

Chapter 32

SUBDIVISION REGULATIONS*

Article I. Purpose and Authority

- Sec. 32-1. Subdivision regulations, short title.
- Sec. 32-2. Purpose.
- Sec. 32-3. Authority.
- Sec. 32-4. Jurisdiction.
- Sec. 32-5. Severability.
- Sec. 32-6. Interpretation.
- Sec. 32-7. Amendments.
- Secs. 32-8—32-19. Reserved.

Article II. Definitions

- Sec. 32-20. Rules of interpretation.
- Sec. 32-21. Definitions.
- Secs. 32-22—32-29. Reserved.

Article III. Administrative Procedures

- Sec. 32-30. General.
- Sec. 32-31. Filing deadlines.
- Sec. 32-32. Notice requirements.
- Sec. 32-33. Common review procedures.
- Sec. 32-34. Conceptual sketch plan review.
- Sec. 32-35. Preliminary plat application.
- Sec. 32-36. Construction of project.
- Sec. 32-37. Final plat application.
- Sec. 32-38. Recording of plats.
- Sec. 32-39. Replat of approved plats.
- Sec. 32-40. Consolidation of lots.

***Editor's note**—Ord. No. 11,443, adopted Nov. 12, 2013, repealed Ch. 32 in its entirety and enacted a new Ch. 32 to read as set out herein. Former Ch. 32, §§ 32-1—32-8, 32-21—32-26, 32-41—32-44, 32-56—32-58, 32-71—32-75, 32-91—32-94, 32-106—32-128, pertained to similar subject matter and derived from the Code of 1958, §§ 23-31—23-35; Ord. adopted June 20, 1960, § I—X; Ord. No. 7264, adopted March 24, 1981; Ord. No. 7368, adopted March 23, 1982; Ord. No. 9476, adopted Nov. 8, 1984; Ord. No. 7789, adopted April 22, 1985; Ord. No. 7830, adopted Aug. 27, 1985; Ord. No. 7914, adopted May 27, 1986; Ord. No. 9906, adopted April 13, 1999; Ord. No. 10,335, adopted Aug. 12, 2003; Ord. No. 10,756, adopted Oct. 23, 2007; Ord. No. 10,778, adopted Feb. 12, 2008; Ord. No. 10,783, adopted Feb. 26, 2008; Ord. No. 10,920, adopted April 28, 2009.

Charter references—Planning and urban development, § 4-08; engineering services department, § 4-07.

Cross references—Buildings, Ch. 9; special provisions for flood reduction in subdivisions, § 13-59; planning, Ch. 26; streets and sidewalks, Ch. 31; zoning, Ch. 37.

State law reference—Subdivision regulations, R.S. 33:111 et seq.

MONROE CODE

- Sec. 32-41. Planned unit developments.
- Sec. 32-42. Dedications and reservations.
- Sec. 32-43. Fees.
- Sec. 32-44. Penalties.
- Secs. 32-45—32-59. Reserved.

Article IV. Inspections and Enforcement

- Sec. 32-60. Inspection of required improvements.
- Sec. 32-61. Violations and enforcement.
- Secs. 32-62—32-69. Reserved.

Article V. Performance and Design Standards

- Sec. 32-70. Purpose.
- Sec. 32-71. Basic subdivision layout.
- Sec. 32-72. Storm water management requirements.
- Sec. 32-73. Improvement standards.
- Secs. 32-74—32-89. Reserved.

Article VI. Performance Guarantees

- Sec. 32-90. Guarantees of performance.
- Sec. 32-91. Types of guarantees.
- Sec. 32-92. Contents of guarantee.
- Sec. 32-93. Escrow account.
- Sec. 32-94. Performance bond.
- Sec. 32-95. Letter of credit.
- Sec. 32-96. Phasing of development.
- Sec. 32-97. Release of guarantee.
- Sec. 32-98. Default.
- Sec. 32-99. Improvements guaranteed.
- Secs. 32-100—32-109. Reserved.

Article VII. Waivers

- Sec. 32-110. Waivers of certain improvements authorized.
- Sec. 32-111. Waiver of procedural steps.
- Sec. 32-112. Waivers to be shown on final plat.

ARTICLE I. PURPOSE AND AUTHORITY**Sec. 32-1. Subdivision regulations, short title.**

These regulations shall be known and may be cited as the "Subdivision Regulations" of the City of Monroe in the State of Louisiana.
(Ord. No. 11,443, 11-12-13)

Sec. 32-2. Purpose.

The purposes of these regulations are:

- (1) To provide for an expeditious and efficient process for the review of proposed subdivisions;
 - (2) To assure new development in the City of Monroe meets the goals and conforms to the policies of the City of Monroe Comprehensive Plan and the Comprehensive Zoning Ordinance;
 - (3) To assure the comfort, convenience, safety, health and welfare of the people of the City of Monroe;
 - (4) To protect the environment and conserve the natural and cultural resources identified in the City of Monroe Comprehensive Plan as important to the community;
 - (5) To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
 - (6) To minimize the potential impacts from new subdivisions on neighboring properties and on the city; and
 - (7) To promote the development of an economically sound and stable community.
- (Ord. No. 11,443, 11-12-13)

Sec. 32-3. Authority.

These subdivision regulations are adopted under the authority granted by the provisions of Act 139 of 1956, Louisiana Revised Statute 33:101—33:120 [33:120.1], as amended. The Monroe Planning Commission (hereinafter referred to as the "planning commission") has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. Whereas said laws prohibit the subdivision of land into more than two (2) lots unless an accurate map, plan, and plat of such subdivision shall have been approved by the planning commission and shall have been certified and recorded with the Ouachita Parish Clerk of Court.
(Ord. No. 11,443, 11-12-13)

Sec. 32-4. Jurisdiction.

From the date of adoption, this chapter shall regulate all subdivision of land within the corporate limits of the city. All developments shall meet minimum standards and requirements of these regulations, as amended. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall present to the planning commission at a duly advertised public hearing a tentative, preliminary and final plat of the subdivision that will result in more than two (2) parcels and that establishes, introduces or extends utilities, roadways and drainage. No plat of subdivision lying within such territory or part thereof shall be filed and recorded with the Ouachita Parish Clerk of Court, and no petitioner may proceed with sale of lots in a subdivision until the final plat of such subdivision shall have been approved by the planning commission.

(Ord. No. 11,443, 11-12-13)

Sec. 32-5. Severability.

If any part or provision of these regulations or the application thereof is judged invalid by any court of competent jurisdiction, such judgment shall be confined to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application thereof. The planning commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application that is judged to be invalid.

(Ord. No. 11,443, 11-12-13)

Sec. 32-6. Interpretation.

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

(Ord. No. 11,443, 11-12-13)

Sec. 32-7. Amendments.

These regulations are based on the comprehensive plan, the comprehensive zoning ordinance, and other adopted development regulations for the City of Monroe, as well as the need for uniform standard of design and construction for subdivisions and improvements to carry out the objective of a sound, stable and desirable development. However, from time to time it is recognized that for the purpose of protecting the public health, safety and general welfare, the planning commission may amend these regulations. The planning commission shall hold public hearings on all proposed amendments in the manner prescribed by law. Amendments to this chapter may be requested by any person concerned with or affected by the

application of this chapter. A request for amendment shall state the name, address and interest of the person requesting the amendment, the nature and purpose of the amendment requested and the need therefore.

(Ord. No. 11,443, 11-12-13)

Sec. 32-8—32-19. Reserved.

ARTICLE II. DEFINITIONS

Sec. 32-20. Rules of interpretation.

The following rules of interpretation shall apply to the text of this subdivision ordinance:

- (1) The particular controls the general.
- (2) In the case of any difference in the meaning or implication between the text of these subdivision regulations and any caption or illustration, the text controls.
- (3) "Shall" is always mandatory and not discriminatory.
- (4) Words used in the present tense include the future; and words used in the singular include the plural, and the plural the singular, unless the context clearly states the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) "Person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and" or "or", the following shall apply:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
- (8) Terms not defined in this chapter have the meaning customarily assigned to them, or a meaning to be assigned by a designee of the City of Monroe.

(Ord. No. 11,443, 11-12-13)

Sec. 32-21. Definitions.

For the purpose of these regulations, these terms and words are hereby defined as follows:

Alley: A dedicated right-of-way twenty (20) feet or less in width that affords only a secondary means of access to property abutting thereon.

Block: A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.

Block length: The distance as measured along rear property lines between intersecting streets.

Building official: A person employed by the city who is charged with the administration and enforcement of building codes.

Building setback line: The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

Capital improvements program (CIP): The city's proposed schedule of future projects, not including street and drainage improvements, listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital infrastructure plan: The city's proposed schedule of future street and drainage projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

City: The City of Monroe, Ouachita Parish, Louisiana.

City council: The chief legislative body of the City of Monroe, Louisiana.

Comprehensive plan: The text, maps, charts and other descriptive material that is part of the comprehensive plan for the City of Monroe, as adopted by the planning commission, including future land use plan and any subsequent supplemental plans adopted.

Conceptual sketch plan: A conceptual representation of a proposed subdivision survey prior to the preparation of the preliminary plat (or final plat in the case of minor subdivision) sufficient for a tentative subdivision application. The conceptual sketch may be drawn to scale in architectural freehand style to enable the petitioner to save time and expense in reaching general agreement with the city regarding the objectives of these regulations but accurately representing the size and proposed dimensions of lots and the extent of any public facilities that are proposed for dedication and which is accompanied by a site features map and conceptual drainage study.

Consolidation: The act of joining together one or more lots of record to create a new single lot of record.

