DeSoto Parish Recording Page

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First VENDOR
TOWN OF STONEWALL

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THE PUBLIC

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I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for DeSoto Parish, Louisiana

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ORDINANCE NUMBER 70-2016

TITLE: AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS ORDINANCE FOR THE TOWN OF STONEWALL, DESOTO PARISH, LOUISIANA.

WHEREAS, the Board of Aldermen finds and declares that the subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided;

WHEREAS, the Board of Aldermen finds and declares that it is in the interest of the public, the developer, and the future owners of subdivided land that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards so as to create a climate conducive to the orderly and progressive growth of the Town of Stonewall.

WHEREAS, Ordinance Number 95-06, entitled *Subdivision Regulations Ordinance for Town of Stonewall, DeSoto Parish, Louisiana*, written in 1981 and last revised on May 10, 2011, enacted certain subdivision regulations in accordance with Louisiana Revised Statutes 33:101-33:119 to provide for the physical development of subdivisions within the incorporated limits of the Town of Stonewall.

BE IT THEREFORE ORDAINED that Ordinance Number 95-06, entitled *Subdivision Regulations Ordinance for Town of Stonewall, DeSoto Parish, Louisiana*, is hereby revised and amended to read as set forth in Exhibit "A" hereto.

BE IT FURTHER ORDAINED, that if any provision or item of this Ordinance or the application hereof is held invalid, such invalidity shall not affect the other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this Ordinance are hereby declared severable;

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon adoption;

First Reading: Tuesday, May 10, 2016 – Introduced and read by title and approved as read on motion by Alderman Nicholas Gasper, seconded by Alderman Dot Simmons.

Second Reading: Tuesday, June 14, 2016 – Having been approved on the first reading on Tuesday, May 10, 2016, was read by title and, following public hearing, was adopted as read on motion by Alderman Dot Simmons, seconded by Alderman Pat Loftus. .

After a Public Hearing held on Tuesday, June 14, 2016 for passage with the Ordinance to go into effect on the 14th day of June, 2016 with a vote as follows:

3 YEAS (Council Member: Margaret Dickerson, Dot Simmons & Pat Loftus)

1 NAY (Council Member: Randy Rodgers)

1 ABSENT (Council Member: Nicholas Gasper)

THUS DONE, ORDAINED AND ESTABLISHED by the Board of Aldermen of the Town of Stonewall, Louisiana, at a meeting of said public body, duly held and conducted on Tuesday, June 14, 2016 in the Town Hall for the Town of Stonewall.

Shree' Young, Town Clerk

Date delivered to Mayor 06/14/2016

Approved by the Mayor of the Town of Stonewall on Wednesday, June 15, 2016

Charles Waldon, Mayor-Town of Stonewall

EXHIBIT "A" TO ORDINANCE NUMBER 70-2016

ORDINANCE NUMBER 95-06

WRITTEN: 1981

1ST REVISION: 06/26/1995

2ND REVISION: 10/09/2001
EFFECTIVE DATE OF REVISION: 10/19/2001

3RD REVISION: 10/11/2005
EFFECTIVE DATE OF REVISION: 11/08/2005

4TH REVISION: 05/10/2011
EFFECTIVE DATE OF REVISION: 05/10/2011

5TH REVISION: 06/14/2016
EFFECTIVE DATE OF REVISION: 06/14/2016

SUBDIVISION REGULATIONS ORDINANCE

FOR

TOWN OF STONEWALL

DESOTO PARISH, LOUISIANA

INTRODUCTION

It is the intent of these Subdivision Regulations to create a climate conducive to the orderly and progressive growth of the Town of Stonewall, a climate of mutual and reasonable understanding with prompt and just consideration to the various interests involved in subdivision work.

Community interests require the regulation and control of development in such a way that will promote and protect the good health, safety, morals, and general welfare of the Town of Stonewall, DeSoto Parish, Louisiana.

This Commission wishes to encourage and to help expedite orderly development within our boundaries.

Part I: PURPOSE AND AUTHORITY

The subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. It is, therefore, to the interest of the public, the developer, and the future owners, that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

The following Regulations, guiding the Planning Commission, are designed to promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Stonewall.

These Regulations are adopted under the authority granted by the provisions of Louisiana Revised Statutes 33:101 through 33:119.

These Regulations shall apply to all subdivisions, as defined herein. The Regulations shall not apply to:

1. Land in subdivisions previously legally recorded, except in the case of re-subdivision;

2. Small parcels of land sold to, or exchanged between, adjoining property owners where such sale or exchange does not create additional lots; and

3. The partition of land when all of the resulting lots are one (1) acre or larger in area, and no street or road construction or major street right-of-way is involved.

Part II: JURISDICTION

These Regulations shall govern the subdivision of land within the corporate limits of the Town of Stonewall. No public money shall be expended for any purpose within a subdivision until said subdivision has satisfied all requirements imposed by these Regulations.

Part III: DEFINITIONS

The following words, terms, and phrases, when used in these Regulations, shall have the meanings ascribed to them in this section, except where clearly stated otherwise:

Alley means a minor public right-of-way used primarily for vehicular access to the rear or side of properties otherwise abutting on a street.

