



# *St. James Parish Government*

P. O. Box 106  
Convent, Louisiana 70723-0106  
(225) 562-2260  
FAX (225) 562-2279  
TDD: (225) 562-8500

**Peter A. Dufresne**  
Parish President

To: Planning Commission

Date: Thursday, January 7, 2021

Re: Special Meeting Notice

The St. James Parish Planning Commission will host a special meeting on **Monday, January 11, 2021 at 6:00 p.m.**, at the St. James Parish Courthouse in the Council Chambers. Enclosed for your review is a copy of the tentative agenda and supportive documents.

St. James Parish Government will adhere to the occupancy capacity and building safety rules, in conjunction with the Offices of the Governor, state Fire Marshal, and the Louisiana Department of Health as posted.

If you have any questions, please feel free to contact the Planning & Permitting Office at (225)562-2500.

Sincerely

*Marrill McKarry*

**Marrill McKarry**  
Planning & Permitting supervisor  
St. James Parish Government

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Attachments

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**Richard Webre**  
Director of  
Operations

**Felix Boughton**  
Director of  
Finance

**Ingrid Bergeron-LeBlanc**  
Director of  
Human Resources

**Eric Deroche**  
Director of  
Emergency Preparedness

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ST. JAMES PARISH PLANNING COMMISSION SPECIAL MEETING

MEETING AGENDA

MONDAY, JANUARY 11, 2021

Special Meeting- 6:00 p.m.

I. ROLL CALL

II. CORRESPONDENCE

1. None

III. PRESENTATION AND PUBLIC COMMENTS

1. Presentation – None

2. Public Comments - (on agenda items)

IV. OTHER ORDINANCE MATTERS

1. Item # 20-26

Interim amendment to subdivision ordinance.

PC: 12-28-2020

V. ADJOURNMENT

## **Interim Amendments to Subdivision Ordinance**

For consideration at January 11, 2021 Special Meeting

St. James Parish Planning Commission

Prepared 1/6/21 by Victor J. Franckiewicz, Jr., Butler Snow LLP

This chart summarizes several simple “fixes” to the existing St. James Parish Subdivision Ordinance. They primarily address technical and procedural issues where the current ordinance does not provide much benefit to the parish, but where the current ordinance has historically created problems and unproductive delays in the approval process. The changes are presented in three categories:

- A.** Eliminate the two-step preliminary/final approval for simple subdivisions
- B.** Family subdivision changes
- C.** Improvements and clarifications to the ordinance in general.

An earlier version of these changes was considered by the planning commission’s subcommittee at its December 14, 2020 meeting and at the December 28, 2021 meeting of the full planning commission. This version includes the additional revisions that were added after the subcommittee meeting, which are highlighted here in yellow.

Revision Description	Proposed Amended Ordinance Text
<b>Eliminate Two-Step Approvals for Simple Subdivisions</b>	
<p>1. Eliminate the general requirement in 102-36 (formerly 106-51), for all subdivisions to have two approvals and revise the title of the section to accurately reflect its purpose.</p>	<p>Sec. 102-36. - Classification of subdivisions. <u>Restrictions on Conveyance and Permitting Prior to Subdivision Approval</u></p> <p>Whenever any subdivision of land is proposed, before <del>any contract is made for the sale</del> <u>the conveyance</u> of any part thereof <u>is recorded</u>, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the <u>provisions of this chapter</u>. <del>following procedure, which includes basically two steps:</del></p> <ul style="list-style-type: none"> <li><del>(1) Public subdivision.</del> <ul style="list-style-type: none"> <li><del>a. Preliminary plat.</del></li> <li><del>b. Final subdivision plat.</del></li> <li><del>c. Limited public sale.</del></li> </ul> </li> <li><del>(2) Family subdivision.</del> <ul style="list-style-type: none"> <li><del>a. Preliminary family subdivision plat.</del></li> <li><del>b. Final family subdivision plat.</del></li> </ul> </li> <li><del>(3) Private subdivision (not a family subdivision).</del> <ul style="list-style-type: none"> <li><del>a. Preliminary plat.</del></li> <li><del>b. Final subdivision plat.</del></li> </ul> </li> </ul>