Construction: Any act or process that requires a building permit and that adds an addition onto an existing building, erects a new principal or accessory structure on a lot, or installs public infrastructure that is subject to design standards, the provisions of chapter 13 (drainage and flood control), or chapter 33 (storm water quality) of the City of Monroe Code of Ordinances for the district in which the property is located. Excavation, fill, paving, drainage, and similar activities shall be considered part of construction.

Construction, commencement: The first day that any physical improvement of land in accordance with a permit issued by the building inspector of the City of Monroe, including clearing and site preparation, the pouring of slabs or footings, or the first permanent framing or assembly of a structure or any part thereof.

Construction, substantial completion: The date at which the work or building project, or a designated portion of the work or building project is sufficiently complete, in accordance with approved construction plans, so that the owner may use or occupy the work or building project, or designated portion thereof, for the intended use for which it is originally designed and intended for. This would include the completion of all life safety systems, a weather-tight envelope, and adequate protection of building occupants and or equipment from hazards posed by additional or possible construction activities or other potential harmful conditions that may exist or become evident during the final work effort to complete the project. This date is then certified by the architect to the owner or client. From this date a number of other provisions are started such as warranty, guaranties and liabilities.

Dedicate / dedication: The intentional appropriation or conveyance of land or an interest in land by the property owner to the city for public use.

Designee: Person or persons designated by the mayor and/or department head to check, review and comment on all submissions regarding their nonconformance to these regulations.

Development: The act of installing site improvements, building structures, mining, dredging, filling, grading, paving, excavating, drilling or other activity on improved or unimproved real estate.

Drainage and utility impact statement: A plan showing proposed site drainage features for controlling storm water runoff and conveying it to public outfalls. A drainage and utility impact statement shall also include runoff calculations and storm water pollution control (as needed) for engineering review, evidence that the drainage and utility impact statement has been submitted to and reviewed by the storm water drainage authority with jurisdiction over the site, and that the drainage and utility impact statement and storm water pollution control plan (as needed) has been approved by said authority.

Driveway: A private access way, not classified as a street, road or highway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Easement: The right, granted by the property owner, to use a portion of a parcel of land for specified purposes, such as 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 easement (See Servitude).

Engineer, city: Any registered professional engineer hired or retained by the city, either as staff or on a consulting basis, and recognized as responsible for approving construction design of public works such as streets, roads, drainage systems and bridges in the city.

Engineer, professional: A professional civil engineer in good standing registered by the Louisiana Professional Engineering and Land Surveying Board.

Engineering construction plans: The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

Fill: Any material including, but not limited to, dirt and concrete that is placed above natural grade.

100-Year Flood: The highest level of flood that, on the average, has a one-per cent chance of occurring in any given year.

Floodplain: The special flood hazard lands adjoining a watercourse, whose surface elevation is lower than the base flood elevation, that are subject to periodic inundation during floods.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point determined by the Federal Emergency Management Agency.

Frontage: That portion of a lot abutting a street right-of-way measured along the property line of the public right-of-way and the private property.

Grade: The average level of the surface of the ground adjacent to the exterior walls of a building.

Grade, finished: The final elevation of the average ground surface adjoining a building at all exterior walls after man-made alterations, such as grading, grubbing, filling or excavating.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling or excavating.

Height: The vertical distance of a structure measured from the average elevation of the proposed finished grade to the highest point of the roofline. No height limitation in this ordinance shall apply to any of the following structures: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; smoke stacks; flag poles; solar energy facilities; air conditioning equipment; elevator penthouses and similar structures required to be placed above the roof level and not intended for human occupancy.

Lot: A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be separated owned, used, developed or built upon.

Lot area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, corner: A lot or parcel of land abutting two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage: The area of the lot covered by a structure or impervious surfaces.

Lot depth: The average horizontal distance between the front and rear lot lines.

Lot, through: A lot having frontage on two (2) approximately parallel streets or places.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot as defined below:

Front lot line: The line separating the lot from the street on the narrow side. Where no method determines conclusively the front of the lot, the planning and zoning director or his/her designee shall select one frontage as the front.

Rear lot line: The line opposite and most distant from the front lot line. In the case of a triangle or otherwise irregularly shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Side lot line: A lot line other than the front or rear lot line.

Lot of record: A lot that exists as shown or described on a plat or deed as recorded with the Ouachita Parish Clerk of Court.

Lot width: The distance parallel to the front lot line measured between side lot lines.

Meander line: A line used to measure the natural, uneven, winding property line formed by rivers, streams and other watercourses bordering a property.

Metes and bounds: A description of land prepared by a registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Parish: Ouachita Parish, Louisiana.

Pedestrian pathway: A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.

Planned unit development (PUD): A residential, commercial or mixed-use development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Planning and zoning director: A person who is responsible for reviewing and providing recommendations on all zoning, rezoning, subdivision, re-subdivision, variance, and appeals requests to the city planning commission, the Heritage Preservation Commission and/or the board of adjustment.

Planning commission: The term "planning commission" shall mean the Monroe Planning Commission created under R.S. 33:101 et seq., which shall have the powers provided for by Louisiana law and as may be provided for in chapter 32, subdivision regulations of the city.

Plat: A survey of a tract of land showing the boundaries, dimensions and location of individual lots and streets, survey monuments, topographic data, easements, servitudes, rights-of-way, existing structures, and significant natural features. For purposes of these regulations the term plat is not to be construed as a site plan.

Plat, final: A subdivision survey in substantial conformance with the approved preliminary plat and the provisions of these regulations, submitted to, and approved by the planning commission to be signed by the required city officials and recorded with the Ouachita Parish Clerk of Court.

Plat, preliminary: A preliminary subdivision survey plat, accompanied by engineering construction plans and specifications for the construction of any and all public and private improvements shown or required, submitted for the purpose of preliminary consideration and approval.

Principal building: A structure in which the primary use of the lot on which the building is located is conducted.

Property line: The lines forming the boundary of a lot, whether those lines are determined by metes and bounds, single lot or combination of lots or portions of lots of record.

Public improvement: Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

Reserve strip: The strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to a street or other public use.

Revocation: The intentional termination of a public interest in land by the city, with conveyance or sale to a property owner for private use.

Right-of-way: The term used to describe the publicly owned improved or unimproved areas between property lines. This area is dedicated for use by the public for pedestrian and vehicular travel, and may include elements such as streets, curbs, gutters, sidewalks, street furniture, bus stops, utility poles, landscaping and signage.

Servitude: Same as easement.

Setback: The required minimum horizontal distance between the building line and the related front, side, and rear property lines. For the purpose of this section, the setback will be measured to the nearest point of the building wall. A roof overhang or projection not to exceed two (2) feet will be allowed to project past the building wall.

Setback line: The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

Shoreline: The line along which a large body of water such as a bayou, river or lake, meets the land.

Sidewalk: A paved pedestrian footpath within the public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines.

Site improvements: Construction of, or improvements to, streets, access roadways, parking facilities, sidewalks, drainage structures and utilities in connection with any development.

Streets: A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. All streets will be within dedicated rights-of-way that have been properly processed, approved and recorded. The following shall be used to classify all streets:

Arterial streets: Public thoroughfares that serve the major movements of traffic within and through the City of Monroe.

Collector streets: Public thoroughfares that serve to collect and distribute traffic primarily from local residential streets to arterial streets.

Local streets: Facilities that are used primarily for direct access to abutting properties and leading into the collector street system.

Frontage road or service road: A street adjacent to a interstate, expressway or an arterial street separated therefrom by a dividing strip and providing ingress and egress from abutting property.

Cul-de-Sac: A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

Dead-end street: A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.

Public streets: A road, thoroughfare, alley, highway, or bridge under the jurisdiction of a government agency.

Private streets: Private streets are owned by residents, who must pay the fees to support upgrades and maintenance of said streets. The City of Monroe shall provide police and fire protection, as well as trash removal services. The residents shall pay for maintaining or paving sidewalks and street surfaces, maintaining or planting trees, and maintaining or installing streetlights and entry gates. Private streets must meet minimum design standards for drainage and storm water regulations, pedestrian safety regulations, and fire/emergency street design requirements.

Major state or interstate highway: Those highways, which have an average daily total of at least twenty-five thousand (25,000) vehicles at the intersection or section nearest to the use in question.

Subdivider: Any person, group or corporation acting as a unit, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

Subdivision: The division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Substantial completion: The degree of completion of construction of required infrastructure improvements necessary for such improvements to operate and function appropriately as

designed and to be utilized for the purpose for which it is intended and permitted. Substantial completion considers construction, installation, testing, inspection and approval or permitting when applicable. Whenever a subdivision is approved in phases, the substantial completion requirement shall apply to each phase independently.

Surveyor: A land surveyor in good standing registered by the Louisiana Professional Engineering and Land Surveying Board.

Tentative approval: The approval by the planning commission of the preliminary plat as such approval is required by this chapter.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of structure upward except as otherwise provided herein. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be yard dimension.

Yard, front: A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the right of way line. On corner lots, the planning and zoning director or his/her designee shall select one frontage as the front yard.

Yard, rear: A yard extending across the rear of the lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum main building. The rear yard shall be at the opposite end of the lot from the front yard. However, on through lots fronting two (2) streets, two (2) front yards shall be provided.

Yard, required: The minimum open space between a lot line and the building setback line within which no structure is permitted to be located as provided in this chapter.

Yard, side: A yard extending from the front yard to the rear yard between the side lot lines within which no structure is permitted to be located as provided in this chapter.

Yard, through: A through yard is any single zoning lot that is not a corner lot and that connects two (2) generally parallel streets. On through yards fronting two (2) streets, two (2) front yards shall be provided.