Block means a parcel of land entirely surrounded by streets, railroad rights-of-way, parks, or other public spaces, or by a combination of both.

Board means the Board of Alderman of the Town of Stonewall.

Building setback line means the line indicating the minimum horizontal distance between the street right-of-way and buildings, or any projection thereof, other than steps, eaves, or overhangs.

Building means any structure, other than a manufactured home, built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind.

Construction Plan means the drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

Crosswalk means a specially paved or marked path for use by pedestrians crossing a street or a road.

Cul-de-sac means a short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

Developer means the owner of the land or property proposed to be subdivided and his representatives or agents.

Development means any man-made change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filing, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Easement means a grant by a property owner of the use, for a specific purpose or purposes, of a designated strip of land to the general public, a corporation, or other individuals.

Final Plat means the final map or drawing on which the proposed plan is submitted to the Planning Commission for approval and which, if approved, will be submitted to the Clerk of Court of DeSoto Parish for recording.

Improvements means any street surfacing, with curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities, and/or monuments.

LA DOTD means the State of Louisiana Department of Transportation and Development.

Lot means a portion of a subdivision intended as a unit for transfer of ownership or for development, or both, and having frontage on a street. In determining the area and dimensions of a lot, no part of the right-of-way of a street or crosswalk may be included.

Lot Frontage means the front dimension of a lot measured along the street right-of-way line.

Lot Width means the width of the lots at the building line measured parallel to the street right-of-way line.

Major Road Plan means any plan for major streets and thoroughfares adopted by the Planning Commission based on its judgment of conditions.

Stonewall Master Plan means the comprehensive plan made by the Planning Commission and adopted by the Board of Alderman which indicates the physical development of the Municipality, as provided by law. The term includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Master Plan means the comprehensive plan made by a developer which indicates the physical layout of the proposed development. The term includes lot configuration, streets and drainage, utilities and sequence of development.

Manufactured Home means a structure which 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.

Municipality means the Town of Stonewall and, where appropriate, all areas lying within the incorporated limits of the town, as said limits now exist, or may exist in the future.

Planning Commission means the Planning Commission of the Town of Stonewall, as such commission was created by ordinance adopted by the Board.

Roadway means the portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs.

Sidewalk means the portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Street means a public right-of-way which provides vehicular and pedestrian access to adjacent properties.

Closed-end Street means a short street having one end open to traffic and being terminated at the other end with a Cul-de-sac.

Collector Street means a street, existing or planned, which serves or is intended to serve as a secondary traffic way, collecting traffic from minor streets and feeding it into major streets or to important generators of traffic, or any other street that may be so designated based on traffic count.

Major Street means a street, existing or planned, which serves or is intended to serve as a principal traffic way and which is designated on the major street plan as a limited access highway, major street, parkway or by use of some other term used to identify those streets comprising the basic structure of the street system of the Municipality.

Marginal Access Street means a street running parallel or adjacent to, or in the immediate vicinity of, a Major Street and which has as its principal purpose the relief of the Major Street from the local service of abutting properties.

Minor Street means a street of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Rural Street means a street with open ditch facilities to convey roadway surface runoff and abutting areas.

Urban Street means a street that consists of curb and gutter with a storm drain pipe system to convey surface runoff from the roadway and abutting areas.

Regulations means the Subdivision Regulations Ordinance for the Town of Stonewall, DeSoto Parish, Louisiana

Subdivision means the division of a lot, tract, or parcel of land into six (6) or more lots, plots, or other division of land for the purpose, whether immediate or future, of sale or building development. The term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. For the purposes of these Regulations, the division of land for agricultural purposes, when the resulting parcels are five (5) acres or larger in size, shall not be deemed to be subdivisions of land.

Part IV: PROCEDURE FOR APPROVAL OF PLAT AND CONSTRUCTION PLAN

A. The procedure for the review and approval of a Subdivision by the Planning Commission consists of three stages:

1. Preparation and submission of a Master Plan, together with the attendant items required by these Regulations, for review, public hearing and approval by the Planning Commission.

2. Preparation and submission for review and tentative approval of a Construction Plan, together with the attendant items required herein.

3. Preparation and submission for review and final approval of a Final Plat, together with the attendant items required herein.

B. Master Plan.

1. The purpose of the Master Plan is to develop a general design for the construction of the subdivision and to assure conformity with the Stonewall Master Plan and the appropriate relationship to both existing and anticipated future development surrounding the proposed Subdivision. During preparation of the Master Plan, and prior to submitting it to the Planning Commission for approval, the Developer shall meet with the Planning Commission to review the plan, establish construction standards, and discuss any variances requested.

