for the Parish.

**Lots fronting onto approved cul-de-sacs, roundabouts, coved street designs (as per T.P. Ordinance 06-10,) and a minimum of two lots facing onto 90-degree road intersections within the new proposed subdivision, may have lots with widths of less than 70 feet. In such cases, lot widths may be 60 ft wide at the building setback line but will still contain the minimum 8400 square feet allowed in this subdivision. A minimum of 8-foot side yard per side will be permitted on such approved lots.*

(Note: Areas that are outside of the MPA will provide for other lot density standards more typical for rural areas.)

Lots **not** located within an approved density bonus area (no wetlands incentives) but still **within** the designated MUA area, and within a subdivision being reviewed for approval by the Parish, will remain as presently required by the Parish with a minimum lot of 80' frontage and 120 in depth (9600 square feet minimum), 10-foot-wide side yards, if there is an approved community sewerage treatment system provided. In this case, the Parish's normal open space minimum requirement of 15% for new subdivisions with no wetlands, will be used and shown on the plat. (note 100-year floodplain A and AE zone as optional acreage for density bonus trade).

2. In those areas within Tangipahoa Parish but **outside of** the metropolitan urbanized planning area MPA, minimum lot sizes in a proposed subdivision with approved community sewerage treatment shall have a minimum size of 100 ft.* width and 120 ft. depth, minimum 10 foot side yard, and a 12,000 square ft minimum lot size required in any areas **outside of** the Metropolitan Urbanized Area, and if no "density bonus sites" or variances are approved by the Parish. However, similar to item 1 above, there will be no developable, building lots allowed in any designated wetland or floodway outside of the MPA unless such development has received Corps of Engineer's exemptions or jurisdictional compensation. These subdivisions shall provide for a minimum public open space requirement of 15% of the total acreage, for which wetlands can be included.

If a lot density bonus site is approved outside of the MPA, because designated wetlands or floodplains have been set aside and not developed, the minimum lot size may be reduced to 80* ft x 120 ft (9600 square ft. minimum), from the standard 100 ft by 120 feet, and 12,000 square foot minimum. Lot width variances at the front set-back building line will be permitted to be 60 feet wide minimum for developments outside of the Urbanized Planning Area, if approved by the Parish, for lots facing on cul-de-sacs, roundabouts, and right intersecting streets when such lots still meet the minimum lot square footage of 12,000 square feet.

3. **Open Space Area Requirement:** Preserved wetland, 100-year floodway and/or floodway areas may be counted towards meeting the Parish's minimum community open space requirement of 15% of the subject property being subdivided. If there are no bonus incentivized areas approved, then the preliminary and final plat shall indicate those areas included in the minimum 15% open space. This requirement does not include family or mini partitions and small development parcels as defined by the Parish Subdivision Ordinance.

4. **Daily Traffic analysis** information and projections resulting from full the full proposed subdivision development **shall** be provided by the property owner or developer for roadway /traffic planning purposes in order to determine connecting streets, the need for turning lanes, or right-of-way donations for future road enhancements. The Parish will use this information to compare with Parish roadway proposals and Regional Planning Commission (RPC) or DOTD road identification classifications and their future roadway improvements or enhancements. This requirement exempts proposals qualifying as mini-partitions or family partitions and those residential developments of 50 housing units or less. New commercial developments shall also provide such projected traffic information to the Parish if the development exceeds 2 acres in size.

Increased use of traffic/roadway planning projections and road functional classifications by the Parish, along with 5-year road recommendations (planning together with RPC or DOTD) for use with developer traffic projections. This will be completed by June 30, 2019. The Parish's 5- year road plans will also now include projected roadway turning lanes, safety needs, and widening needed, in addition to the traditional road overlay projections.