(Ord. No. 11,443, 11-12-13)

Sec. 32-22—32-29. Reserved.

ARTICLE III. ADMINISTRATIVE PROCEDURES

Any subdivider desiring to subdivide any lot, tract or parcel of land or to change or rearrange any such lot, tract or parcel of land within the city shall comply with the procedures established in this article and other applicable sections of this chapter in the sequence specified.

(Ord. No. 11,443, 11-12-13)

Sec. 32-30. General.

The procedure for review and approval of a subdivision by the planning commission consists of three (3) consecutive steps, as follows:

- (1) Preparation and submission of a conceptual sketch plan of the subdivision, along with the attendant items required herein. Submission of a sketch plan is not mandatory, but this step is recommended as a means of identifying and solving design and other subdivision problems.
- (2) Preparation and submission for review and tentative approval of a preliminary subdivision plat, 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.

(Ord. No. 11,443, 11-12-13)

Sec. 32-31. Filing deadlines.

For purposes of these regulations the deadlines for submissions of all subdivisions shall be in accordance with the planning commission's current adopted calendar. A list of deadlines for submission of applications for each year, based on the current rules of procedure shall be available from the planning and zoning office.

(Ord. No. 11,443, 11-12-13)

Sec. 32-32. Notice requirements.

Public notices are required to ensure that the owners of nearby property, and other interested members of the community, are informed of subdivision proposals and may be concerned with various aspects of the proposal.

- (1) *Notice of public hearing.* All notices for public hearing shall contain:
 - a. The date, time and place of the hearing;
 - b. The name of the applicant;
 - c. A brief description of the location of any land proposed for subdivision and the subject matter to be considered at the hearing.
- (2) *Written notice of public hearing.* At least ten (10) days prior to a public hearing written notice shall be sent by the city to each property owner within three hundred (300) feet of the proposed subdivision.
- (3) *Posted notice of public hearing.* In addition to notification by mail, the city shall may post an on-site sign or signs notifying the public of the scheduled public hearing. The sign(s) shall be erected on the property proposed for subdivision at least seven (7) consecutive days prior to the public hearing, and shall be prepared, furnished and placed by the planning and zoning director or a designee on street frontage of the effected property.

- (4) *Published notice of public hearing.* Notice of the time and place of a public hearing shall also be published three (3) times starting ten (10) days before the hearing in the official journal, if designated, or a newspaper of general circulation in the area.
(Ord. No. 11,443, 11-12-13; Ord. No. 11,589, 7-28-15)

Sec. 32-33. Common review procedures.

(a) *Pre-application conference.* Before submitting an application, an applicant must schedule a pre-application conference with the planning and zoning director or his/her designee to discuss the procedures, standards and regulations required for approval in accordance with this chapter and other applicable city codes.

(b) *Application forms.* Applications, containing all requested information, and any additional information must be submitted on forms and in such numbers as required by this chapter. All applications must be complete and sufficient for processing before they will be reviewed.

(c) *Fees.* As per section 32-40 of this chapter, no applications shall be reviewed, and no permit, certificate, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full. When an application is submitted on behalf of the City of Monroe, no fees shall be required.

(d) *Complete applications.* An application is complete when it contains all the information necessary to decide whether or not the subdivision as proposed will comply with all of the requirements of this chapter. Details for each application are included in following sections of this article. The presumption is that all of the information required in the application forms is necessary to satisfy the requirements of this chapter. However, it is recognized that each application is unique, and more or less information may be required according to the needs of the particular case. The applicant may rely on the determination of the planning and zoning director or his/her designee as to whether more or less information may be submitted.

(e) *Concurrent applications.* Applications may be filed and reviewed concurrently, at the option of the applicant. However, applications submitted concurrently that require a variance or other zoning amendment are subject to approval of the variance or other zoning amendment application(s) prior to the processing of the subdivision request; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(f) *Modification of application.* An application may be modified at the applicant's request following the approval of the planning and zoning director or his/her designee before the request is advertised. Any modification after the request has been advertised shall require a new hearing.

(g) *General subdivision requirements.* All subdivision plats and associated construction plans for public improvements, when applicable, shall comply with the following rules, laws and regulations for shall be subject to disapproval:

- (1) All applicable statutory provisions;
- (2) All applicable provisions of these regulations and all other applicable laws, ordinances and codes of the City of Monroe;
- (3) Any rules of the Louisiana Department of Health and Hospitals and/or appropriate state agencies, with such rules providing minimum standards to be met by all subdivision plats;
- (4) The requirements of the Louisiana Department of Transportation and Development when and if the subdivision or any lot contained therein abuts a state highway or connecting street;
- (5) All applicable standards and regulations adopted by the city and all boards, commissions, agencies and officials of the city, and;
- (6) The current adopted rules of procedure of the planning commission available from the planning and zoning director or a designee.

(h) *Appeals.*

- (1) Any decision on a subdivision plat may be appealed by the applicant by filing a written notice of said appeal with the planning commission or the city council within thirty (30) days of the decision.
- (2) Upon receiving notice of appeal, the planning commission shall transmit to the city council a certified copy of the proceedings in the case upon which the appeal is taken.
- (3) Written notices shall be sent to property owners within three hundred (300) feet of the subject property.
- (4) The city council may overrule such disapproval by a recorded vote of not less than two-thirds ($\frac{2}{3}$) of its entire membership.
- (5) Upon such overruling, the city council shall notify the planning commission, directing the issuance of a certificate of approval to permit the recording of the plat.

(Ord. No. 11,443, 11-12-13)

Sec. 32-34. Conceptual sketch plan review.

(a) *Scope.* The purpose of the conceptual sketch plan review is for the applicant and the city to evaluate and discuss the basic concepts for development of the proposed subdivision, and to consider whether there are any alternative concepts the applicant should explore. Once a conceptual sketch plan has been submitted, a determination is made whether or not the proposal complies with current zoning regulations, is consistent with the Monroe Comprehensive Plan and is generally compatible with surrounding land uses. Review of the conceptual sketch plan also provides opportunity to reach agreement on such issues as the appropriate

range of and intensity of development; the general locations intended for development; areas planned to remain undeveloped; and general access alignment. The outcome of sketch plan review should be an identification of issues and concerns the applicant must adequately address if the project is ultimately to receive preliminary plat approval from the planning commission.

(b) *Application specifications.* A conceptual sketch plan, which may be drawn freehand in accordance with the provisions of these regulations and including the required number of prints for review at a scale of not less than 1"=200' and including the following:

- (1) Information block indicating the proposed name of the subdivision, scale of drawing, date, north arrow, and total acreage;
- (2) Proposed layout, including proposed number of lots and preliminary dimensions of lots and blocks;
- (3) Street layout in and adjacent to the proposed subdivision;
- (4) Topographic contours at five-foot intervals and all easements or rights-of-way necessary for drainage within or outside the boundaries of the subdivision;
- (5) Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features;
- (6) Man-made features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, and drainage systems;
- (7) Zoning district boundaries;
- (8) General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of non-residential space;
- (9) Type and layout of water supply and sewage treatment system proposed;
- (10) In cases of major, multi-phased subdivision, phases within the development;
- (11) The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines or ghost lines adjacent to the tract proposed for subdivisions; where adjacent land is not subdivided, the name of the owner of the adjacent tract;
- (12) A legal description of the property being developed.

(c) *Approval procedure.*

- (1) After reviewing and discussing the conceptual sketch plan, other submitted materials and all other reports submitted by other agencies and/or officials, the planning and zoning director or a designee will advise the petitioner of necessary amendments to the plan before the applicant(s) submits a preliminary plat to the planning commission for review.

- (2) Approval or conditional approval of the conceptual sketch plan by the planning and zoning director or a designee shall be effective for a period of six (6) months from the date of the meeting at which the planning and zoning director or a designee gives such approval. Failure to apply for preliminary approval within the effective time of the conceptual approval shall render the approval of the conceptual sketch plan null and void, and the petitioner shall be required to resubmit a new application and plan for conceptual review that shall be subject to all land use regulations of the city effective after the expiration.

(d) *Appeal.* The planning and zoning director or a designee shall have the authority to grant or deny conceptual sketch plan approval and any other matters brought before it where its purview and jurisdiction prevails; however, any person claiming to be aggrieved by the decision of the planning and zoning director or his/her designee may appeal such decisions to the planning commission as outlined in subsection 32-33(h) of this chapter.

(Ord. No. 11,443, 11-12-13)

Sec. 32-35. Preliminary plat application.

(a) *Scope.* The purpose of the preliminary plat review is to permit complete and accurate presentation of technical data and preliminary engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact on both the site and the surrounding area. The preliminary plat shall be based on the general design presented in the conceptual sketch plan, if applicable, together with the recommended or required changes. The outcome of preliminary plat review should be an identification of issues and concerns the applicant must adequately address if the project is ultimately to receive preliminary plat approval from the planning commission.

