

CHAPTER 17 – PLANNING AND DEVELOPMENT

ARTICLE XI - DEFINITIONS

ABUTTING - sharing a common property line.

ACCESSORY APARTMENT - A secondary, independent living dwelling unit located on the same lot or under one roof with a separate entrance of an existing single-family residence.

ACCESSORY STRUCTURE - A separate building, typically located on the same lot as a principal structure that is devoted to a use typically considered subordinate, or accessory, to the primary use of the property.

ADJACENT - property that touches or is directly across a right-of-way or servitude that is no more than 60 feet in width.

ADULT ENTERTAINMENT - any bookstore, motion picture theater, mini-motion picture theater, or live entertainment business that has as a substantial or significant amount (no more than 20%) of its stock in trade or floor area dedicated to materials that emphasize matter depicting, describing, or relating to the depiction of the human genitals in a state of arousal or stimulation (even if completely or opaquely covered) , acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic areas, buttocks, of female breasts, or less than completely covered human genitals, pubic areas, buttocks, or the female breast below a point immediately above the top of the areola, as well as any massage business (other than those massage businesses licensed by the State of Louisiana).

AGRICULTURAL - The cultivating of soil, producing crops, and raising livestock; farming.

AGRICULTURAL LAND - For the purposes of this Chapter, Land designated by the Tangipahoa Parish Tax Assessor as agricultural in use.

ALLEY - A public or private road which affords only a secondary means of access to the rear of abutting property fronting on another Road and not intended for general traffic circulation. A public servitude that generally runs to the rear of lots for the provision of service or secondary access to homes and businesses.

ALLUVIAL FAN FLOODING – Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex, or point on the landform below which the flow path of a major stream becomes unpredictable and flooding can occur, and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

ALTERATION, STRUCTURAL - Any change other than incidental repairs which would prolong the life of the supporting members of a building such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

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APARTMENT- Housing type in which multiple dwelling units are located on one common parcel owned by one owner to generate reoccurring income.

APPLICANT – Person, group or corporation acting as a unit, or any agency thereof, making application pertaining to these regulations on behalf of the land owner and/or developer.

ATTACHED GARAGE - A garage that is connected to the principal structure on a property that, for floodplain management purposes, is treated as an enclosure if below the Base Flood Elevation.

BUFFER - Buffers provide distance between the development and another land use. Landscaping, open space, fences or walls located parallel to and within the outer perimeter of a lot and extending to the lot-line. A buffer is used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BEST MANAGEMENT PRACTICES (BMPS) - methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce pollution of waters or conservation of natural resources. Among other things, BMPs include treatment requirements, operating procedures, and practices to control runoff. With regard to construction, these may include structural devices or nonstructural practices designed to control runoff and direct the flow of water.

BUILDING - Any permanent structure affixed to the land having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

BUILDABLE AREA - The area within a parcel that is allowable for permanent built structures and is defined by setbacks, easements, servitudes, rights-of-ways, and/or buffer areas.

CAMP- Frontage shall be on a natural stream or manmade waterway with no roadway to property. (Ord. No. 02-03)

CAMPGROUND– Sometimes referred to as a recreational vehicle park or resort. A parcel of land, under single ownership or LLC, which has been planned and improved for the temporary placement of recreational vehicles, camping trailers, tents or cabins.

COMMERCIAL - Any business, trade, industry, or other activity, on any size lot or parcel of land to generate income.

COMMERCIAL PROPERTY - Any existing or proposed development including but are not limited to all of the following: hotel, motel, Campground/R.V. Park, rental property (retail or residential), religious, non-profit, public projects, institutional, and industrial developments (schools, hospitals, manufacturing plants, shopping centers, etc.)

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COMMON OPEN SPACE - A category of open space that includes land within or related to a development, not individually owned, identified as not sellable, that is designed, intended, and reserved primarily for the use or enjoyment of residents, occupants, owners of the development, or the public.

COMPREHENSIVE PLAN - The plan titled “Tangipahoa Parish Comprehensive Plan” adopted by the Commission on June 9, 2008 and amended July 8, 2008.

COUNCIL - The Tangipahoa Parish Council.

CRITICAL FACILITY - a facility necessary to protect the public health, safety and welfare during a natural disaster. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

CUL-DE-SAC - A short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

DEDICATION - The intentional appropriation of land by the owner for a specific public use such as a right-of-way, servitude, or easement.