5. **Required Creation of a Homeowner's or Property-owner's Association:** New subdivision requirement that each residential development which exceed 50 lots create a legal, not-profit entity, and a working structure, for a Property-owner's/Homeowner's Association (HOA) organization. This legal instrument will be filed with the Parish Planning office and the Clerk of Court by the developer. Family partitions and mini-partitions are not required to create these entities, or for those developments in which the Parish has provided a variance to such requirement for the creation of an Association.

6. **Use of Best Management Practices (BMPs) and/or Low Impact Developments (LIDs)** are required for use of sediment and erosion control and stormwater retention and mitigation, both during and after construction but not including development defined as family partition, mini-partition and small developments. The developer's use and description of at least 2 of the approved BMPs shall be included with their BMP Plan and included in approved construction plans within subdivision plan construction drawings, and on each building lot plan (where applicable) as provided by the Parish. Installation of these BMPs will be inspected by the Parish for proper maintenance during and after the project construction phase, unless the State inspects such activity as part of an approved SWPPP, which can be counted as one BMP used by the developer. This will include recommendations for use of BMPs from the Parish's Stormwater Mitigation Committee. Recommended BMP's to be are both construction- related and long-term BMPs, and include:

- × Increased use of approved pervious pavements in subdivision parking areas, common areas, and cul-de-sacs (not including paved public streets). Permeable pavement designs may include pervious concrete, pervious asphalt, pervious interlocking concrete pavers, plastic reinforced grass pavement, and in some cases, stone or gravel parking that is approved by the Parish;
- × Bioswales to collect and filter stormwater;
- × Pier foundations for home/building within a designated floodplain;
- × Erosion and sediment run-off control and filtering before the water enters a stream or ditch (SWPPP BMP Plan). Provide SWPPP to Parish Permit office from State DEQ approval, if applicable;
- × Use of temporary swales or retention basins during construction;
- × Rain gardens in common areas or along roadways;
- × Other BMPs or Low Impact Development designs approved by the Parish Planning and Permit Departments.

7. **Use and Approval of a Land Clearing Permits** by the Parish before submission of preliminary subdivision plans and prior to the jurisdictional determination being approved to the Corps of Engineers of DNR (for he Section 404 or DNR Combined permit for all new developments and subdivision, not including:

Single unit home permits, barns, dairy or cattle farms and commercial lumber and farm operations, family partitions, small developments (as defined by the Parish Subdivision Ordinance), and typical maintenance clearing or pruning. This also does not include commercial forestry or logging operations, for which there is a separate permit approval required. The jurisdictional determination documentation however must be submitted to the Parish as notice of the submittal to the Corps of Engineers.

Those portions of the subject property not located within a floodway or a wetland may be approved with the Parish, upon review, for clearing prior to the receipt of approval of the Corps or DNR wetland permits, but after submission of the Parish land clearing permit and the jurisdictional determination.

8. **Separability** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations on the application thereof to other persons or circumstances. The Parish Of Tangipahoa Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provisions, or application.

9. **Conflict with Other Public Provisions** These regulations are not intended to interfere with or abrogate any other ordinance, rule, or regulation, statute, or other provision of law outside of the intended Parish subdivision regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or any ordinance, rule, or regulation, then whichever provisions are more restrictive or impose higher standards shall control.

IT IS FURTHER ORDAINED by the Tangipahoa Parish Council that this ordinance, having been duly introduced, having been the subject of a public hearing and having been passed into law thereafter be promulgated by publication of notice of its passage along with a complete copy of the ordinance in the official journal of the Tangipahoa Parish Council-President Government and after thirty (30) days from this publication, it shall take effect and be in full force and effect.

