ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4718 ORDINANCE COUNCIL SERIES NO. 12-2685

COUNCIL SPONSOR: MR. GOULD PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. CANULETTE

ON THE 2 DAY OF FEBRUARY, 2012

ORDINANCE AMENDING THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 20 ROADS AND BRIDGES, SECTION 20-021.00 PARAGRAPH C, TO REVISE SETBACK REQUIREMENTS FOR MAJOR ROAD RIGHT OF WAY PROTECTION FOR FUTURE EXPANSION AND TO PROVIDE REGULATIONS WITH RESPECT THERETO.

WHEREAS, in recent years St. Tammany Parish has experienced unprecedented growth and continues to be one of the fastest growing parishes in the State of Louisiana; and

WHEREAS, the rapid growth in population and corresponding increase in the volume of traffic has had a tremendous impact on the acceptable level of service along the major roadways, affecting the residents, the ability of landowners to develop residential and commercial properties and the parish's ability to provide the road and drainage improvements that are necessary to address the existing conditions as well as those attributable to the anticipated future growth of St. Tammany Parish; and

WHEREAS, St. Tammany Parish has identified specific roads that need to be improved when funding becomes available. Within the list of roads, right-of-way maps have been prepared for certain improvement projects, parcels have been identified, surveyed and legal descriptions obtained; and

WHEREAS, it is necessary to establish protected areas along the identified right-of-ways where structures are not to be built, which allows for the planning and development of property with consideration of the future widening of a right-of-way, thereby mitigating the potential impacts to the development. Further, without establishing protected areas along the identified right-of-ways, the construction of structures within such areas is likely to dramatically increase the cost of acquiring the area needed for expansion, making it virtually impossible to provide public funding for the needed road improvements; and

WHEREAS, it is in the best interest of the public health, safety and welfare to establish protected areas along identified roads for the future expansion of such roads.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Chapter 20 of the St. Tammany Parish Code of Ordinances is hereby amended to revise Section 20-021.00 Major Road Right of Way Protection For Future Expansion, identifying therein the specific roads along which a protected area for future expansion is established, providing the following regulations that are applicable thereto, and to otherwise provide as follows:

SEC. 20-021.00 Major Road Right of Way Protection For Future Expansion

A. The regulations set forth in this Section shall be applicable to the following major roads that need to be improved and/or widened in order to address the existing volume of traffic, level of service and traffic safety:

(1) LA 59 from Hwy. 1088 to Harrison Avenue.
(2) LA 1077 from I-12 to US 190.
(3) LA 21 from Bootlegger to 8th Avenue.
(4) LA 434 from US 190 to LA 36.
(5) LA 25 from US 190 to the Washington Parish line.
(6) LA 1088 from LA 59 to LA 36.
(7) US 11 from US 190 to LA 41.
(8) LA 437 (Lee Road) from US 190 to LA 40 (Barkers Corner)

B. The following protected area for future road improvements and/or widening is established for any road listed in paragraph A of this Section: That area between the center line of the road and a parallel line extending out from the center line a distance of seventy-five (75') feet on both sides of the road.

C. No building, structure or parking area shall be constructed or placed within the protected area established in paragraph B of this Section, where a parcel to be developed is located with frontage on a major road listed in paragraph A of this Section. ~~the setbacks required by the provisions of the Unified Development Code or Land Use Zoning Ordinance 523, whichever is applicable, shall be in addition to the protected area set forth in paragraph B of this Section.~~

D. Pursuant to the provisions of La.R.S. 33:4780.46(3)(b), Section 7.0402(A)(2) of Land Use Ordinance 523, and Section 3.0104(B)(2) of the Unified Development Code, Volume 1-Zoning, the Board of Adjustment shall have the power to hear and decide all matters referred to it or upon which it is required to pass pursuant to ordinance. In accordance with the aforesaid authority, and the authority set forth herein, the Board of Adjustment shall hear and decide any written application filed by a person claiming to be aggrieved by application of the requirements of this ordinance. Upon written application filed with the Department of Planning, setting forth the practical difficulties or unnecessary hardships in meeting the requirements of this ordinance, the Board of Adjustment shall hear and decide whether to vary or modify the application of the requirements of this ordinance.

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 any other provision 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: CANULETTE SECONDED BY: GROBY

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

YEAS: DEAN, SHARP, THOMPSON, FALCONER, GOULD, TANNER, GROBY, CANULETTE, O'BRIEN, STEFANCIK, BINDER, ARTIGUE, SMITH (13)

NAYS: (0)

ABSTAIN: (0)

ABSENT: BELLISARIO (1)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE COUNCIL HELD ON THE 1 DAY OF MARCH, 2012; AND BECOMES ORDINANCE COUNCIL SERIES NO. 12-2685.

MARTIN W. GOULD, JR. COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JANUARY 26, 2012
Published Adoption on: March 22, 2012
Delivered to Parish President: March 8, 2012 @ 1:55pm
Returned to Council Clerk: March 9, 2012 @ 2:22pm