DENSITY - The number of dwelling units divided by the total land area subject to an application, stated as dwelling units per gross acre.

DEPTH (OF LOT) - The average distance from street right-of-way or servitude to the rear lot line, which is the lot line opposite and most distant from said right-of-way or servitude line.

DEVELOP OR DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DIRECTOR OF PUBLIC WORKS - The person so designated by Parish Government and appointed by the Parish President who is responsible for numerous activities as detailed in the Tangipahoa Parish Charter.

DITCH - means any natural or dedicated area which provides the containment or flow of water from rain or adjacent drainage areas of waterways such as streams, creeks, ponds, lakes or rivers.

DWELLING UNIT - A dwelling unit consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed, or used as living quarters for one family.

EASEMENT: A grant by the owner for the use of a strip of land by private bodies for specific purposes.

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FAMILY- One or more persons, related by blood, marriage, or legal adoption, living together and occupying a single dwelling unit with single culinary facilities; or a group of not more than four (4) unrelated persons living together by mutual agreement and occupying a single dwelling unit with a single culinary facilities.

FINAL SUBDIVISION PLAT - The final plan of the plat, subdivision or dedication prepared for filing and recording in conformance with this Chapter, identifying new lots or lot of record.

HEIR PARTITION- The division or subdivision of any lot, tract, or parcel of land by act(s) of partition among co-heirs or from a parent to a child or a child to a parent or a sibling to a sibling by donation, consideration and/or other approved means. This is considered a special subdivision (For purposes of this definition, a child includes grandchildren and step-children.)

HUD CODE - The regulations promulgated by the United States Department of Housing and Urban Development pursuant to the 42 U.S.C. Sec.5401, the National Manufactured Home Construction and Safety Standards Act.

IMPERVIOUS SURFACE - A man-made structure or surface which prevents the infiltration of storm water into the ground below a structure or surface.

INFRASTRUCTURE- Street pavement or resurfacing, curbs, gutters, sidewalks, culverts, bridges, street lights, tree plantings, open space, parking, water lines, sewer lines, sanitary and storm sewers, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

IMPROVEMENTS AGREEMENT GUARANTEE - Any security which is acceptable to the City-Parish in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, letters of credit, escrow agreements, and other similar collateral of surety agreements.

LETTER OF CREDIT - An agreement by a subdivider or developer with the Tangipahoa Parish Government guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

LOT - A parcel of land that fronts on a public street or approved servitude of access that is intended as a building site and sufficient in size to meet development minimum requirements

LOT FRONTAGE - The horizontal distance between the side lot lines measured at a point where the side lot lines intersect a street right-of-way or private servitude of access. All sides of a lot that abuts a street or servitude of access are considered frontage, as is the arc between the side lot of curvilinear streets or servitudes of access.

LOT LINE - Any of the property lines bounding a lot.

LOT OF RECORD - A lot of record is a lot which is part of a subdivision, the map of which has been recorded in the office of the Parish Clerk of Court; or a parcel of land which

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became legally established and defined by deed or act of sale on or before September further provided, in order to be considered a lot of record, a lot shall have a direct frontage on a public or private street or permanent access easement or servitude approved by Tangipahoa Parish Planning Commission.

MAJOR MULTIFAMILY DEVELOPMENT- Developments on one parcel that contain building types with more than two dwelling units.

MAJOR SUBDIVISION - A division of land into 9 lots or more.

MANUFACTURED HOME - Means a structure built to the standards of U.S. Department of Housing and Urban Development that is transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities for year around living. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK- Community developed for subletting lots to manufactured (mobile) homes. Not for sale. Three (3) or more manufactured homes shall constitute a manufactured home park.

MINI PARTITION- Any subdivision of a parcel 3 acres or more, created for purposes of sale or mortgage, containing 4 lots or less and fronting on an existing publicly dedicated street or state highway, not involving any new street, or the extension of public facilities, or the creation of any public improvement, not adversely affecting the remainder of the parcel or adjoining property, not changing existing public drainage course and not in conflict with any provision or portion of these regulations. A property owner shall be allowed to create only one (1) mini partition of property in which he or she retains ownership, after such mini-partition is created.