Revision Description	Proposed Amended Ordinance Text
<p>2. Provide for single-meeting approvals for simple subdivisions</p>	<p>Add a new Sec. 102-37 to the subdivision ordinance:</p> <p><u>Sec. 102-37 – Simplified Subdivision Approval Process; Limitations</u></p> <p><u>Notwithstanding other provisions of this chapter, the following types of subdivisions may be granted final approval by the planning commission without the need for a separate preliminary plat approval, provided that the subdivision complies with the dimensional requirements of this chapter and all other applicable ordinances:</u></p> <ul style="list-style-type: none"> <li>(a) <u>Family subdivisions;</u></li> <li>(b) <u>Changes in existing lot boundary lines that do not increase the number of lots;</u></li> <li>(c) <u>Subdivisions resulting in the creation of five or fewer lots that are all served by existing public streets and (where available) utilities;</u></li> <li>(d) <u>The combination of existing lots of record into larger lots; and</u></li> <li>(e) <u>The creation of parcels and accessways for non-personal occupancy uses such as communication towers, utility installations, infrastructure support facilities, and cemeteries.</u></li> </ul>
<p>3. With a single-meeting approval provision in place, eliminate a confusing and unnecessary provision that allows adjacent-owner sales with approval of the planning commission (Sec. 102-101, formerly 106-114).</p>	<p><del>Sec. 102-101. – Limited public sale.</del></p> <p><del>(a) – If the developer has made arrangements with adjoining property owners who wish to purchase additional property adjacent to their property, then it shall be permissible to obtain approval from the planning commission of said lots for limited public sale.</del></p> <p><del>(b) – Such sale shall be limited to the owners of the property immediately adjacent to the newly subdivided property, and, when combined, the lots must have access to a public street and be serviceable with existing public utilities and conform to all applicable requirements of a public subdivision.</del></p>

Revision Description	Proposed Amended Ordinance Text
<b>Family Subdivision Changes</b>	
<p>4. Limit family subdivisions to historically owned family property (Sec. 102-131, formerly 106-136)</p>	<p>Sec. 102-131. - Policy.</p> <p>It is the policy of the parish to encourage all landowners and developers within the parish to provide reasonable improvements of streets and lots to protect and provide for the public health, safety and general welfare of the parish. It is also the policy of the parish to provide an opportunity for family members of <u>existing</u> landowners a place to reside without having to bear the cost of major street and lot improvements as required in public subdivisions. <u>To this end, the following provisions for family subdivisions shall be available only to a landowner (or that landowner's successor by heirship) who owned the land being subdivided as of January 1, 2021, and who is either a natural person or juridical person whose entire membership or collective shareholders is comprised of a natural person or that person's immediate family who owned the land.</u></p>
<p>5. Require the limitation on transfer of lots in a family subdivision to be stated on the plat itself</p> <p>Require that the "root" owner of the family subdivision be stated on the plat itself to determine who the immediate family members are.</p>	<p>Sec. 102-133. - Limitations.</p> <p>(a) The sale of land and occupants of land in a family subdivision shall be limited to immediate family members, which includes and is limited to father, mother, son, daughter, son-in-law, daughter-in-law, aunt, uncle, brother, sister, niece, nephew, stepson, stepdaughter, stepfather, stepmother, grandmother, grandfather, grandson, granddaughter, and first cousins. <u>To carry out this limitation, each family subdivision plat shall bear on its face the following covenant, which shall run with the land until the subdivision is converted to a public subdivision and evidence of that conversion is recorded in the land records of St. James Parish:</u></p> <p><u>Lots in this subdivision may not be sold to anyone other than an immediate family member or its original subdividing owner, [insert full name of owner here]. Immediate family members are limited to the owner's father, mother, son, daughter, son-in-law, daughter-in-law, aunt, uncle, brother, sister, niece, nephew, stepson, stepdaughter, stepfather, stepmother, grandmother, grandfather, grandson, granddaughter, and first cousins.</u></p>