2. Application for approval of the Master Plan shall be submitted to the Planning Commission no less than fifteen (15) days prior to the meeting at which the Master Plan shall be considered.

    a. The application for approval of the Master Plan shall include:

        i. A written application letter that includes:

            1. The name of the proposed Subdivision;

            2. The name and address of the applicant;

            3. The name and address of the Developer(s) who own(s) the parcel of land to be subdivided; and

            4. An application review fee of one hundred dollars ($100.00).

        ii. Six (6) copies of the Master Plan to be considered.

        iii. The names and addresses of all property owners which own property adjacent to, or opposite, the proposed Subdivision.

3. Before acting on the Master Plan, the Planning Commission shall hold a public hearing on the matter.

    a. Prior to the public hearing on the Master Plan, the Planning Commission shall send notice to the Developer by certified mail of the time and place of such hearing not less than five (5) days before the date fixed therefore.

    b. Notice of the public hearing shall also be given, including the purpose, time and place, by at least one (1) publication in a newspaper of general circulation in the area surrounding the proposed Subdivision, not less than five (5) days prior to the hearing date.

4. Following the public hearing, and within sixty (60) days of submission, the Planning Commission shall approve or disapprove the Master Plan. Any decision approving the Master Plan shall include a description of any additional public or private improvements that may be required. Any decision denying the approval of the Master Plan shall specify the grounds for such denial. Failure of the Planning Commission to act on the Master Plan within sixty (60) days shall be deemed approval of the plan.

    a. The Planning Commission's approval of the Master Plan may specify conditions to be met or changes to be made in the design, as well as the character and extent of any improvements, which may be required prior to the approval of the Final Plat.

b. The Planning Commission shall retain one (1) copy of the Master Plan on file. One (1) copy shall be returned to the Developer, along with any notations made in connection with the approval or disapproval of the plan and/or any improvements required prior to approval. One (1) copy of the plan shall be submitted to the Parish Health Unit for DeSoto Parish, Louisiana.

5. Approval of the Master Plan shall constitute authorization or permission for the Developer to proceed with preparation of the Construction Plan in accordance with the approved Master Plan and any conditions or changes specified by the Planning Commission.

    a. Approval of a Master Plan shall be effective for a period of twelve (12) months, unless an extension is granted by the Planning Commission prior to its expiration.

6. The approval of the Master Plan by the Planning Commission shall not constitute or otherwise mandate approval of the Final Plat.

C. Construction Plan.

1. The purpose of the Construction Plan is to provide information, including drawings and specifications, for the construction of Improvements.

    a. In preparing the Construction Plan, the Developer should consult with the Planning Commission and all agencies concerned with the various Improvements to be constructed.

2. After approval of the Master Plan, and prior to the construction or installation of Improvements or submission of a Final Plat, the Developer shall prepare and submit six (6) copies of the Construction Plan to facilitate review by the Planning Commission. The review shall take into consideration, in addition to the requirements of these Regulations, conformance with all applicable local and state regulations. After review, the Planning Commission will approve or disapprove the Construction Plan. In the case of approval, the Planning Commission shall designate specific changes, if any, required to be made. In the case of disapproval, the grounds for such disapproval shall be clearly set forth.

D. Final Plat.

1. The purpose of the Final Plat, together with all supplementary material required herein, is to provide an accurate record of all rights-of-way, property lines, easements, and other elements being established on the land and the conditions of their use. The Final Plat shall be based upon the Master Plan and Construction Plan, as said plans have been approved, including any conditions or changes specified in the approval by the Planning Commission.

2. The Final Plat shall be submitted by the Developer to the Planning Commission no less than fifteen (15) days prior to the meeting at which the Final Plat shall be considered.

a. The application shall include six (6) copies of the permanent original drawing, together with a street profile and any other plans which may be required by the Planning Commission.

3. A Final Plat shall be reviewed by the Planning Commission. Upon review, the Planning Commission shall take into consideration the adherence to these Regulations, as well as conformance to the approved Master Plan and the Construction Plan, and the fulfillment of any conditions or changes specified in such approval.

4. A public hearing is not required for a Final Plat of a Subdivision which is in substantial accord, as determined by the Planning Commission, with the approved Master Plan for which a public hearing has previously been held. For any other Subdivision, a public hearing is required prior to approval of the Final Plat. Such hearing shall be conducted in accordance with the same requirements as those applicable to the Master Plan.

5. Following a public hearing, if one is required, and within sixty (60) days of a complete and accurate submission, the Planning Commission shall approve or disapprove the Final Plat.

   a. In the case of approval, the Planning Commission shall enter such approval on the plat by signature of the Commissioner of the Planning Commission or the Mayor of the Town of Stonewall. Within ninety (90) days of the date of approval of the Final Plat by the Planning Commission, a certified copy, as recorded by the DeSoto Parish Clerk of Court, must be submitted to the Planning Commission by the Developer.

   b. In the case of disapproval, the Planning Commission shall state the grounds for such disapproval upon its records.

Part V: TECHNICAL REQUIREMENTS FOR PLANS AND PLAT

A. Master Plan.

1. The Master Plan is intended to precede and supplement the Final Plat of the Subdivision, which is to be recorded. Its purpose is to show all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question and the proposed Improvements are satisfactory from the standpoint of the public interest. All required engineering and surveying work must be performed by or under the supervision of a registered civil engineer or surveyor, as the case may be, registered in accordance with the provisions of the state board of registration for professional engineers and land surveyors.