(b) *Application.* A preliminary plat application, drawn in accordance with the provisions of these regulations and including the required number of prints for review shall include at a minimum the following:

- (1) Nine (9) 8½"x11" reductions of the plat, four (4) 24"x36" plats, and a digital copy of the plat in a format to be determined by the city engineer and at a scale of not less than 1"=200' and including the following:

a. *General information.*

1. Information block indicating the name of the subdivision, scale of drawing, date, north arrow, and total acreage;
2. Name and address of landowner(s);
3. Name and address of applicant, if different than landowner;
4. Name, address and Louisiana registration numbers and seals of surveyor and engineer.

b. *Site information.*

1. Legal description of the property being platted including the descriptive boundaries of the subdivision based on an accurate traverse and giving accurate angular and linear dimensions;
2. Names and owners of adjacent property, names of adjacent subdivisions, and identification of publically owned land drawn to the same scale and shown in dotted lines or ghost lines adjacent to the tract proposed for subdivisions;
3. Existing improvements including location, width and name of existing platted streets, sidewalks, railroads, utility rights-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision;
4. Existing utilities including sewers, water mains, gas mains, culverts or other underground installations within or adjacent to the proposed subdivision, showing pipe size, grades and locations;
5. Natural features such as water courses, wooded areas, lakes (surface area), and topographic contours at five-foot intervals within or adjacent to the boundaries of the subdivision;
6. For any waterways or bodies of water within or adjacent to the plat, the present shoreline locations (relative to the meander line);
7. Delineation of the 100-year floodplain and floodway and identification of the base flood elevation with appropriate floodplain notation;
8. Proposed surface drainage and utility impact statement and erosion/sedimentation control plan;
9. Courses and distances of the perimeter of the land proposed for platting, based on field survey;
10. Names and rights-of-way widths for all streets within land proposed for platting;
11. Names and rights-of-way widths for all adjacent public streets;
12. Radii, deltas and lengths of all curves based on arc definitions;
13. Location and use of all existing and proposed easements;
14. Building setback lines in the front and side streets with dimensions;
15. Any sites proposed for dedication or reservation for public purposes, including parks, sidewalks, and conservation areas;
16. Block and lot numbers arranged in a simple system;
17. Location of monuments, bench mark and markers installed within the subdivision;
18. Vicinity map at a scale of not less than 1"=500'.

(c) *Approval procedure.*

- (1) After reviewing and discussing the preliminary plat, site plan, other submitted materials and all other reports submitted by other agencies and/or officials, the planning commission will advise the petitioner as to approval, conditional approval, or disapproval of the application and the reasons therefore. Planning commission approval or conditional approval of the preliminary plat shall constitute authorization to the petitioner to prepare and submit a final plat to the planning commission for approval.
- (2) In the case of a conditional approval requiring amendment of the preliminary plat, the petitioner shall resubmit the required number of copies of the application documents with the amendments required for approval by the planning commission prior to submission of the final plat.
- (3) Failure to submit amended documents sufficient to meet the conditional approval requirements of the planning commission in the prescribed time period shall constitute a failure to meet the conditions of approval and shall cause the application as disapproved.
- (4) The planning commission must approve the preliminary subdivision plat before the petitioner(s) can submit plats for final review.
- (5) Approval of the preliminary plat shall lapse, unless a final plat of at least the first phase of the development based thereon is submitted within twenty-four (24) months from the date of such approval, unless an extension of time is applied for and granted by the planning commission. Future phases of development that extend beyond the twenty-four-month limit shall be subject to review by the city engineer to determine if specifications and design standards meet current regulations.

(d) *Appeal.* The planning commission shall have the authority to grant or deny preliminary subdivision and any other matters brought before it where its purview and jurisdiction prevails; however, any person claiming to be aggrieved by the decision of the commission may appeal such decisions to the city council as outlined in subsection 32-33(h) of this chapter.

(Ord. No. 11,443, 11-12-13)

Sec. 32-36. Construction of project.

(a) All materials for construction of project shall be submitted to the city engineer for approval.

(b) Applicant shall submit in writing monthly progress reports to planning commission regarding the construction of improvements.

(c) All required tests shall be made in the presence of the city engineer or a designee at the expense of the applicant.

(Ord. No. 11,443, 11-12-13)

Sec. 32-37. Final plat application.

(a) *Scope.* The purpose of the final plat review process is to allow all agencies that commented on the project in the preliminary plat stage to determine if the applicant has met all requirements set forth in these regulations. Once the process has been completed, the plat is officially approved by the city council and filed with the Ouachita Parish Clerk of Court.

(b) *Application specifications.* The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the applicant, it may constitute only that portion or phase of the approved preliminary plat that is proposed to be recorded and developed at the time, provided that such portion or phase conforms to all requirements of these regulations. The final plat application, drawn in accordance with the provisions of these regulations and including the required number of prints for review shall include at a minimum the following:

- (1) Nine (9) 8½"x 11" reductions of the plat, four (4) 24"x36" plats, and a digital copy of the plat in a format to be determined by the city engineer and at a scale of not less than 1"=200' and including the following:

- a. *General information.*

1. Name and address of landowner(s);
2. Information block indicating the name of the subdivision, scale of drawing, date, north arrow, and total acreage;
3. Name and address of owner's agent, if applicable;
4. Name, address and Louisiana registration numbers and seals of surveyor and engineer;
5. Signature lines for the chairman of the planning commission and city engineer.

- b. *Site information.*

1. Legal description of the property being platted including the descriptive boundaries of the subdivision based on an accurate traverse and giving accurate angular and linear dimensions;
2. Names and owners adjacent property, names of adjacent subdivisions, and identification of publically owned land drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions;
3. Natural features such as water courses, wooded areas, lakes (surface area), and topographic contours at five-foot intervals within or adjacent to the boundaries of the subdivision;
4. For any waterways or bodies of water within or adjacent to the plat, the present shoreline locations (relative to the meander line);
5. Delineation of the 100-year floodplain and floodway and identification of the base flood elevation with appropriate floodplain notation;
6. Courses and distances of the perimeter of the land proposed for platting, based on field survey;

7. Names and rights-of-way widths for all streets within land proposed for platting;
8. Names and rights-of-way widths for all adjacent public streets;
9. Radii, deltas and lengths of all curves based on arc definitions;
10. Location and use of all existing and proposed easements;
11. Building setback lines in the front and side streets with dimensions;
12. Any sites proposed for dedication or reservation for public purposes, including parks, sidewalks, and conservation areas;
13. Block and lot numbers arranged in a simple system;
14. Location of monuments, bench mark and markers installed within the subdivision;
15. Vicinity map at a scale of not less than 1"=500'.

c. *Certificates.*

1. Certificate of ownership and dedication and/or reservation of all land and interests in land for public purposes, signed by the owner(s) of the property;
2. Six (6) sets of as-built drawings and one digital file of as-built drawings for all improvements required by these regulations, with certification by the city engineer and the director of public works that the applicant has complied with the following:
 - i. Substantial completion of all improvements in accordance with the requirements of these regulations.
 - ii. Upon substantial completion of the improvements as certified by the city engineer, the applicant shall post a performance bond, letter of credit, or other surety for completion of any remaining required improvements. For any bond, letter of credit or other surety, there shall be submitted with the plat a determination by the city attorney or a designee as to the sufficiency of the bond offered.
 - iii. A maintenance bond in an amount sufficient to cover any costs that might be incurred by the city for the maintenance and/or repair to the required improvements for a period of two (2) years after completion.
 - iii. Certificate by a professional surveyor and/or engineer certifying to accuracy of survey and plat;
 - iv. Other certificates and endorsements as required by these and other regulations as determined by the city engineer or a designee.

(c) *Approval procedure.*

- (1) After reviewing and discussing the final plat, other submitted materials and all other reports submitted by other agencies and/or officials, the planning commission will advise the applicant as to approval or disapproval of the application and the reasons

therefore. Planning commission approval of the final plat shall constitute authorization to the petitioner to prepare and submit a final plat to the Ouachita Parish Clerk of Courts for recording.

- (2) In the case of a disapproval requiring amendment of the final plat, the applicant shall resubmit the required number of copies of the application documents with the amendments required by the planning commission for review by the planning and zoning director or a designee for review and approval.
- (3) Failure to submit amended documents to the planning and zoning director or a designee sufficient to meet the amendment requirements of the planning commission in the prescribed time period shall constitute a denial of the application.
- (4) Failure by the planning commission to act on this final plat within sixty (60) days shall be deemed approval of it.
- (5) The planning commission must approve the final subdivision plat and the city council must accept all dedications before the applicant may file the plat with the Ouachita Parish Clerk of Courts.

(d) *Dedications and reservations.* The planning commission shall have the authority to grant or deny the final subdivision plat; however, the city council shall accept all dedications and improvements relative to the final plat and to the subdivision. Upon such acceptance, the applicant shall file the final plat with the Ouachita Parish Clerk of Courts.

(e) *Appeal.* The planning commission shall have the authority to grant or deny the final subdivision plat and any other matters brought before it where its purview and jurisdiction prevails; however, any person claiming to be aggrieved by the decision of the commission may appeal such decisions to the city council as outlined in subsection 32-33(h) of this chapter.
(Ord. No. 11,443, 11-12-13)

Sec. 32-38. Recording of plats.

No plat of a subdivision of land shall be filed or recorded with the Ouachita Parish Clerk of Courts until it has been submitted to, and approved by, the planning commission and the approval of such commission endorsed in writing on the plat by the chairman of the planning commission and the city engineer.

(Ord. No. 11,443, 11-12-13)

Sec. 32-39. Replat of approved plats.

(a) *Procedure.* An applicant for a replat to a previously approved plat shall, in accordance with section 31-31 (filing requirements) of this chapter, request to be placed on the planning commission's agenda. If the replat involves the creation of additional lots, the procedures for preliminary plat approval shall be followed. If the replat involves only modifications of the approved plat, without the creation of additional lots, the approval process may be completed administratively.

(b) *Submissions.* The applicant shall submit a copy of the approved plat as well as the required number of and four (4) copies of the proposed replat. The application shall also include enough supporting information to allow the planning and zoning director to make a determination that the proposed revisions meet the standards of these regulations. The revised plat shall indicate that it is the revision of a previously approved and recorded plat and shall show the title of the subdivision and any identifying information from the original plat as recorded with the Ouachita Parish Clerk of Court.