Revision Description	Proposed Amended Ordinance Text
<p><b>6.</b> On family subdivisions, require the plat to provide specific language for maintenance and cost recovery rights rather than merely a vague notarized statement (Sec. 102-134(3), formerly 106-139(3))</p>	<p>Sec. 102-134. - Application procedure and approval process.</p> <p>...</p> <p>(3) <del>Notarized statements</del> <u>Maintenance Covenant</u>. All family subdivisions of property shall be required to submit notarized statements that all maintenance of the roadways will be private <u>shall include the following covenant on the face of the plat, that shall apply to all properties subject to the subdivision:</u></p> <p><u>Any owner of land in this Subdivision shall be liable for an equitable share of the cost of maintenance of the road in the location shown on the Subdivision. Further, any owner of property in the Subdivision may undertake reasonable maintenance of the road (and any associated grading and drainage) as a gravel road in accordance with standards required by St. James Parish. Any owner undertaking such maintenance shall be entitled to recover an equitable share of the cost from other owners in the Subdivision. This covenant may not be amended or terminated without the written approval of St. James Parish recorded in the records of St. James Parish, and such amendment or termination shall not be effective until such approval is recorded.</u></p>
<p><b>7.</b> Eliminate duplicative language on private maintenance agreements for streets in family subdivisions (Sec. 102-135, formerly 106-140(c))</p>	<p>Sec. 102-135. - Street surface.</p> <p>(a) Landowners in family subdivisions are allowed to construct aggregate surface streets, which shall not be accepted into the parish maintenance system.</p> <p>(b) Streets shall, at a minimum, be surfaced with compacted shell with a minimum six-inch thickness and an 18-foot width.</p> <p><del>(c) Undedicated streets and rights-of-way are not considered public streets. However, it is the responsibility of the owner to provide the adequate standard rights-of-way, which must be maintained by the landowners. The landowners shall provide a written private street maintenance agreement, which shall be recorded with the plat.</del></p>
<p><b>8.</b> Change 40' ROW for family subdivisions to 50' (in Sec. 102-136, formerly 106-141)</p>	<p>Sec. 102-136. - Utility right-of-way.</p> <p>A minimum <del>40-foot</del> <u>50-foot road and</u> utility right-of-way, for the purpose of providing streets and utilities into the family subdivision, shall be provided and shown on the plat and recorded with the clerk of court.</p>

Revision Description	Proposed Amended Ordinance Text
<p>9. Modify the drainage analysis requirement for family subdivisions so that it does not apply in unnecessary cases. (Sec. 102-142, formerly 106-147)</p>	<p>Sec. 102-142. - Conformance of utility lines, drainage facilities.</p> <p>The specifications for the installation/construction of water lines, gas lines, other utility lines, and drainage facilities in a family subdivision shall conform to the required standards. <u>The application shall demonstrate that drainage for the newly subdivided lots, as well as for the larger parcel from which they are created, will be managed properly.</u> A drainage impact analysis <u>sealed by a registered professional engineer</u> shall be provided, <u>if the parish determines that the build out of the subdivision could have an adverse impact on drainage of the subdivision itself or on other land in the same drainage basin.</u> <del>whenever new drainage facilities are proposed.</del></p>
<p><b>Improvements and clarifications Generally</b></p>	
<p>10. Where the subdivision ordinance requires public hearings, allow the hearing to be held by public comment on the subdivision agenda item at a regular meeting rather than a separately noticed public hearing. (Sec. 102-11, formerly 106-11)</p>	<p>Sec. 102-11. - Resubdivision of land; procedures.</p> <p>...</p> <p><u>(c) Whenever this Chapter requires a public hearing to be held, the requirement may be satisfied by a public comment period made available on the relevant agenda item on a planning commission meeting agenda. However, the planning commission may call for a separate public hearing held before the full planning commission or a committee thereof when the nature of the subdivision or the public interest therein justifies a more extensive hearing.</u></p>



