

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7381

ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_\_

COUNCIL SPONSOR: MR. SMITH

PROVIDED BY: CIVIL DA

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 7<sup>TH</sup> DAY OF SEPTEMBER, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART II – LAND DEVELOPMENT CODE, CHAPTER 125 – SUBDIVISION REGULATIONS, ART. IV – STANDARDS OF DESIGN, SEC. 125-92 – GREENSPACE REQUIREMENTS, TO ADD A 50 FOOT NO CUT ROADWAY BUFFER AND TREE PRESERVATION REQUIREMENTS FOR ALL MAJOR SUBDIVISIONS.

WHEREAS, there has been a proliferation of large subdivisions throughout St. Tammany Parish in the last 20 years; and

WHEREAS, the need for housing for the growing population of St. Tammany Parish must be balanced with the desire to maintain the natural beauty of the Parish, including the tree canopy; and,

WHEREAS, one of the guiding principles of the Parish’s comprehensive plan, New Directions 2040, is to protect the uniquely beautiful natural environment through vigorous stewardship and sensitive development; and,

WHEREAS, certain species of trees endemic to St. Tammany Parish, including live oaks and cypress trees, contribute to the character and appeal of the Parish and should be preserved; and,

WHEREAS, creating a no cut buffer of 50 feet along roadways abutting a major subdivision will provide a screen for the existing surrounding area and for the residents of the new subdivision; and,

WHEREAS, certain species of trees endemic to St. Tammany Parish, including live oaks and cypress trees, contribute to the beauty of the Parish and should be preserved.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that St. Tammany Parish Code of Ordinances, Part II, Land Development Code, Sec. be amended as follows:

**Sec. 125-95. Greenspace requirements.**

- (a) The developer of each subdivision with more than 25 lots shall set aside land within their development for the use of the residents for recreational purposes. Said land shall be exclusive of green belts, reserved easements or servitude and golf courses.
- (b) Subdivisions with more than 25 lots shall provide greenspace area at a ratio of not less than 580 square feet per residential lot.
- (c) In cases where a subdivision is to be developed in phases, the greenspace area shall be dedicated and included within the first phase.
- (d) The developer shall establish within a legal instrument the dedication and maintenance of said greenspace area in favor of a homeowners association or property owners, once the developer's interests within the subdivision is reduced to less than 50 percent of lot ownership.
  - (1) Said instrument shall include the developer's responsibility of maintaining the greenspace areas prior to the establishment and assumption by the homeowners association or property owners.
  - (2) The instrument shall be referenced to within each property title.
  - (3) The developer shall submit a copy of the legal instrument to the department of planning upon recordation.

(e) With the consent of the planning commission, the developer of a subdivision may, in lieu of dedicating land for greenspace, agree to pay to the parish a sum of money equal to 40 percent of the post-development value of the land that would otherwise have to be dedicated for greenspace.

(1) The post development value of the land shall be based on the median sales price of all of the lots within the subdivision development. Once the median value has been determined, said value shall be converted into a value per square foot and applied to the acreage that would have been dedicated for greenspace.

(2) The median value shall be determined by either the appraiser of the development whom must be state certified, and in which case a copy of the appraisal must be submitted to the planning commission for review, or some other clear evidence of value. In either case, the state certified appraiser or the other clear evidence of value, must validate the median value by remitting an affidavit. Said affidavit must include the methodology used to determine the median value and a statement of truth.

(3) Any funds collected shall be deposited into an escrow account earmarked for recreation to benefit the areas impacted by the development.

(4) If a recreational district does not exist in the areas of the subdivision development, the council may earmark such escrowed funds for parish-wide recreational use or enact legislation to establish a new recreation district for the areas impacted by the development.

(5) Provisions may be adopted establishing standards for the application and use of the funds in accordance with accepted practices.

(6) The developer shall pay the full amount of money owed to the parish prior to the recordation of the final subdivision plat. Said funds shall be remitted to the department of finance with disclosure regarding the use of the funds, as well as any other provisions agreed to or established by the council and/or planning commission.

(f) In addition the greenspace requirements set forth herein, all major subdivisions shall maintain a 50 foot no cut buffer along all property boundaries adjacent to parish, state, or federally-maintained roadways.

(g) The developer shall maintain all live oak and cypress trees greater than six inches DBH, wherever located on the property.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: 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.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5<sup>TH</sup> DAY OF OCTOBER, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_.

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JACOB "JAKE" A. AIREY, COUNCIL CHAIR

ATTEST:

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KATRINA L. BUCKLEY, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: AUGUST 30, 2023

Published Adoption: \_\_\_\_\_, 2023

Delivered to Parish President: \_\_\_\_\_, 2023 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2023 at \_\_\_\_\_