(c) *Scope of review.* The commission's or planning and zoning director's scope of review shall be limited to those portions of the plat proposed for revision.
(Ord. No. 11,443, 11-12-13)

Sec. 32-40. Consolidation of lots.

(a) *General.* A lot consolidation may be used to remove lot lines for a use/structure and/or to satisfy required setbacks from two (2) or more contiguous land tracts/lots of record under common ownership, provided the consolidation does not circumvent other requirements in this chapter or create additional non-conformities under the comprehensive zoning ordinance.

(b) *Planned unit developments.* If any portion of the site is within a planned unit development (PUD), an amendment to the PUD is also required. The amendment to the PUD must be reviewed concurrently with the lot consolidation.

(c) *Submissions.* An application for a lot consolidation shall contain the following:

- (1) Two (2) copies of the completed application form including an accurate legal description and location of the property.
- (2) The name, address, telephone number, and original signatures of the applicant and the property owner, and the nature of the applicant's interest in the property if he/she is not the property owner.
- (3) A survey of the site prepared, stamped and signed by a surveyor registered in the State of Louisiana and shall show all showing the following:
 - a. All existing property lines and structures;
 - b. All boundaries of the consolidated lot; and
 - c. If the site is part of an existing plat, a copy of the recorded plat.

(d) *Standards.* A lot consolidation must meet the standards of subsection 32-71(b) and must follow the requirements of the zoning district the lot is located.

(e) *Procedure.* An applicant for a lot consolidation shall, in accordance with section 31-31 (filing requirements) of this chapter, request to be placed on the planning commission's agenda. If the lot consolidation involves eleven (11) or more lots, the request shall be heard by the planning commission. If the lot consolidation involves ten (10) or fewer lots, the approval process may be completed administratively.

(f) *Submissions.* The applicant shall submit a plat of survey as well as the required number of copies showing the new lot lines that shall be prepared by a surveyor registered in the State of Louisiana and shall show all boundary lines of the original lots affected, the linear distances from the corners of the original lot lines, show all visible and recorded utility easements and/or servitudes, and indicate any encroachments on or across the lot lines of the subject properties. The plat of survey shall be submitted to the planning commission and the city engineer for review and signature, and shall include signature lines for the chairman of the planning commission and city engineer.

(g) *Recordation of plat.* Once the lot consolidation is approved, the plat shall be recorded with the Ouachita Parish Clerk of Court and copies filed with the planning and zoning director and the city engineer.

(Ord. No. 11,443, 11-12-13)

Sec. 32-41. Planned unit developments.

For the purpose of encouraging an improved level of aesthetics; safety and environmental sensitivity; and design flexibility in conjunction with a site plan for one unified development site, the city shall facilitate planned unit developments through combination of the conceptual plan as per section 37-60 of the City of Monroe Comprehensive Zoning Ordinance and preliminary subdivision approval processes outlined in section 32-35 of this chapter.

(Ord. No. 11,443, 11-12-13)

Sec. 32-42. Dedications and reservations.

(a) *Rights-of-way.* The rights-of-way for all new streets, sidewalks and pedestrian pathways shall be dedicated to the City of Monroe for public use.

(b) *Easements.* Easements for utilities and drainage shall be provided as required herein, together with the right of ingress and egress.

(c) *Parks, recreation areas and school sites.*

(1) Where a park, recreation area or school site proposed in the comprehensive plan and/or the capital improvements plan is located in whole or part in a subdivision, the planning commission shall require the dedication or reservation of said area within the subdivision for public use.

(2) In general, the required dedications shall be in a reasonable amount not to exceed ten (10) per cent of the gross area of the tract to be subdivided.

(3) The planning commission may determine that land for school sites shall be dedicated for a fixed period of time based upon the future needs of the school system.

(Ord. No. 11,443, 11-12-13)

Sec. 32-43. Fees.

All costs and expenses required by these regulations shall be borne by the applicant. The Monroe City Council shall establish a schedule of fees, charges and expenses and a collection

procedure for applications, appeals and other matters pertaining to this ordinance. This schedule of fees shall be available from the planning and zoning director's office and may be altered or amended only by the city council. No proposed subdivision shall be considered unless or until such costs, charges, fees or expenses have been paid in full.

(Ord. No. 11,443, 11-12-13)

Sec. 32-44. Penalties.

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the planning commission and recorded with the Ouachita Parish Clerk of Court shall pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the purpose of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

(Ord. No. 11,443, 11-12-13)

Sec. 32-45. Gated communities.

(a) *Purpose.* The purpose of this section is to provide minimum standards for the development and maintenance of gated communities. The City of Monroe recognizes that gated communities may be appropriate in certain locations in certain limited circumstances such as planned unit developments and subdivisions.

(b) *Requirements.* Gated communities shall meet the following requirements:

- (1) The general provisions of the subdivision regulations and other City Codes as they relate to development, streets, and utilities will apply to all such development. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup. All plans concerning gated communities are subject to review and approval by the Monroe Fire Department.
- (2) The definition of a "subdivision," "planned unit development," and "street", as contained in the zoning and subdivision ordinances, will apply to all subdivisions, planned unit developments or streets, whether public or private. All streets within a gated community shall be private.
- (3) Plats for the subdivision shall depict all fences, gates, private streets and alleys, and all utilities.

- (4) Design and construction standards. Private streets shall conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the following:
- a. *City of Monroe street standards.*
 - b. *Street naming and addressing policy.*
 - c. *Streets excluded.* The Monroe Planning Commission may deny the creation of any private street if in the commission's judgement the private street would negatively affect traffic circulation on public streets or impair access to property either on-site or off-site to the subdivision, impair access to or from public facilities including schools, parks and libraries, or delay the response time of emergency vehicles.
 - d. *Private street lot.* Private streets and alleys must be constructed within a separate lot owned by the homeowners or property owners association. This lot must conform to the city's standards for public streets and alley rights-of-way. An easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.
 - e. *Construction and maintenance cost.* The city shall not pay for any portion of the cost of constructing or maintaining a private street.
 - f. *Plans and improvements.* Developments proposed with private streets must submit to the city the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to the final plat approval shall apply. The city may periodically inspect private streets and require repairs necessary to ensure emergency access. All private traffic regulatory signs shall conform to the Manual of Uniform Traffic Control Devices.
- (5) Any gate installation must conform to the following provisions;
- a. No gate shall be allowed on a public street. If a subdivision is converted to a gated community, the dedicated rights-of-way must be revoked prior to the final plat approval of the subdivision.
 - b. All gate installations shall be approved by the fire department and the traffic engineering division prior to installation. The access code must be provided to the traffic engineering division who will provide the code to the fire and police department and any other services that require access. The installation must be completed and tested prior to the city's approval of the subdivision plat.

- c. Emergency access may be provided by siren activation and key pad or another method as approved by the fire marshal.
 - d. The gate shall be delineated by standard traffic control devices (signs and permit markings) as determined by the traffic engineering division.
 - e. If the gate does not open properly and causes a back-up into the street, the traffic engineering division can cancel approval or take whatever other action is necessary to ensure proper access from the public roadway.
 - f. Gate designs may incorporate one or two gate sections to meet the required minimum gate width of twenty-four (24) feet. If the entrance will incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the fire marshal, but in no case shall any single gate or street pavement have a clear opening of less than eighteen (18) feet.
 - g. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of fourteen (14) feet above the finished road surface.
 - h. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
 - i. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.
 - j. Gates must release and open upon electrical power failure or equipment malfunction and remain open until the problem is resolved.
 - k. Failure to meet requirements. Each security gate regulated under this section will be subject to a performance test on a regular basis as determined by the fire marshal. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the fire marshal.
 - l. Owner's responsibility. The person or corporation in control of the property is responsible for, and liable for, any violations of this section. This includes, but is not limited to, the developer, property owner, the homeowners or property owners association and its officers, if applicable, or others who may own or exercise control over the property.
- (6) *Homeowners or property owners association required.* Subdivisions developed with private streets and alleys must have a mandatory homeowners or property owners association which includes all property served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and

approved by the city attorney to ensure that they conform to this and other applicable city ordinances. The documents shall be filed of record prior to the approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the city. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessments therefore may be amended without the written consent of the city.

- (7) *City utilities.* Water, sewer, drainage facilities, street lights and signs placed on the private street and alley lot shall be installed to city standards and dedicated to the city prior to approval of the final plat. All city regulations relating to infrastructure financing, developer cost participation and capital cost recovery shall apply to developments with private streets with the exception of those applying to street construction.
- (8) *Petition to convert to public streets.* The homeowners or property owners association documents shall allow the association to request that the city accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of fifty-one (51%) per cent of the membership. However, in no event shall the city be obligated to accept said streets and alleys as public. Should the city elect to accept the streets and alleys as public, the city may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets and alleys. The city will be the sole judge of whether repairs are needed. The city may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association documents shall provide for the city's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the city.
- (9) *Hold harmless.* On the subdivision final plat shall be language whereby the homeowners or property owners association, as owner of the private street and appurtenances, agrees to release, indemnify, defend and hold harmless the city, any governmental entity, and public utility for damages to the private street occasioned by the reasonable use of the private street by the city, governmental entity or public utility; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of an use of the subdivision by the city, governmental entity or public utility. Further such language shall provide that all lot owners shall release the city, governmental entities and public utilities for such damages and injuries. The indemnification's contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity or public utility, or their representative officers, employees or agents.