Revision Description	Proposed Amended Ordinance Text
<p><b>11.</b> Allow the planning commission to conditionally approve plats when they are waiting on routine approvals from other agencies (such as the Department of Health) (Sec. 102-11, formerly 106-11); add owner/developer information, survey, and escrow requirements</p>	<p>Sec. 102-11. - Resubdivision of land; procedures.          . . .</p> <p><u>(d) Where this chapter requires approvals of parish departments or of non-parish entities, the planning commission may require such approvals to be in place in advance of rendering a decision on a subdivision, or it may condition the planning commission's approval on subsequent approvals, in which case the planning commission chairman shall not sign the subdivision plat until ascertaining that the subsequent approvals have been granted and documentation of those approvals have been provided to the parish.</u></p> <p><u>(e) Each application shall identify the full legal name of the owner and (if different from the owner) the developer of the subdivision, both of whom shall be solidarily liable for compliance with the requirements of this Chapter.</u></p> <p><u>(f) The survey presented with the subdivision application shall be sealed no earlier than six (6) months prior to the date the application is made.</u></p> <p><u>(g) Prior to commencing construction of an approved subdivision, the owner or developer shall post with the parish, in escrow, a sum (as determined by the parish) sufficient to cover the cost of parish inspections necessary to assess compliance with the requirements of this Chapter. The actual cost of such inspections shall be charged against the escrow. If the escrow is exhausted, the owner or developer shall replenish it in an amount determined by the parish. After final acceptance of the subdivision, the balance of the escrow shall be refunded to the owner or developer.</u></p>
<p><b>12.</b> Prohibit any earthwork or construction prior to subdivision plat approval. (Sec. 102-14, formerly 106-14)</p>	<p>Sec. 102-14. - General enforcement.          . . .</p> <p><u>(e) The following actions in furtherance of developing a subdivision are prohibited, unless the subdivision has received approval or preliminary approval from the planning commission:</u></p> <ul style="list-style-type: none"> <li><u>(1) Earthmoving, grading, or other topographic modifications</u></li> <li><u>(2) Altering existing drainage</u></li> <li><u>(3) Installation of utilities</u></li> <li><u>(4) Advertising to the public for the sale of lots</u></li> </ul>

Revision Description	Proposed Amended Ordinance Text
<p><b>13.</b> Revise the adjacent owner notification affidavit requirement in Sec. 102-86 (formerly 106-99) to focus it on actual documentation rather than a self-declared affidavit requirement, and waive the requirement for simplified approval subdivisions.</p>	<p>Sec. 102-86. - Public hearing; <u>notice; signage.</u></p> <p><u>(a) The planning commission shall hold a public hearing on the preliminary plat. At the time of the public hearing, the applicant shall submit <del>an affidavit stating</del> <u>documentation satisfactory to the planning commission</u> that he has notified each adjacent or opposite owner of property as indicated on the application for subdivision approval at least ten days prior to the public hearing. <u>This requirement shall not apply to subdivisions considered under the simplified approval process in Sec. 102-37, provided that the planning commission may require adjacent owner notification for simplified approval subdivisions in cases where the potential impacts to adjacent owners exceed that customarily associated with simple subdivisions.</u></u></p> <p><u>(b) For any subdivision that does not qualify for the simplified subdivision approval process under Section 102-37, the site of the proposed subdivision shall be posted with sign(s) that meet the following requirements at least 10 calendar days prior to the planning commission meeting at which a preliminary plat is to be considered.</u></p> <p><u>(1) Parcels of land 10 acres or greater in size shall place a sign facing each public right-of-way it has frontage on as follows:</u></p> <p><u>(a) Sign(s) must be no more than 10 feet from the access way and free of any physical obstruction that could obscure visibility of the sign.</u></p> <p><u>(b) Sign(s) must be no more than 1,200 feet apart along each street frontage of the proposed subdivision site.</u></p> <p><u>(2) Parcels of land smaller than 10 acres shall place one sign at the mid-point along the thoroughfare it fronts, provided, the location must not impede any existing ingress or egress or other physical attribute of the parcel of land. In such cases, it should be placed as close as possible to the mid-point of the frontage.</u></p> <p><u>(3) The subdivider must deliver to the planning commission photos of installed sign(s) a minimum of 10 calendar days prior to the scheduled meeting date.</u></p> <p><u>(a) Photo(s) of the installed sign(s) must include the date and time digitally identified on the photo(s).</u></p> <p><u>(b) Photo(s) of the installed sign(s) must include a graphic depiction of the sign location(s) plotted on a map or aerial photograph of the subdivision site.</u></p> <p><i>(Continued on the next page)</i></p>