2. The following information must be shown on the Master Plan.

   a. Items pertaining to the title:

i. Proposed name of the Subdivision, which shall not duplicate or too closely approximate, phonetically, the name of any other Subdivision within the Municipality.

ii. Location of the proposed Subdivision by section, township, range, parish, and state.

iii. The name of the Developer.

iv. The name and registration information of any civil engineer or surveyor who participated in making the Master Plan.

v. The name and registration of information of any engineer responsible for engineering details.

vi. The plat shall be submitted at the scale of one inch equals 100 feet, or as may otherwise be approved by the Planning Commission.

vii. The date of submission.

b. Existing items pertaining to the plan:

i. The boundary of the proposed Subdivision accurately indicated by a heavy, solid line.

ii. The locations, widths, and names of all existing or platted streets or other public ways; railroad and utility rights-of-way; parks and other public open spaces; permanent buildings; and section and corporation lines; within or adjacent to the tract.

iii. The names of all adjacent subdivisions and the owners of adjoining parcels of un-subdivided land (shown by dotted lines).

iv. The zoning districts of the property to be subdivided and all abutting properties.

v. Any drainage channels or any other significant physical items of the property to be subdivided.

vi. Any existing Easements.

c. Items pertaining to the proposed Development:

i. The layout, number and approximate dimensions of all Lots.

ii. The location and layout of all proposed Improvements.

iii. The parcels of land intended to be dedicated, temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the Subdivision, and the conditions, if any, of such dedication or reservation.

iv. An indication of any or all Lots on which a use other than residential is proposed by the Developer. This does not constitute approval of the zoning by the Planning Commission at the time of the Subdivision approval or in the future.

B. Construction Plan.

1. The Construction Plan shall show accurately and in sufficient detail for construction of the Subdivision and its Improvements: 1) the design of the proposed Subdivision in relation to existing conditions and its surroundings; and 2) the location, construction, and/or instillation of all proposed Improvements. It shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger and the sheet size shall not be larger than thirty-two (32) inches by thirty-six (36) inches, or as may otherwise be approved by the Planning Commission. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire Subdivision.

2. The following information must be included in the Construction Plan.

a. *Survey data:* The boundary lines of the Subdivision with length and bearing of lines; section and corporation lines; existing contours with intervals of not more than two (2) feet in all areas covered by existing topographic maps. In areas not covered by two (2) foot contours, the Developer shall submit five (5) foot contours.

b. *Streets*: The name, right-of-way width and location of Streets and other public ways on and adjacent to the tract; the type, width and elevation of surfacing; any legally established center line elevations; sidewalks, curbs, gutters, culverts and similar features; the name, right-of-way width and location of proposed Streets, with their grades and gradients, typical section, exiting ground profile, etc., and similar data for Alleys, if any.

i. Proposed Street names shall not duplicate or too closely approximate, phonetically, the name of any other Street within the Municipality. All submissions shall include a certification that proposed Street names have been approved by appropriate emergency services providers.

c. *Nonresidential Sites.* Sites to be reserved or dedicated for parks, recreation areas, schools or other public uses; sites, if any, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.

d. *Utilities*: The location, size and invert elevation of the existing sanitary and storm sewers; the location and size of water mains and gas mains; the location of fire hydrants, utility poles, etc. All proposed utilities shall be shown in sufficient detail for proper construction.

e. *Easements*: The location, width and purpose of existing and proposed Easements.

f. *Building setback lines*: Minimum building setback lines.

3. The Construction Plan shall include a draft of any protective covenants the Developer proposes to set in place to regulate land use in the Subdivision and otherwise protect the proposed Development.

4. The Construction Plan shall be signed by a registered civil engineer and/or surveyor, as the case may be, registered in accordance with the provisions of the state board of registration for professional engineers and surveyors. The signing engineer or surveyor shall certify that the proposed Subdivision layout and all proposed Improvements satisfy the requirements of these Regulations, as well as all other requirements imposed by state, parish, or municipal laws, rules, regulations or ordinances.

C. Final Plat.

1. No Subdivision may be made within the jurisdiction of the Planning Commission without the preparation and recordation of a plat of subdivision in accordance with the terms of these Regulations. The Final Plat is the official recordable plat. It may be submitted to the Planning Commission by the Developer at any time within nine (9) months of approval of the Master Plan by the Planning Commission, but no less than fifteen (15) days prior to the meeting at which the Final Plat shall be considered.

2. The Final Plat shall show accurately the Subdivision as established on the ground and in relation to its surroundings. It shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger, and the sheet size shall not be larger than thirty-two (32) inches by thirty-six (36) inches, however a deviation from this standard may be approved by the Planning Commission where appropriate. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire Subdivision. For large Subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission.