- (10) *Sidewalks.* Sidewalks shall be constructed in accordance with city standards for all lots adjoining streets and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of the lots.
- (11) *Drainage and storm sewers.*
- a. *General requirements.* All plats shall conform to the city's standards for drainage facilities.
 - b. *Design of facilities.* Design of storm sewer systems shall be in accordance with the city's standards for such systems. Materials and construction shall conform to the city's standard specifications.
- (c) *Existing subdivisions.*
- (1) Existing subdivisions may be converted to gated communities if the following requirements are met:
 - a. The subdivision has only one entrance.
 - b. Seventy-five (75%) per cent of the property owners must approve the conversion to a gated community. The home or property owners association will bear the expense of liability, installation, and maintenance. The gates must have access for all emergency vehicles.
 - c. Any dedicated rights-of-way will need to be revoked before the subdivision is finally approved.
 - (2) Subdivision application requirements as per section 32-35 preliminary plat application and section 32-37 final plat application will need to be followed to convert an existing subdivision into a gated community.

(Ord. No. 11,641, 1-12-16)

Secs. 32-46—32-59. Reserved.

ARTICLE IV. INSPECTIONS AND ENFORCEMENT

Sec. 32-60. Inspection of required improvements.

(a) At least five (5) business days prior to commencing construction of required improvements, the subdivider or builder shall notify the city engineer or a designee in writing of the time when (s)he proposes to commence construction of such improvements to arrange for inspections to assure that all specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of said improvements and utilities.

(b) If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the city engineer or a designee and the subdivider and builder. The city engineer or a designee shall take any steps necessary to assure compliance with the approved plans.

(c) If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the director of planning and zoning. For major modifications, such as relocation of rights-of-way, property boundaries, or substantial changes of grade, the subdivider shall obtain permission from the commission to modify the plats.

(d) Prior to the sale of any lot, the subdivider shall provide the city engineer or a designee with a letter from a professional land surveyor, stating that all monumentation shown on the plat has been installed.

(e) Upon completion of street construction and prior to the dedication of the public right-of-way by the city council, a written certification signed by a professional engineer shall be submitted to the city engineer, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As-built" plans shall be submitted to the city engineer and the director of public works.

(f) The subdivider shall be required to maintain all improvements until acceptance of the improvements by the city, or control is placed with a homeowners' association for private streets.

(Ord. No. 11,443, 11-12-13)

Sec. 32-61. Violations and enforcement.

(a) No subdivision plan shall be recorded with the Ouachita Parish Clerk of Court until a final plat has been approved by the planning commission in accordance with these regulations.

(b) A person shall not convey, offer or agree to convey any land in a subdivision that has not been approved by the planning commission and recorded with the Ouachita Parish Clerk of Court.

(c) A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plat as a separate lot.

(d) No public utility, water district, or any utility company of any kind shall serve any lot in a subdivision for which a final plat has not been approved by the planning commission.

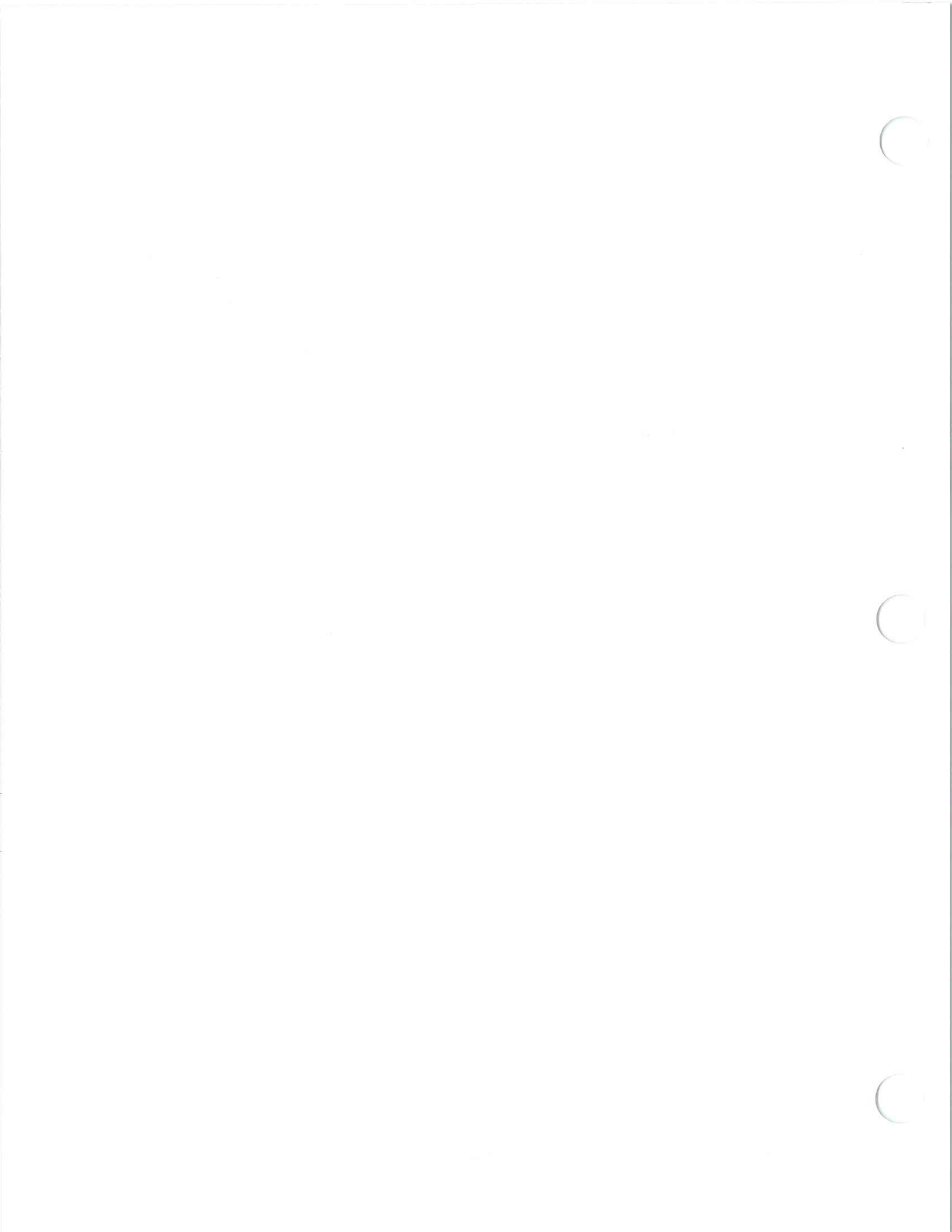
(e) Development of a subdivision without planning commission approval shall be a violation of law.

(f) No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

(g) Violations of the above provisions of this section shall be punished in accordance with the provisions of section 32-44 of this chapter.

(Ord. No. 11,443, 11-12-13)

Secs. 32-62—32-69. Reserved.



ARTICLE V. PERFORMANCE AND DESIGN STANDARDS**Sec. 32-70. Purpose.**

The performance and design standards in this article are intended to clarify the expectations of the City of Monroe with regard to basic subdivision and public improvement criteria. In reviewing a proposed subdivision, the planning commission shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a final plat. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

(Ord. No. 11,443, 11-12-13)

Sec. 32-71. Basic subdivision layout.**(a) Blocks.**

- (1) *General.* The arrangement of blocks shall be such as to provide for convenient access, circulation, control and safety of street traffic. Blocks intended for commercial and industrial purposes shall be designated specifically for such uses with space set aside for off-street parking and loading and/or unloading facilities. Parking requirements shall conform to the comprehensive zoning ordinance.
- (2) *Length.* In general, block lengths should not exceed one thousand two hundred (1,200) feet or be less than three hundred (300) feet. Where street lengths exceed eight hundred (800) feet between intersections with other streets, the planning commission may require a utility and/or pedestrian easement, at least twenty (20) feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least ten (10) feet in width constructed in accordance with design standards for sidewalks in subsections 32-73(a) and 32-71(c)(2). Pedestrian pathways shall also be provided where necessary for convenient access to schools, playgrounds, shopping centers and other community facilities. Maintenance obligations of the easement shall be included in the written description of the easement.
- (3) *Width.* The width of blocks should ordinarily be sufficient to allow for two (2) tiers of lots with easements as required, except for double frontage lots as permitted in these regulations and those lots that abut natural buffer zones such as streams, bayous or golf courses.
- (4) *Blocks for commercial or industrial development.* Blocks designed for commercial and industrial uses shall be of a length and width determined suitable for the proposed use and to accommodate anticipated development. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with space set aside for buffer, off-street parking and loading and unloading facilities as required by these regulations. Specific design standards and construction standards shall be in accordance with the recommendation of the city engineer and/or the planning and zoning director and the standards of this article.

(b) *Lots.*

(1) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits or other applicable permits to build on all lots. The design and layout of lots shall be such that:

- a. No remnants of property shall be left that do not conform to lot requirements, that are not required for a private or public utility purpose, or that are not accepted by the city and/or any other appropriate public body for an appropriate use.
- b. When land is subdivided into very large parcels they shall be of such shape and dimensions as to render possible the subdivision of any such parcels at some later date into lots and streets that meet the requirements of these regulations.
- c. Lots shall be laid out so that drainageways are near the edge of lots and not near the center of a lot. Lots shall be laid out so that drainageways are located appropriately with regard to natural or man-made drainageways, including those existing and planned for the proposed development. Property lines, where feasible, shall be laid out so that the lines follow the centerline of any drainageway, except when such drainageway is greater than twenty-five (25) feet in width and is required to be dedicated to the city.
- d. Except where permitted by the planning commission and city council in accordance with a planned unit development, or as provided by these regulations, no lot shall be laid out so that it does not have access to, and frontage on, a dedicated public street according to the requirements of these regulations.
- e. No lot may be created that is so narrow or irregularly shaped that it would be impracticable to conform to district setback regulations or to construct a building that could be used for purposes that are permissible in that zoning district.