Revision Description	Proposed Amended Ordinance Text
	<p>(4) Signs required under this subsection shall meet the following standards:</p> <ul style="list-style-type: none"> <li>(a) Minimum 24" x 30" in size, with a minimum 5' height to the center line of the sign</li> <li>(b) Yellow background with black letters.</li> <li>(c) Double faced and oriented perpendicular to the travel lane.</li> <li>(d) Contain the following information: <ul style="list-style-type: none"> <li>(i) Type of the proposed development or subdivision;</li> <li>(ii) Public meeting date and time;</li> <li>(iii) Public meeting location; and</li> <li>(iv) Parish permitting office contact information.</li> </ul> </li> </ul>
<p><b>14.</b> Change the timing of preliminary plat approval to make it more practical.</p> <p>Make subdivision applicants, rather than the planning commission, responsible for getting other agency approvals (102-87, formerly 106-100(a))</p>	<p>Sec. 102-87. - Preliminary approval determination.</p> <p>(a) In those cases where the proposed subdivision does not include the construction of any new streets, highways and/or drainage facilities, the planning commission shall review the preliminary plat, the reports of the office of the parish president and the parish department of operations, and testimony and exhibits submitted by the public, and advise the applicant of any required changes and/or additions. The commission shall approve, conditionally approve, or disapprove the preliminary plat <del>within 30 days after the date of the</del> <u>by the next</u> regular meeting of the commission <u>after the meeting</u> <del>at which the public hearing on preliminary approval, including the adjourned date thereof, is closed.</del> The date of approval, conditional approval, or disapproval and the reasons therefor accompanying the plat shall be noted on two copies of the proposed preliminary plat. One copy of the plat shall be returned to the developer and the other retained by the planning commission. <del>Before the commission approves</del> <u>If</u> a preliminary plat <del>showing</del> <u>shows</u> the reservation of land for public use, the <del>commission</del> <u>subdivider</u> shall obtain approval of the land reservation from the public body having jurisdiction.</p>

Revision Description	Proposed Amended Ordinance Text
<p>15. Change references to “office of the parish president” to the Department of Operations to avoid the formality of requiring the president’s office to be involved and to allow the appropriate functions to be delegated within the administration. As a practical matter, all of those functions are subject to the supervision of the president under the parish’s home rule charter.</p>	<p><b>Sec. 102-2. - Definitions.</b></p> <p>The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:</p> <p>...</p> <p><i>Parish president’s office</i> <u>or office of the parish president</u> means the <u>administration, acting through the St. James Parish Department of Operations, provided that where this chapter calls for the signature of or execution by the parish president of any plat or document, such signature or execution shall be by the parish president personally</u> <del>office designated by the Charter to administer this chapter and to assist administratively the planning commission and other boards and commissions.</del></p>

At a regular meeting of the St. James Parish Council, State of Louisiana, held on the \_\_\_\_\_ day of January, 2021, the following ordinance was introduced by Councilman \_\_\_\_\_ and seconded by Councilman \_\_\_\_\_, laid over for publication of notice of Public Hearing and ordered filed with the Secretary for public inspection.

**PROPOSED ORDINANCE 21- \_\_\_\_\_**  
**ST. JAMES PARISH COUNCIL**

**AN ORDINANCE TO AMEND THE ST. JAMES PARISH CODE OF ORDINANCES TO IMPLEMENT INTERIM REVISIONS TO CHAPTER 102 GOVERNING SUBDIVISIONS**

**WHEREAS**, Chapter 102 of the St. James Parish Code of Ordinances, which regulates subdivisions, was enacted more than a generation ago, and has been amended many times over the years; and

**WHEREAS**, since the original enactment of ordinances governing subdivisions, St. James Parish has experienced significant changes in its growth and development, and the ordinances should accordingly be updated to address the current needs of the parish; and