3. The Final Plat shall contain the following information.

a. Items pertaining to the title:

i. The name of the Subdivision and unit number.

ii. The location of the Subdivision by section, township, range, parish, and state.

iii. Scale: one inch (1) equals one hundred (100) feet, or as may otherwise be approved by the Planning Commission.

iv. The date of submission.

b. Graphic items pertaining to the plat:

i. The names of Streets within and adjoining the Subdivision. All Streets must be named. The names of new Streets shall not duplicate or too closely approximate, phonetically, the name of any other Street in the Municipality. All submissions shall include a certification that proposed Street names have been approved by appropriate emergency services providers.

ii. Lengths of all arcs, radii, internal angles, points of curvature and tangents.

iii. All Easements for rights-of-way provided for public services or utilities, including purposes and any limitations of such Easements.

iv. All Lots in the Subdivision shall be numbered consecutively. On re-subdivision of an existing Subdivision, all Lots shall be lettered. All Lot lines shall show accurate dimensions in feet and hundredths, and with angles related to Street lines.

v. An accurate description of location, material and size of all monuments at all lot corners and angle points; also on all corner and angle points of a Subdivision boundary.

vi. Accurate outlines of any areas to be dedicated for public use, with the purposes indicated thereon; and of any area to be reserved by deed covenant for common use of all property owners in the Subdivision.

vii. Building setback lines, shown graphically along all Streets, with dimensions.

c. Other items to be shown on the Final Plat:

i. Any restrictive covenants to apply to Lots in the Subdivision, signed by the Developer, and printed on the Subdivision plat or recorded in the office of the Clerk of Court for the Parish of DeSoto, with a notation of said restrictions on the plat. If restrictive covenants are filed or altered after the Final Plat has been recorded, a certified copy of same shall be furnished to the Planning Commission.

ii. A description of any restrictions on sanitary sewer Easements, if such Easements are involved.

iii. The following certification, signed by a professional civil engineer or surveyor, registered in the state: "I hereby certify this subdivision conforms to all regulations and requirements of the subdivision ordinance of the Town of Stonewall and all other applicable laws and regulations."

iv. The name of the Developer and a certification of the plat showing that the Developer is the landowner and dedicates Streets, rights-of-way, and any sites designated for public use to the Municipality.

v. A certification of approval, to be signed by the secretary of the Planning Commission, or other such official designated by the Planning Commission, upon the satisfaction of all requirements set forth herein.

Part V: MINIMUM STANDARD OF DESIGN

A. Streets and Roadways.

1. *Street Layout.* The Street pattern of a Subdivision shall provide ease of circulation within the Subdivision, as well as convenient access to adjoining Streets, thoroughfares, or un-subdivided land, as may be required by the Planning Commission. In Subdivisions with more than twenty (20) Lots, there shall be no less than two (2) points of ingress and egress to the Subdivision, said points of access to be located on alternate public Streets adjoining the Subdivision. In the event that an alternate public Street adjoining the Subdivision is unavailable for ingress and egress, the alternate points of access may be located on the same adjoining public Street, but must be separated by no less than five hundred (500) feet, unless a deviation is approved by the Planning Commission.

2. *Access to Public Roadways.* No Subdivision shall occur on any parcel that does not abut a public Street~~, or private road Easement,~~ sufficient to support the anticipated traffic generated by the Subdivision, based upon the number of proposed Lots identified by the Master Plan and Final Plat and as determined by the Planning Commission.

3. *Streets.* All Streets shall have the following minimum right-of-ways:

   a. *Major Street*: 100 feet.

   b. *Marginal Access Street:* 60 feet.

   c. *Collector Street*: 80 feet.

   d. *Minor Street*: 60 feet.

   e. *Alley*: 20 feet.

4. *Roadways.* All Roadways within a Subdivision shall have the following minimum widths:

    a. *Major Street*: 30 feet.

    b. *Marginal Access Street*: 26 feet.

    c. *Collector Street*: 28 feet.

    d. *Minor Street*: 28 feet.

    e. *Alley*: 20 feet.

    f. *Rural Street*: 28 feet.

    g. *Urban Street*: 28 feet.

5. *Dead-end Streets.* The use of Dead-end Streets in a Subdivision is prohibited; provided, however, that nothing herein shall prohibit the use of a Cul-de-sac.

6. *Minimum Roadway Standards.*

    a. All Roadways shall be surfaced with asphaltic concrete having a two (2) inch uniform thickness, placed between Portland cement concrete curbs and gutters and upon a ~~ten (10~~twelve (12) inch thick soil cement base course with a minimum riding surface width as required by these Regulations~~ and eight (8) inch wide curbs~~, constructed in accordance with the Louisiana Standard Specifications for Roads and Bridges, latest edition, as published by the LA DOTD, Office of Highways. The work shall be performed as follows:

        i. *Base course.* Base course work is to begin only after all trenching for a utility has been completed and backfilled. All trench backfill is to be compacted to ninety-five (95) percent of the maximum density as determined by the modified Proctor test. All soil to be used for the base course shall be tested to determine its classification. If the base course is to be constructed from off-site material, it shall conform to the requirements for selected soils. If the base course is to be constructed from existing on-site materials and its plasticity index is greater than fifteen (15), it shall be treated with the appropriate amount of lime in accordance with the LA DOTD Standard Specifications. Soils having a plasticity index greater than thirty-five (35) shall not be used for the base course. After the base course material has been corrected, if necessary, it shall be brought to the required grade and section. The outer six (6) feet of road bed shall be compacted to ninety-five (95) percent of maximum density as determined by the modified Proctor test and the inner area shall be stabilized with ~~ten~~