(2) *Lot area and dimension.*

- a. Lot dimensions shall comply with the minimum standards of the comprehensive zoning ordinance.
- b. In general, side lot lines shall be perpendicular to the street, or radial to curving street lines, unless a variation from this rule will give a better street-to-lot plan.
- c. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
- d. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the buffering, off-street parking and loading facilities required for the type of use and development proposed.

(3) *Soil preservation, grading and seeding of lots.* In order to preserve soils and prevent unnecessary erosion of lots created, both the area of and the time during which the

development and individual lots are exposed to potential erosion shall be kept to the minimum possible. During site preparation and construction of facilities to be dedicated to the public, it is the responsibility of the petitioner to maintain stable soil conditions of lots draining to public areas. All unsold lots affected by grading and clearance during preparation of the subdivision shall be properly stabilized prior to approval of the final plat or release of the performance bond.

(c) *Streets.*

(1) *Generally.*

- a. Street patterns shall minimize the overall length of local streets, and shall improve efficiency and connectivity while preserving neighborhood character.
- b. Roadways shall be surfaced for their entire width and shall have roll-type, valley-type or vertical curb and gutter at each edge.
- c. Whenever possible, street patterns shall be compatible with, and connected to, existing street grids.
- d. Local streets shall be so arranged that their use by through traffic will be discouraged.
- e. Closed-end streets (cul-de-sacs) shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turnaround.
- f. Alleys shall be provided in commercial and industrial subdivisions. However, the planning commission may waive this requirement where other definite and assured provisions are made for service access, including off-street loading, consistent with and adequate to the uses proposed.
- g. Closed-end alleys shall be avoided, but when deemed unavoidable, shall be provided at the closed end with a turnaround.
- h. Provisions shall be made for the construction, extension or widening of any public streets where justified by the anticipated traffic volume and circulation needs determined by the planning director or his/her duly authorized representative and the planning commission.

(2) *Intersections.*

- a. Street centerlines shall intersect as nearly as possible to a ninety-degree angle, but in no case shall the angle of the intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees.
- b. Property lines at intersections shall be rounded with a minimum radius of twelve (12) feet, or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width.
- c. Submission of a grading plan showing existing and proposed contours at one-foot intervals and a detailed design for the intersection may be required by the city engineer or a designee.

- d. Where a subdivision borders a contained or controlled access highway, the planning commission may elect to require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lot with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In cases where a controlled access street fronts or passes through a commercial area and marginal access streets are required, commercial facilities may be allowed to front on the marginal access streets.
- e. Each intersection shall have signs on diagonally opposite corners identifying the streets that form the intersection. Construction and installation of the street signs shall be in accordance with the requirements of the city engineer or a designee.

TABLE 5.1: MINIMUM ROADWAY AND RIGHT-OF-WAY STANDARDS¹

<i>Street Type</i>	<i>Minimum Right-of-Way Width, in Feet</i>	<i>Minimum Roadway/Sidewalk Width, in Feet, Measured to Back of Curb</i>
Arterial ²	100	TBD
Collector	80	36
Marginal Access or Service	50	20
Local	45	25
Cul-de-sac Turnaround (diameter)	100	80
Alley	20	20
Pedestrian Pathway	10	5
Collector Street Sidewalk	N/A	5
Other Sidewalks	N/A	4
¹ Upon receipt of a subdivision application, the Director of Planning and Zoning and/or the city Engineer may require the petitioner to conduct a Traffic Impact Study to mitigate adverse impacts of the proposed development on the city's roadway system. ² Minimum roadway widths for arterial streets shall be determined by the governing body or agency responsible for their construction and/or maintenance.		

(3) *Sidewalks.*

- a. Sidewalks shall be provided on both sides of all subdivision streets except where they are determined not to be feasible by the planning commission.
- b. Sidewalks shall include a ramp-to-street grade at each intersection constructed in accordance with ADA standards to facilitate wheelchair accessibility throughout the subdivision.

- c. Construction of sidewalks shall be the responsibility of the applicant.
 - d. The applicant shall be required to construct the sidewalk for each lot in the subdivision after construction on the lot has been completed to avoid damaging sidewalks during construction.
- (4) *Street names.*
- a. Continuations of existing streets shall be known by the same name.
 - b. Written notice that the proposed new street names are acceptable shall be obtained from the Ouachita Parish 911 Addressing Officer and submitted to the planning commission.
 - c. At least two (2) street name signs shall be placed at each four-way street intersection and one at each "T" intersection.
 - d. Signs shall be free of visual obstruction. The design of street name signs should be consistent, of a style appropriate to the city, of a uniform size and color, and erected in accordance with city standards.
 - e. Private streets shall be provided with street name signs in conformance with this section. The plan shall note that it is the responsibility of the applicant to pay for the sign and installation of the street name signs for private streets.
- (e) *Utility/public servitudes.*
- (1) All electric, telephone, cable, and other utility distribution lines servicing new developments should be provided by underground wiring within servitudes or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
 - (2) Lots which abut existing servitudes or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.
 - (3) Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments.
 - (4) Where stub-outs are provided for gas and/or water service to lots within the subdivision, they shall extend from the main to points outside of the roadway to avoid cutting pavement or roadway when service connections are made.
- (f) *Permanent markers.*
- (1) Permanent markers consisting of a metal pipe one-half (1/2) inch in diameter and two (2) feet long shall be set at all lot and block corners.

- (2) Permanent markers consisting of either concrete blocks six (6) inches square and thirty (30) inches long or with metal pipes two (2) inches in diameter and four (4) feet long shall be placed where the street lines intersect the exterior boundaries of the subdivision, at angle points, points of curve in each street, and at intermediate points as required by the city engineer. The top of the monument shall be set flush with the finished grade. A land surveyor registered in the State of Louisiana shall do all survey work.
- (3) For all subdivisions of twenty (20) lots or more, a permanent benchmark shall be accessibly placed, the elevation of which shall be based on mean sea level datum as determined by the U.S. Geological Survey and accurately noted on the subdivision plat. Such permanent benchmarks shall be concrete with a minimum dimension of four (4) inches square, three (3) feet long, with a flat top. The top of the monument shall have permanently affixed a brass disc inscribed with the elevation and location and shall be set flush with the finished grade.

(g) *Preservation and public use.*

- (1) *General requirements.* Existing features that would add value to residential development or to the city as a whole, such as trees required to be preserved by these regulations, watercourses, cultural resources, and similar irreplaceable assets, shall be preserved in the design of subdivisions or other developments. No trees shall be removed from any neither subdivision, nor the grade of the land within the subdivision be altered, until approval of the preliminary plat has been granted. If certain trees on the plat are to be retained, they shall be preserved and the area of land within their drip lines shall be protected against any change of grade.

(2) *Preservation.*

- a. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or environmentally sensitive, that portion shall be reserved for open space preservation.
- b. If any portion of the subdivision is located within an area designated as a conservation area by the comprehensive plan, the Louisiana Department of Natural Resources, or the United States Fish and Wildlife Service, or a similar agency, the plat shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
- c. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Louisiana Office of Cultural Development, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plat. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The commission may seek the advice of the Monroe Heritage Preservation Commission in reviewing such plats.

(3) *Preservation.*

- a. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The per centage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the city in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, and the site characteristics, but shall constitute no less than five (5) per cent or more than ten (10) per cent of the area of the subdivision. In determining the need for recreational open space the commission shall also consider the proximity and accessibility of the subdivision to neighboring dedicated open space or recreation facilities, as well as the type of development. Sites selected primarily for scenic or passive recreation purposes shall have such access as the commission may deem suitable and no less than twenty-five (25) feet of road frontage.
- b. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet.
- c. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
- d. Reserved open space land may be dedicated to the City of Monroe.
- e. Where land within the subdivision is not suitable or is insufficient in amount, and when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the per centage of reserved open space that otherwise would be required and that per centage of the projected market value of the developed land at the time of the subdivision, as determined by the tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

(h) *Water supply.*

- (1) All subdivisions shall make provisions for connection to the public system that does not generate a demand on the source, treatment facilities or distribution system beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision.
- (2) The applicant shall be responsible for paying the costs of system improvements to the public system as necessary in order to facilitate connection.
- (3) When a subdivision is to be served by a municipal water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant.

- (4) The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the public works director and/or the City of Monroe Fire Chief or a designee.
 - (5) Fire hydrants connected to a public water supply system shall be located no further than three hundred (300) feet apart or five hundred (500) feet from any building.
- (i) *Erosion and sedimentation and impact on water bodies.*
- (1) The proposed subdivision shall prevent soil erosion and sedimentation from entering water bodies, wetlands, and adjacent properties.
 - (2) The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
 - (3) Cutting or removal of vegetation along water bodies shall not decrease water quality or result in shoreline erosion or sedimentation.
 - (4) Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- (j) *Sewage disposal.*
- (1) All subdivisions shall make provisions for connection to the public sewage system that does not generate a demand on the treatment facilities or collection system beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision.
 - (2) The applicant shall be responsible for paying the costs of system improvements to the public system as necessary in order to facilitate connection.
 - (3) The complete collection system within the subdivision including manholes and pump stations shall be installed at the expense of the applicant.
 - (4) The public works director or a designee shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system, or that improvements planned to be complete prior to the construction of the subdivision.
 - (5) The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the public works director or a designee.
- (k) *Floodplain management.* When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:
- (1) All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
 - (2) Adequate drainage shall be provided so as to reduce exposure to flood hazards.
 - (3) The plat shall include a statement that structures in the subdivision shall be constructed with their lowest floor, at least one foot above base flood elevation (BFE).
- (Ord. No. 11,443, 11-12-13)

Sec. 32-72. Storm water management requirements.