It is herein and hereby recognized that the moratorium or moratoriums in place beginning or on about September 11, 2018 shall remain in place and therefor be applicable until this ordinance is promulgated in accordance with the laws of the State of Louisiana and as herein set forth. Upon the promulgation of this ordinance and only upon the promulgation of this ordinance, then the moratorium of September 11,

2018 and its extensions (prohibiting approval of larger subdivision developments) shall then be abrogated and abolished.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at a duly scheduled and noticed public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

On motion by _____ and seconded by _____, the foregoing ordinance was hereby declared adopted on this 26th day of December, 2018 by the following roll-call vote:

YEAS:

NAYS:

ABSENT:

NOT VOTING:

ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Bobby Cortez
Chairman
Tangipahoa Parish Council

INTRODUCED: December 10, 2018

PUBLISHED: December 20, 2018 DAILY STAR
OFFICIAL JOURNAL

ADOPTED: December 26, 2018

DELIVERED TO PRESIDENT: _____ day of December, 2018 at _____

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of December, 2018 at _____.

BACKUP MATERIAL FOR AGENDA ITEM:

Adoption of T.P. Ordinance No. 18-83- An ordinance placing 25 MPH speed limit signs and drive like your kids live here signs on Bassimier Road in District No. 6 in Tangipahoa Parish in accordance with Chapter 20 streets, roads, sidewalks and drainage- Article I, in General- Section 20

T.P. Ordinance No. 18-83

AN ORDINANCE PLACING 25 MPH SPEED LIMIT SIGNS AND DRIVE LIKE YOUR KIDS LIVE HERE SIGNS ON BASSIMIER ROAD IN DISTRICT NO. 6 IN TANGIPAOA PARISH IN ACCORDANCE WITH CHAPTER 20, STREETS, ROADS, SIDEWALKS AND DRAINAGE - ARTICLE I, IN GENERAL - SECTION 20-16

BE IT ORDAINED by the Tangipahoa Parish Council, governing authority of Tangipahoa Parish, State of Louisiana, as follows:

- 1) 25 MPH Speed Limit Signs on Bassimier Road in District No. 6
- 2) Drive Like Your Kids Live Here Signs on Bassimier Road in District No. 6

in Accordance With Chapter 20, Streets, Roads, Sidewalks And Drainage - Article I, in General - Section 20-16.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at the said public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

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ATTEST:

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Clerk of Council
Tangipahoa Parish Council

Bobby Cortez
Chairman
Tangipahoa Parish Council

INTRODUCED: December 10, 2018

PUBLISHED: December 20, 2018

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OFFICIAL JOURNAL

ADOPTED: December 26, 2018

DELIVERED TO PRESIDENT: _____ day of December, 2018 at

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of December, 2018 at _____.

BACKUP MATERIAL FOR AGENDA ITEM:

Adoption of T.P. Ordinance No. 18-84- An ordinance amending T.P. Ordinance No. 09-II recognizing the change of ownership on contract agreement from Waste Connections to Amwaste of Louisiana, LLC

T.P. Ordinance No. 18-84

AN ORDINANCE AMENDING T.P. ORDINANCE NO. 09-11
RECOGNIZING THE CHANGE OF OWNERSHIP ON CONTRACT
AGREEMENT FROM WASTE CONNECTIONS TO AMWASTE OF
LOUISIANA, LLC

WHEREAS, on November 1, 2018, Waste Connections was sold and merged with Amwaste of Louisiana, LLC with Amwaste of Louisiana being the surviving waste company.

BE IT ORDAINED that the Tangipahoa Parish Council-President Government, governing authority of Tangipahoa Parish, State of Louisiana, does hereby recognize the change of ownership retroactive to November 1, 2018.

BE IT FURTHER ORDAINED that all terms and conditions of the original contract remain in effect.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon signature of the Parish President and all previous ordinances in conflict with said ordinance are hereby repealed.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at the said public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

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ATTEST:

Kristen Pecararo
Clerk of Council
Tangipahoa Parish Council

Bobby Cortez
Chairman
Tangipahoa Parish Council

INTRODUCED: December 10, 2018

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ADOPTED: December 26, 2018

DELIVERED TO PRESIDENT: _____ day of December, 2018 at _____.

APPROVED BY PRESIDENT: _____
Robby Miller Date

VETOED BY PRESIDENT: _____
Robby Miller Date

RECEIVED FROM PRESIDENT: _____ day of December, 2018 at _____.