**WHEREAS**, a comprehensive update of Chapter 102 and related ordinances will require a long term effort to consider properly, but meanwhile, interim technical and procedural changes to Chapter 102 would benefit the parish and facilitate the work of the St. James Parish Planning Commission; and;

**WHEREAS**, the planning commission formed a subcommittee, which met on December 14, 2020 to consider interim amendments, which were presented to the full planning commission at its regular meeting on December 28, 2020, and which were again considered by the full planning commission at a special meeting on January 11, 2021; and

**WHEREAS**, the St. James Planning Commission has recommended that the St. James Parish Council adopt the package of amendments to Chapter 102 addressed by this ordinance;

**NOW, THEREFORE**, the St. James Parish Council hereby ordains:

**SECTION 1.** The following sections of Chapter 102 of the St. James Parish Code of Ordinances are amended or enacted to read as indicated below. Words which are struck through are deletions from the existing ordinance text; underscored words are additions.

**Sec. 102-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

*Parish president's office* or office of the parish president means the administration, acting through the St. James Parish Department of Operations, provided that where this chapter calls for the signature of or execution by the parish president of any plat or document, such signature or execution shall be by the parish president personally~~office designated by the Charter to administer this chapter and to assist administratively the planning commission and other boards and commissions.~~

**Sec. 102-11. - Resubdivision of land; procedures.**

...

(c) Whenever this Chapter requires a public hearing to be held, the requirement may be satisfied by a public comment period made available on the relevant agenda item on a planning commission meeting agenda. However, the planning commission may call for a separate public hearing held before the full planning commission or a committee thereof when the nature of the subdivision or the public interest therein justifies a more extensive hearing.

(d) Where this chapter requires approvals of parish departments or of non-parish entities, the planning commission may require such approvals to be in place in advance of rendering a decision on a subdivision, or it may condition the planning commission's approval on subsequent approvals, in which case the planning commission chairman shall not sign the subdivision plat until ascertaining that the subsequent approvals have been granted and documentation of those approvals have been provided to the parish.

(e) Each application shall identify the full legal name of the owner and (if different from the owner) the developer of the subdivision, both of whom shall be solidarily liable for compliance with the requirements of this Chapter.

(f) The survey presented with the subdivision application shall be sealed no earlier than six (6) months prior to the date the application is made.

(g) Prior to commencing construction of an approved subdivision, the owner or developer shall post with the parish, in escrow, a sum (as determined by the parish) sufficient to cover the cost of parish inspections necessary to assess compliance with the requirements of this Chapter. The actual cost of such inspections shall be charged against the escrow. If the escrow is exhausted, the owner or developer shall replenish it in an amount determined by the parish. After final acceptance of the subdivision, the balance of the escrow shall be refunded to the owner or developer.

#### **Sec. 102-14. - General enforcement.**

...

(e) The following actions in furtherance of developing a subdivision are prohibited, unless the subdivision has received approval or preliminary approval from the planning commission:

- (1) Earthmoving, grading, or other topographic modifications
- (2) Altering existing drainage
- (3) Installation of utilities
- (4) Advertising to the public for the sale of lots

#### **Sec. 102-36. - Classification of subdivisions. Restrictions on Conveyance and Permitting Prior to Subdivision Approval**

Whenever any subdivision of land is proposed, before any contract is made for the sale the conveyance of any part thereof is recorded, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the provisions of this chapter. following procedure, which includes basically two steps:

- (1) Public subdivision.
  - a. Preliminary plat.
  - b. Final subdivision plat.
  - c. Limited public sale.
- (2) Family subdivision.
  - a. Preliminary family subdivision plat.
  - b. Final family subdivision plat.
- (3) Private subdivision (not a family subdivision).
  - a. Preliminary plat.
  - b. Final subdivision plat.

*(The following 102-37 is newly enacted.)*

#### **Sec. 102-37 – Simplified Subdivision Approval Process; Limitations**

Notwithstanding other provisions of this chapter, the following types of subdivisions may be granted final approval by the planning commission without the need for a separate preliminary plat approval, provided that the

subdivision complies with the dimensional requirements of this chapter and all other applicable ordinances:

- (a) Family subdivisions;
- (b) Changes in existing lot boundary lines that do not increase the number of lots;
- (c) Subdivisions resulting in the creation of five or fewer lots that are all served by existing public streets and (where available) utilities;
- (d) The combination of existing lots of record into larger lots; and
- (e) The creation of parcels and accessways for non-personal occupancy uses such as communication towers, utility installations, infrastructure support facilities, and cemeteries.