Necessary facilities for drainage of all surface water generated by the subdivision shall be provided and installed by the applicant. In order that the surface storm water from the subdivision is accommodated so as not to create adverse downstream drainage or flooding impacts, the applicant shall provide suitable means to temporarily retain storm water on site until it can be released into the public storm sewer system without adverse impact. The size of the on-site retention/detention system shall be based on a twenty-five-year storm event. The city engineer shall review and approve proposed on-site temporary storm water retention method(s).

(Ord. No. 11,443, 11-12-13)

Sec. 32-73. Improvement standards.

(a) *General.* Unless otherwise stated in these regulations, the following accepted standards will be enforced by the city engineer during the review and inspection of all new infrastructures:

- (1) AASHTO Standards, ASTM Standards or DOTD Test Procedures;
- (2) State of Louisiana, Department of Transportation and Development, *Standard Specifications for Roads and Bridges (LSSRB)*, current edition;
- (3) State of Louisiana, Department of Transportation and Development, *Location and Survey Manual*, current edition;
- (4) State of Louisiana, Department of Transportation and Development, *Roadway Design Procedures and Details*, current edition;
- (5) State of Louisiana, Department of Transportation and Development, *Hydraulics Manual*, current edition;
- (6) State of Louisiana, Department of Transportation and Development, *Manual of Uniform Traffic Control Devices*, current edition;
- (7) State of Louisiana, Department of Transportation and Development, *Traffic Signal Design Manual*, current edition;
- (8) National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (NEPA).

(b) *Street improvements.*

- (1) *Permit.*
 - a. It shall be unlawful for any person to surface or improve with gravel, rock, concrete, asphalt, or other paving or surfacing material any dedicated street within the city or any street within the city shown on a general subdivision plan submitted to and approved by the planning commission for construction, unless a permit has been obtained from the city engineer.
 - b. Application for such permit shall be on such forms as may be provided by the city engineer and shall be accompanied by detailed plans and specifications for the

proposed improvement, which shall be prepared and signed by a civil engineer registered and licensed by the state. Such specifications shall provide for constant all-day supervision by a registered civil engineer or an experienced employee of such engineer during the course of construction.

(2) *Engineering contract.*

- a. The applicant or other person undertaking the improvement of streets for which a permit is required by the provisions of this article shall enter into a written contract with the civil engineer registered and licensed by the state preparing the project plans and specifications, and a copy of such contract shall be furnished to the city engineer before any construction work is commenced.
- b. The engineering contract shall provide that the civil engineer will engage and use the services of a private laboratory testing service, which shall be selected by the city engineer but paid by the applicant, contractor or civil engineer, for the purpose of making such tests as may be required by the city engineer to insure that the improvement, as work progresses, complies in all respects with the approved plans and specifications, as the same have been or may be amended with the written approval of the city engineer.
- c. Such contract shall further provide that copies of the reports of the laboratory testing service shall be furnished by such testing service to the city engineer without charge to the city.

(3) *Construction contract.*

- a. The applicant or other person undertaking the improvement project for which a permit is required by the provisions of this article shall also enter into a written contract with the contractor who is to perform the construction, and a copy of such contract shall be furnished to the city engineer before any construction work is commenced.
- b. A copy of the contract between the applicant or other person undertaking the improvement and the contractor, together with the customary construction contract bond, shall be filed in the office of the clerk of court of Ouachita Parish before any construction is commenced. The contract bond shall be in the amount of one hundred (100) per cent of the contract price and shall name the city an additional obligee.
- c. A copy of the bond, with a certificate of power of attorney, shall be furnished to the city engineer before any construction is commenced.

- (4) *Stop work orders.* The city engineer or a designee shall be empowered to halt construction on an approved street improvement at any time, should he determine that there has been any deviation from, or failure to comply with, the approved plans and specifications. The city engineer may halt construction by serving on the foreman on the improvement project and/or the person who let the contract for the improvement

a stop work order, and thereafter no further construction shall be made until the deficiency or deviation pointed out by the city engineer has been corrected or obviated.

- (5) *Certificate of approval.* No street for which an approved construction permit has been issued shall be opened for public traffic, and no building permit for the construction of any building fronting thereon shall issue, unless and until a certificate of approval has been issued by the city engineer after completion of the construction of such street. Such certificate shall be issued only if the city engineer determines that the approved plans and specifications for the construction of such street have been fully met and complied with; provided that building permits may be issued for the construction of buildings on a dedicated street for which an approved construction permit has been issued as provided for in this article and such street may be opened to public traffic, provided that the city has been furnished a surety bond, satisfactory to the city engineer, insuring that the street improvement project proposed will be completed in accordance with the plans and specifications submitted to the city engineer and within such time limit as the city engineer may set.

(Ord. No. 11,443, 11-12-13)

Secs. 32-74—32-89. Reserved.

ARTICLE VI. PERFORMANCE GUARANTEES

Sec. 32-90. Guarantees of performance.

(a) The planning commission shall not approve the final plat of any subdivision unless the improvements required by this chapter have been installed in accordance with the standards and specifications of the appropriate officials and agencies and their approval has been certified by the planning commission.

(b) In lieu of the completion of improvements prior to the submission of the final plat for approval, the planning commission may accept a bond in the amount and with surety and conditions satisfactory to it providing for and securing to the city the actual construction and installation of such improvements within a period specified by the commission and expressed in the bond.

(c) At no point shall construction of structures on approved lots commence unless the improvements required by this chapter have been installed in accordance with the standards and specifications of the appropriate officials and agencies.

(Ord. No. 11,443, 11-12-13)

Sec. 32-91. Types of guarantees.

With submittal of the application for final plat approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:

- (1) Either a certified check payable to the city or a savings account or certificate of deposit naming the city as owner, for the establishment of an escrow account;

- (2) A performance bond payable to the City of Monroe issued by a surety company, approved by the director of administration or a designee; or
- (3) An irrevocable letter of credit, as determined by the director of administration, from a financial institution establishing funding for the construction of the subdivision, from which the City of Monroe may draw if construction is inadequate, approved by the director of administration or a designee.
- (4) The conditions and amount of the performance guarantee shall be in an amount determined by the city engineer, director of public works, director of administration, and all other applicable city agents.

(Ord. No. 11,443, 11-12-13)

Sec. 32-92. Contents of guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the city shall have access to the funds to finish construction.

(Ord. No. 11,443, 11-12-13)

Sec. 32-93. Escrow account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the City of Monroe, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the city shall be named as owner or co-owner, and the consent of the city shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the city has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

(Ord. No. 11,443, 11-12-13)

Sec. 32-94. Performance bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the city. The bond documents shall specifically reference the subdivision for which approval is sought.

(Ord. No. 11,443, 11-12-13)

Sec. 32-95. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution with offices in the region shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

(Ord. No. 11,443, 11-12-13)

Sec. 32-96. Phasing of development.

The planning commission may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

(Ord. No. 11,443, 11-12-13)

Sec. 32-97. Release of guarantee.

Prior to the release of any part of the performance guarantee, the planning commission shall determine to its satisfaction, in part upon the report of the city engineer or a designee and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

(Ord. No. 11,443, 11-12-13)

Sec. 32-98. Default.

If upon inspection, the city engineer or a designee finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he/she shall so report in writing to the planning and urban development director, the city attorney, the public works director, and the applicant. The city shall take any steps necessary to preserve the city's rights.

(Ord. No. 11,443, 11-12-13)

Sec. 32-99. Improvements guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

(Ord. No. 11,443, 11-12-13)

Secs. 32-100—32-109. Reserved.**ARTICLE VII. WAIVERS****Sec. 32-110. Waivers of certain improvements authorized.**

Where the planning commission makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity

of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the City of Monroe Comprehensive Plan, the comprehensive zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision. (Ord. No. 11,443, 11-12-13)

Sec. 32-111. Waiver of procedural steps.

(a) The commission, either directly or through a designee, may allow an applicant to combine the final plat and preliminary plat application steps into one procedure, upon making all of the following written findings of fact:

- (1) No new streets are proposed and no change in existing or proposed street rights-of-way is required;
- (2) The proposal requires moving a property line between two (2) or more existing adjacent lots or parcels without creating a new lot;
- (3) No additional non-conformities will be created under the comprehensive zoning ordinance; and
- (4) The application contains all other applicable submissions required for both the preliminary and final plat steps, except for those items for which a waiver of a required submission has been requested and granted.

(b) Upon granting waivers in accordance with subsections 32-111(a), 32-111(b) and 32-111(c) of this chapter, the commission shall set conditions so that the purposes of these regulations are met.

(c) A plat of survey showing the new lot lines shall be prepared by a surveyor registered in the State of Louisiana and shall show all boundary lines of the original lots affected, the linear distances from the corners of the original lot lines, show all visible and recorded utility easements and/or servitudes, and indicate any encroachments on or across the lot lines of the subject properties.

(d) The plat of survey shall be submitted to the planning commission and the city engineer for review and signature, and shall include signature lines for the chairman of the planning commission and city engineer.

(Ord. No. 11,443, 11-12-13)

Sec. 32-112. Waivers to be shown on final plat.

When the commission grants a waiver to any of the requirements of these regulations, the final plat, to be recorded with the Ouachita Parish Clerk of Court, shall indicate the waivers granted and the date on which they were granted.

(Ord. No. 11,443, 11-12-13)