(~~10~~twelve (12) inches of oil cement constructed in accordance with the LA DOTD Standard Specifications.

ii. *Concrete curbs and gutters.* After the perimeter base course work and subsurface drainage are complete but before the soil cement base course is started, the concrete curbs and gutters are to be constructed as described in the LA DOTD Standard Specifications. If the concrete for the curbs and gutters is poured monolithically, no reinforcing will be required. If the curb is poured separately, no. 4, grade 60, deformed bars, two (2) feet long and bent into a U shape located on two (2) foot centers are to be continuously placed between the base slab and the curb. The concrete gutter shall consist of a concrete slab six (6) inches thick and two (2) feet, eight (8) inches wide placed at a transverse slope of 0.08 foot per foot. The roll-over type curb shall be eight (8) inches wide placed on the outer side of the concrete gutter. Its transverse section shall begin with a one (1) inch vertical rise; then a three (3) inch vertical to six (6) inch horizontal slope; then a two (2) inch horizontal surface; then a four (4) inch drop to the outside edge of the gutter slab. If a barrier-type curb is to be used, its section begins with a six (6) inch vertical to two (2) inch horizontal slope; then a six (6) inch horizontal surface, then a six (6) inch drop.

iii. A minimum roadway elevation shall be based upon the relative importance of roadway inundation and the consequences of having the road closed or damaged by flood waters. The roadway grade shall not negatively impact adjacent property.

iv. *Asphaltic concrete.* After all base course, curb and gutter work has been completed and the prescribed curing time has elapsed, the two (2) inch thick asphaltic concrete surface is to be applied in accordance with the LA DOTD Standard Specifications. Note that the asphalt is to have a thickened area along all curb and gutter concrete and along any areas that abut existing pavements. The thickened areas are to be two (2) feet wide and eight (8) inches thick. The transverse slope of the asphalt riding surface is to be 0.025 foot per foot. Any areas where the new asphaltic concrete is to be in contact with existing asphaltic concrete will be appropriately coated with a tack coat.

v. *Testing.* Prior to acceptance by the Municipality, the Developer shall submit copies of all testing data covering all phases of the work. Testing shall be conducted in accordance with the LA DOTD Standard Specifications. Along with the test data will be a certification by a civil engineer licensed in the State of Louisiana verifying that all work and tests were performed in accordance with the above-described requirements.

vi. *Warranty (Maintenance Bond).* The Developer will supply a warranty and furnish a maintenance bond to the Municipality guaranteeing the project to be free of defects from a period of two (2) years after acceptance.

7. *Grading.* The entire Street right-of-way shall be graded.

8. *Street curvature.* The minimum radius of curvature of Roadways on the centerline shall be:

   a. Major Street: 600 feet, or as otherwise may be appropriate based on the applicable speed limit and approved by the Planning Commission.

   b. Collector Street: 300 feet, or as otherwise may be appropriate based on the applicable speed limit and approved by the Planning Commission.

   c. Minor Street: 100 feet, or as otherwise may be appropriate based on the applicable speed limit and approved by the Planning Commission.

9. *Sidewalks.* All Streets in a Subdivision shall be accompanied by Sidewalks with the following widths:

   a. Major Street Sidewalk: 5 feet.

   b. All other Sidewalks: 4 feet.

10. *Street Markers.* The Developer shall provide and install Street markers, bearing the names of the Streets, at each Street intersection in the Subdivision. The Developer shall also provide and install all safety signs in the Subdivision.

11. *Approval of a Master Street Plan.* The Planning Commission shall have the authority to approve a Master Street Plan. The Master Street Plan shall provide for the proper arrangement and width of Streets, as required by these Regulations, for adequate and convenient open space for traffic, utilities, access of fire fighting apparatus, and the avoidance of congestion of population. The Town of Stonewall shall have the authority to accept a Street after review and approval by the Planning Commission.

12. *Early acceptance of Subdivision Streets.* If the Developer requests that the Subdivision Streets be accepted by the Municipality before the completion of the Subdivision, the Developer will make a maintenance bond of twenty (20) percent of the total cost of the Street for a maximum period of two (2) years. Streets that are not accepted by the Municipality prior to completion of the Subdivision will be inspected by a representative of the Municipality to determine whether they satisfy all applicable standards before being accepted into the Municipal road system.