**Sec. 102-86. - Public hearing; notice; signage.**

(a) The planning commission shall hold a public hearing on the preliminary plat. At the time of the public hearing, the applicant shall submit an affidavit stating documentation satisfactory to the planning commission that he has notified each adjacent or opposite owner of property as indicated on the application for subdivision approval at least ten days prior to the public hearing. This requirement shall not apply to subdivisions considered under the simplified approval process in Sec. 102-37, provided that the planning commission may require adjacent owner notification for simplified approval subdivisions in cases where the potential impacts to adjacent owners exceed that customarily associated with simple subdivisions.

(b) For any subdivision that does not qualify for the simplified subdivision approval process under Section 102-37, the site of the proposed subdivision shall be posted with sign(s) that meet the following requirements at least 10 calendar days prior to the planning commission meeting at which a preliminary plat is to be considered.

- (1) Parcels of land 10 acres or greater in size shall place a sign facing each public right-of-way it has frontage on as follows:
  - (a) Sign(s) must be no more than 10 feet from the access way and free of any physical obstruction that could obscure visibility of the sign.
  - (b) Sign(s) must be no more than 1,200 feet apart along each street frontage of the proposed subdivision site.
- (2) Parcels of land smaller than 10 acres shall place one sign at the mid-point along the thoroughfare it fronts, provided, the location must not impede any existing ingress or egress or other physical attribute of the parcel of land. In such cases, it should be placed as close as possible to the mid-point of the frontage.
- (3) The subdivider must deliver to the planning commission photos of installed sign(s) a minimum of 10 calendar days prior to the scheduled meeting date.
  - (a) Photo(s) of the installed sign(s) must include the date and time digitally identified on the photo(s).
  - (b) Photo(s) of the installed sign(s) must include a graphic depiction of the sign location(s) plotted on a map or aerial photograph of the subdivision site.
- (4) Signs required under this subsection shall meet the following standards:
  - (a) Minimum 24" x 30" in size, with a minimum 5' height to the center line of the sign
  - (b) Yellow background with black letters.
  - (c) Double faced and oriented perpendicular to the travel lane.
  - (d) Contain the following information:
    - (i) Type of the proposed development or subdivision;
    - (ii) Public meeting date and time;
    - (iii) Public meeting location; and
    - (iv) Parish permitting office contact information.

**Sec. 102-87. - Preliminary approval determination.**

(a) In those cases where the proposed subdivision does not include the construction of any new streets, highways and/or drainage facilities, the planning commission shall review the preliminary plat, the reports of the office of the parish president and the parish department of operations, and testimony and exhibits submitted by the public, and advise the applicant of any required changes and/or additions. The commission shall approve, conditionally approve, or disapprove the preliminary plat ~~within 30 days after the date of the~~ by the next regular meeting of the commission after the meeting, at which the public hearing on preliminary approval, including the adjourned date thereof, is closed. The date of approval, conditional approval, or disapproval and the reasons therefor accompanying the plat shall be noted on two copies of the proposed preliminary plat. One copy of the plat shall be returned to the developer and the other retained by the planning commission. ~~Before the commission approves~~ If a preliminary plat showing shows the reservation of land for public use, the ~~commission~~ subdivider shall obtain approval of the land reservation from the public body having jurisdiction.