MINOR SUBDIVISIONS - Defined as heir Partitions, Mini Partitions, Small Subdivisions developments with eight (8) lots or less on either existing public or private road or right-of-way approved for certain uses, or Subdivisions with four (4) lots or less.

MOBILE HOME/TRAILER – Factory-built single family structure(s) constructed on a permanent chassis before June 15, 1976 and does not meet the HUD Manufactured Home Construction and Safety Standards.

MOBILE HOME SITE – Designated area within a mobile home park for the location of each manufactured/mobile home to be placed.

MOBILE HOME PARK -A parcel of land which has been planned and improved for the placement of more than (3) three manufactured/mobile home on sites available for rent or lease.

MODULAR HOME – A structure designed for residential occupancy, built to the standards of the Louisiana State Uniform construction code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location. For the purposes of these regulations, a modular home is a single-family home.

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MOTOR VEHICLE DEALER - Any business that is licensed by the State to sell motor vehicles.

NEW CONSTRUCTION - Structures for which a building permit was issued on or before the effective date of an adopted regulation, provided the actual start of construction or any subsequent improvements to such structures commenced within 180 days of the permit date.

NONCONFORMING LOT - Any legally established parcel that does not conform to the current area or dimensional requirements of the development standards of the adoption date of these standards.

NONCONFORMING STRUCTURE – Any legally established building or structure that fails to meet current ordinance standards for setback, height, or similar factors.

NONCONFORMING STRUCTURE - any legally established building or structure that fails to meet current ordinance standards for setback, height, or similar factors.

NONCONFORMING USE – Any legally established use of property that does not conform with the requirements of the land development regulations.

OPEN COMMON SPACE (GREEN SPACE) – A category of open space that includes land within or related to a development, not identified as a lot not for sell, that is designated, intended, and reserved primarily for the use or enjoyment of residents, occupants, owners of the development or the public.

OWNER The person who owns a lot, parcel, building or facility, or their duly authorized agent as identified at the clerk of court as the property owner.

PARISH ENGINEER- A Civil Engineer properly licensed by the State of Louisiana to practice engineering and employed by the Parish Government to review subdivision plans submitted for approval by the Planning Commission.

PHASE- A portion of a subdivision that may not be developed until future use. All proposed phases should be on the initial plans.

PLAN, AS-BUILT – Actual ground data transferred on a plat, performed by surveyor or engineer after construction is complete.

PLAN, CONSTRUCTION CONCEPT DESIGN – An overall plan for the development consisting of maps and engineering documentation in sufficient detail to verify that the proposed improvements will be built to meet these regulations.

PLANNING COMMISSION - means an official planning commission appointed in accordance with the provisions of this Subpart. It shall denote either a parish planning

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commission, or a municipal planning commission, as the case may be. The term "parish or municipality as the case may be", when appropriate to the context, relates to the respective jurisdictions or functions of a parish planning commission with regard to the parish for which it is established and of a municipal planning commission with regard to the municipality for which it is established; or, when appropriate to the context, relates to the rights and remedies which the respective parish or municipality may exercise to enforce the provisions of this Subpart. Established in 1978 by Tangipahoa Parish Police Jury May 9, 1978.

PLAT, PRELIMINARY - The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements, to permit the evaluation of the proposal prior to detailed engineering and design.

PLAT, FINAL – A survey quality plat showing the planned construction drawings of roads, utilities, site development and public improvement of a subdivision or development.

PARCEL -A division of land such as an area of land defined by a recorded legal description, that is not divided into separate lots, or A subdivision that contains multiple lots.

PRIVATE DEVELOPMENT- Any development that contains infrastructure that are to be privately maintained including, but not limited to apartments, manufactured/mobile home parks, RV parks and subdivisions which are gated or posted as "Private".

PRIVATE STREET OR PRIVATE ROAD - A parcel or strip of land, identified as a right-of-way, dedicated to vehicular use for ingress or egress to and from a public street or for traffic circulation on the site and maintained by the private entity to which it is dedicated. This definition applies whether the private street is improved or unimproved. If a parcel is subdivided, a private street is designated on the preliminary and final subdivision plat as named by the parish's 911 Office. Private streets are not maintained by Tangipahoa Parish Government.

PUBLIC ROAD (OR PUBLIC STREET) - A road that is owned and maintained by at least one public entity, such as TPG, the State of Louisiana, or the Federal government.