13. *Private Gated Communities.* Notwithstanding any contrary provision in this chapter, a Subdivision as defined herein may contain private gated Street(s) not dedicated to public use or accepted for public maintenance, provided that:

    a. The Subdivision and the Street improvements must conform to all requirements of these Regulations, except that private gated (controlled access) Streets established in compliance with this section need not be dedicated to public use.

    b. Prior to the recordation of the Final Plat of a Subdivision with private gated (controlled access) Streets, the Developer shall cause the following language to be denoted on said plat: "Private ownership of the street(s) as shown herein is hereby reserved and the Town of Stonewall has no responsibility or liability for maintenance, use or failure of said streets, and does not warrant that said streets will be accessible or open. All use, maintenance and liability therefore shall be subject to the rules and regulations set forth in an agreement among the owners of the property fronting on said street(s). Any purchaser is placed on notice that some public services may not be available on private streets. Said plat does not comply with R.S. 33:5051(B)(6) and (7)."

    c. Prior to approval of a Subdivision with a private Street, the owners of the property fronting on said private Street must execute and file or record an agreement providing for maintenance of the private Street and payment of the cost of maintenance of the private Street. Said agreement must be filed with the DeSoto Parish Clerk of Court and a certified copy provided to the Town Clerk of the Town of Stonewall.

    d. Any private gated (controlled access) Street established under this chapter must at all times remain open to emergency and public safety vehicles.

B. Blocks.

1. *Size and shape of Blocks.* The lengths, widths and shapes of Blocks shall be determined with consideration of the limitations and opportunities of topography, the provision of building sites suitable to intended uses, the need for convenient access, circulation and control of street traffic, and safety. In general, Block lengths shall not exceed one thousand two hundred feet (1,200) feet nor be less than five hundred (500) feet; provided, however, that where site conditions make longer Blocks necessary or desirable, the Blocks may be longer provided such deviation is approved by the Planning Commission.

2. *Crosswalks.* Pedestrian Crosswalks shall comply with all requirements imposed by the Americans with Disabilities Act.

C. Lots.

1. *Lot area.* No Lot shall be reduced in area (one (1) acre minimum) so that yards, Lot area per family, Lot width, building area, or other requirements imposed by these Regulations are not maintained.

2. *Lot Easements.* All Lots shall provide adequate easements, as specified by these Regulations, for public utilities.

3. *Lot sidelines.* All side lines of Lots shall be at right angles to straight Street lines, unless a variation from this rule will give a better Street and Lot plan.

4. *Lots at intersections.* Lots at Street intersections shall be designed to provide adequate sight ~~flare~~triangle.

5. *Lot size requirements.*

    a. Minimum Lot size: all Lots shall have a minimum area of 43,560 sq. ft., except where the Developer installs an approved sanitary sewage community collection and treatment system, in which case the Lots may have a minimum area of 10,890 sq. ft.

    b. All Lots, where the Developer has not installed an approved sanitary sewage community collection and treatment system, shall have a yard with the following minimum dimensions:

        i. Minimum Lot frontage: 125 feet.

        ii. Minimum set back from any Street right-of-way: 50 feet.

        iii. Minimum set back from the Lot side-line: ~~15~~ 10 feet.

        iv. Minimum set back from the rear line of the Lot: 35 feet.

Part VI: DRAINAGE

A. All drainage shall be accomplished by underground conduits and shall be collected from the Roadway by means of catch basins. Surface water shall not be allowed to run more than six hundred (600) feet along the Street gutter before being collected in a catch basin. The appropriate Drainage Classification shall be determined in accordance with LA DOTD standards as follows:

1. Roadway Grade, Bridges, Cross Drains of Side Drains under Urban Streets – 10 or 25 year design;

2. Side Drains under private drives – 5 year design;

3. Storm Drains and Inlets – 10 year design;

4. Rural Streets roadside channel – 5 year design.

B. Wherever any stream or improved surface drainage course is located in an area that is being subdivided, the Developer shall dedicate an adequate right-of-way along each such stream or improved surface drainage for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage area where deemed necessary by the Municipality to create a positive flow.

C. Drainage Easements: Easements for watercourses, drainage ways or streams, where required, shall conform substantially to the line of the watercourse and shall have further width or construction, or both, as will be adequate for the purpose. Parallel Streets or parkways may be required in connection with open drainage ways.

Part VII: UTILITIES

A. Utility Easements. Easements for public utilities shall be at least twelve (12) feet wide, preferably six (6) feet on each side of rear or side property lines of Lots except where unusual circumstances make Street side construction more desirable.

B. Sewage.

1. *Where a public sanitary sewer is available.* Where a public sanitary sewer is reasonably accessible, the Developer shall install a sanitary sewer system with a stub-out for each Lot in the proposed Subdivision and shall connect the system to the public sewer. To avoid cutting pavement or Roadway when connections are made, stub-outs shall extend from the sewer line to points outside the Roadway. All sewer work shall be done in accordance with the Louisiana Department of Health and Hospitals and DeSoto Parish Health Department requirements. A letter certified by the Developer's engineer shall then be sent to the Planning Commission stating that the leakage test has been conducted, the results of the test, and certifying that the sewage system satisfies all requirements imposed by the Louisiana Department of Health and Hospitals and DeSoto Parish Health Department.