*(Sec. 102-101 is deleted in its entirety.)*

**~~Sec. 102-101. - Limited public sale.~~**

~~(a) If the developer has made arrangements with adjoining property owners who wish to purchase additional property adjacent to their property, then it shall be permissible to obtain approval from the planning commission of said lots for limited public sale.~~

~~(b) Such sale shall be limited to the owners of the property immediately adjacent to the newly subdivided property, and, when combined, the lots must have access to a public street and be serviceable with existing public utilities and conform to all applicable requirements of a public subdivision.~~

**Sec. 102-131. - Policy.**

It is the policy of the parish to encourage all landowners and developers within the parish to provide reasonable improvements of streets and lots to protect and provide for the public health, safety and general welfare of the parish. It is also the policy of the parish to provide an opportunity for family members of existing landowners a place to reside without having to bear the cost of major street and lot improvements as required in public subdivisions. To this end, the following provisions for family subdivisions shall be available only to a landowner (or that landowner's successor by heirship) who owned the land being subdivided as of January 1, 2021, and who is either a natural person or juridical person whose entire membership or collective shareholders is comprised of a natural person or that person's immediate family who owned the land.

**Sec. 102-133. - Limitations.**

(a) The sale of land and occupants of land in a family subdivision shall be limited to immediate family members, which includes and is limited to father, mother, son, daughter, son-in-law, daughter-in-law, aunt, uncle, brother, sister, niece, nephew, stepson, stepdaughter, stepfather, stepmother, grandmother, grandfather, grandson, granddaughter, and first cousins. To carry out this limitation, each family subdivision plat shall bear on its face the following covenant, which shall run with the land until the subdivision is converted to a public subdivision and evidence of that conversion is recorded in the land records of St. James Parish:

Lots in this subdivision may not be sold to anyone other than an immediate family member or its original subdividing owner, [insert full name of owner here]. Immediate family members are limited to the owner's father, mother, son, daughter, son-in-law, daughter-in-law, aunt, uncle, brother, sister, niece, nephew, stepson, stepdaughter,



stepfather, stepmother, grandmother, grandfather, grandson, granddaughter, and first cousins.

*(The remainder of Sec. 102-133 remains unchanged.)*

**Sec. 102-134. - Application procedure and approval process.**

...  
(3) ~~Notarized statements~~ Maintenance Covenant. All family subdivisions of property shall be required to submit notarized statements that all maintenance of the roadways will be private shall include the following covenant on the face of the plat, that shall apply to all properties subject to the subdivision:

Any owner of land in this Subdivision shall be liable for an equitable share of the cost of maintenance of the road in the location shown on the Subdivision. Further, any owner of property in the Subdivision may undertake reasonable maintenance of the road (and any associated grading and drainage) as a gravel road in accordance with standards required by St. James Parish. Any owner undertaking such maintenance shall be entitled to recover an equitable share of the cost from other owners in the Subdivision. This covenant may not be amended or terminated without the written approval of St. James Parish recorded in the records of St. James Parish, and such amendment or termination shall not be effective until such approval is recorded.

**Sec. 102-135. - Street surface.**

(a) Landowners in family subdivisions are allowed to construct aggregate surface streets, which shall not be accepted into the parish maintenance system.

(b) Streets shall, at a minimum, be surfaced with compacted shell with a minimum six-inch thickness and an 18-foot width.

~~(c) Undedicated streets and rights of way are not considered public streets. However, it is the responsibility of the owner to provide the adequate standard rights of way, which must be maintained by the landowners. The landowners shall provide a written private street maintenance agreement, which shall be recorded with the plat.~~

**Sec. 102-136. - Utility right-of-way.**

A minimum ~~40-foot~~ 50-foot road and utility right-of-way, for the purpose of providing streets and utilities into the family subdivision, shall be provided and shown on the plat and recorded with the clerk of court.

**Sec. 102-142. - Conformance of utility lines, drainage facilities.**

The specifications for the installation/construction of water lines, gas lines, other utility lines, and drainage facilities in a family subdivision shall conform to the required standards. The application shall demonstrate that drainage for the newly subdivided lots, as well as for the larger parcel from which they are created, will be managed properly. A drainage impact analysis sealed by a registered professional engineer shall be provided, if the parish determines that the build out of the subdivision could have an adverse impact on drainage of the subdivision itself or on other land in the same drainage basin. ~~whenever new drainage facilities are proposed.~~

**SECTION 2. EFFECTIVE DATE.** This ordinance shall be effective immediately upon its passage, or as soon thereafter as allowed by law. It shall apply to any subdivision that has not received final approval from the St. James Parish Planning Commission.