PUBLIC WAY - An alley, avenue, boulevard, bridge, easement, expressway, freeway, highway, parkway, right-of-way, servitude, sidewalk, street, tunnel, walk or other ways which are dedicated (whether or not improved) in which the general public, a utility, or a public entity have a right of use.

PUBLIC WORKS DIRECTOR - The person appointed by the City-Parish President to the position of Public Works Director, or their designee.

PUBLIC UTILITY - Any business providing any utility service, including but not limited to, water, sewerage, gas, electricity, telecommunications, or cable television to the residents of the unincorporated areas of the parish.

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RECREATIONAL CAMPING GROUNDS and RV PARKS - The placement of three (3) or more Recreational Vehicles or Travel Trailers on property to be occupied temporarily, primarily for recreational purposes.

REGISTERED LAND SURVEYOR -Any person registered by the State of Louisiana to practice land surveying.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RESIDENTIAL INTERMEDIATE CARE / PLACEMENT (RICP) FACILITY – These facilities provide services and supports in a 24-hour residential setting that may include but not be limited to the following: ongoing evaluation, planning, and coordination/integration of health and rehabilitative services and supports. The facility services are provided in a range of residential settings. These facilities are considered commercial if the development has a minimum of two structures on the property and requires supervising staff to be present 24 hours a day.

RESUBDIVISION – In addition to being synonymous with "subdivision", means and shall also include the consolidation of two or more lots, plats, tracts, parcels, or other divisions of land into one or more lots, plats, tracts, parcels, or other divisions of land. -The changing of any existing lot or lots of a subdivision plat previously recorded with the Tangipahoa Parish Clerk of Court.

RIGHT-OF-WAY – A strip of ground dedicated by the subdivider for public use, title to which shall rest in a public or private entity for the purposes stated in the dedication.

SERVITUDE – A strip reserved for public utilities, drainage, and other public purposes, the title of which shall remain with the property owner subject to the right of use designated in the reservation of the servitude.

SETBACK – Restricted areas of a lot that defines allowable location of principle structure or other structures.

SEWAGE - means a combination of the liquid or water-carried waste from residences, business buildings and institutions.

SMALL RICP FACILITIES – A Residential Intermediate Care/Placement Facility (RICP) of 16 to 32 people with designated sleeping quarters.

SITE - The land or water area where any development, facility or activity is physically located or conducted, including adjacent land used in connection with the development, facility or activity. This includes any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of development.

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SPECIAL FLOOD HAZARD AREA - The land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-30, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, VI-30, VE, or V.

STREETS: - The term “street” shall apply to any public route intended for use primarily be vehicular traffic whether designated as an expressway, arterial street, collector street, minor street, marginal access street, or however otherwise designated.

STREET, ARTERIA - A street used primarily for fast or heavy through traffic such as a highway or parkway. Arterial streets connect major points of traffic generation. (Ord. No. 78-05)

STREET, COLLECTOR - A street which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

STRUCTURE - A structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including among other things buildings, houses, stadiums, storage bins, display signs, fences, and radio towers.

SUBDIVIDER- Any person, group or corporation acting as a unit, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision as defined in these regulations.

SUBDIVISION - means the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development, and, with regard to parishes, for the purpose of sale or of building development for purposes other than agricultural. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

SURVEYOR- A land surveyor licensed or registered in the state of Louisiana

TOWN HOMES- Two or more attached dwelling units with common or party sidewalls between units, designated so that each unit may be sold independently as a lot with its own yards and parking spaces.

TRACT – A portion or parcel of land of any size.

UNITS -The area within the building designated for a single-family to reside in.

UTILITY - A publicly, privately, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, sewage, storm water drainage, transportation, communications, or

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similar services or commodities.

VARIANCE - A grant of relief to a person from the requirements of this code when specific enforcement would result in unnecessary hardship as determined by the Parish Council. A variance from the provisions would permit construction or development in a manner otherwise prohibited.

VICINITY MAP - A drawing located on a plat which sets forth by dimensions or other means, the relationship of the proposed subdivision, development or use to other nearby developments, landmarks and community facilities and services within Tangipahoa Parish in order to better locate and orient the area in question.

VIOLATION - the failure of a structure or other development to be fully compliant with this code.

WETLAND - An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomland hardwood forest, and similar areas,

YARD - An open space on the same lot or tract as a building that is unobstructed by encroachments and projections except as may be specifically allowed.