2. *Where a public sanitary sewer is not available.* Where a public sanitary sewer is not reasonably accessible, the builder responsible for constructing any Building on the Lot, or the owner of said Building, shall install a sanitary sewer system that complies with Louisiana Department of Health and Hospital regulations and DeSoto Parish Health Department requirements.

    a. If sewage disposal is to be by septic tank or similar individual means of disposal, the Master Plan and Final Plat shall carry the notation that such individual means of sewage disposal shall be constructed in accordance with Louisiana Department of Health and Hospital and DeSoto Parish Health Department requirements.

b. If sewage disposal is not accomplished by septic tank or similar individual means of disposal, the Developer shall install an approved sanitary sewage community collection and treatment system. Any proposed community sewage treatment facility shall be located no closer than two hundred (200) feet from any existing residence. All community sewage treatment plant sites shall be enclosed with a six (6) foot solid fence. In the event that the Developer elects to install an approved sanitary sewage community collection and treatment system, the minimum area of the Lots in a subdivision shall be 10,890 sq. ft.

C. Water Supply.

1. *Provision of a water supply.* Where the city water supply, whether provided by the Municipality or some other person or entity, is not accessible to all Lots, the Developer shall install a water supply system in accordance with the requirements and under the supervision of the person or entity furnishing water to the Lot. The system shall include adequate capacity for fire protection. The minimum line size shall be six (6) inches where a loop system exists and eight (8) inches where a dead-end-line exists. A leakage and pressure test shall be conducted on the system in accordance with American Water Works Association standards. A letter certified by the Developer's engineer shall then be sent to the Planning Commission stating that the tests have been conducted and the results of these tests.

2. *Fire Plugs.* Fire plugs shall be added per the Planning Commission's instructions. The Planning Commission shall take recommendations from the DeSoto Fire District Number 3 under advisement in determining the number and location of fire plugs.

D. Other utilities.

1. All utility infrastructure, including, but not limited to, the utility infrastructure required for the provision of water, sewer, electrical, or natural gas utilities shall be placed underground, with stub-outs provided for each Lot. To avoid cutting pavement or Roadway when connections are made, stub-outs shall extend from the sewer line to points outside the Roadway.

Part VIII: ADMINISTRATION

A. These Regulations shall be administered by the Planning Commission.

B. *Enforcement and Penalties.* The enforcement of these Regulations and penalties for the unapproved recordation or transfer of land is provided by State Law in the authority granted by the public acts of the State of Louisiana.

C. *Penalties.* Whoever being the owner or agent, or the owner of land located within a Subdivision who sells, agrees to sell, or negotiates to sell a Lot in violation of these Regulations shall pay a penalty of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) per day for each Lot negotiated or sold. Each day of non-

compliance constitutes a separate and distinct offense. Each offense may be punishable by fines of not less than Fifty Dollars ($50.00) per day nor more than Five Hundred Dollars ($500.00) per day.

D. *Variances*. When the Planning Commission finds that hardship may result from strict compliance with these Regulations, it may vary the Regulations so that substantial justice may be done and the public interest served. In no case may the Planning Commission grant any variance which would result in a Lot size which does not meet the minimum Lot area requirements imposed by these Regulations.

E. *Appeals*. Appeals to the Board may be taken by any party aggrieved, or by any officer, department, commission, board, bureau, or any other agency of the community affected by a decision of the Planning Commission.

1. Such appeal shall be taken within seven (7) days of a final decision issued by the Planning Commission by providing a written notice of appeal to the Planning Commission specifying the grounds for the appeal.

2. Upon receipt of the written notice of appeal, the Planning Commission shall transmit to the Board a copy of the proceedings in the case upon which the appeal is being taken.

3. On appeal, the Board may overrule the Planning Commission's decision by a two-thirds (2/3) vote of the entire membership. Such a decision to overrule the Planning Commission must be made within sixty (60) days of receipt of the written notice of appeal. Upon the overruling, the Board shall notify the Planning Commission, directing the issuance of a certificate of approval to permit the recording of the plat.

F. *Amendments*. Amendments to these Regulations may be requested in writing by a person connected with or affected by the application of these Regulations. The request shall state the name, address, and interest of the person seeking the amendment. The request shall show the need for, as well as the nature and purpose of, the proposed amendment.

VIV: MISCELLANEOUS PROVISIONS

A. If any section, clause, paragraph, provision, or portion of these Regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect the validity of any other section, clause, paragraph, provision, or portion of these Regulations.

B. *Effective Date*. Immediately upon adoption.

C. *Repealing Clause*. Upon the adoption of these Regulations, all previous subdivision regulations for the Town of Stonewall, adopted by the Town of Stonewall, are hereby repealed, except as to such sections which are expressly retained herein. All former ordinances or parts of ordinances adopted by the Municipality in conflict with or inconsistent with the provisions of these Regulations are hereby repealed.

D. *Interpretation.* In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Whenever the provisions of these Regulations require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of these Regulations shall govern; whenever other applicable statutes, ordinances or regulations require higher standards than the provisions of these Regulations, such other applicable statutes, ordinances or regulations shall govern.