

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 2985 ORDINANCE COUNCIL SERIES NO. 04-

COUNCIL SPONSOR MR. IMPASTATO PROVIDED BY: PLANNING

INTRODUCED BY MR. IMPASTATO SECONDED BY MR. GOULD

ON THE 2<sup>ND</sup> DAY OF DECEMBER 2004

ORDINANCE TO AMEND APPENDIX B OF ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE NO. 499, TO RESCIND A PORTION OF SECTION 40-034.01 CONTIGUOUS LOT RULE; SPECIFICALLY, ITEMS 1. AND PART OF 4., AND SECTION 40-034.02 NON-CONFORMING LOT RULE IN TOTAL; AND TO PROVIDE FOR REPEAL, SEVERABILITY AND DATE OF ENACTMENT

WHEREAS, due to the passage of Ordinance No. 04-0990 by the St. Tammany Parish Council relative to parish fees and service charges (Transportation and Drainage Impact Fees), the current impact fee structure for lots under the contiguous lot rule ordinance, if continued to be assessed, would become repetitive, unjust and highly prejudicial, if left in place.

THEREFORE, THE PARISH OF ST. TAMMANY HEREBY ORDAINS that portions of Section 40-034.01 Contiguous Lot Rule and Section 40-032.02 Non-Conforming Lot Rule, of Subdivision Regulatory Ordinance No. 499, be hereby rescinded, and that the remaining parts of said sections be enumerated accordingly as follows:

**Sec. 40-034.01 Contiguous Lot Rule**

The purpose and intent of this section is to require an owner to combine contiguous residential substandard lots of record, through the parish's resubdivision process, in order for said lots to conform with minimum standards relative to lot size and the provision of central water, community sewerage and adequate drainage. These standards shall apply only to subdivisions properly recorded with St. Tammany Parish Clerk of Court prior to July 28, 1967.

For the purposes of this section, the following definitions shall apply:

**A residential lot** shall be defined as any lot or lots used for residential purposes in any of the following zoning districts: R-Rural, SA-Suburban Agriculture, A-1, A-2 and A-3 Suburban, A-4 Single Family Residential and A-5 Two Family Residential.

**A conforming lot of record** shall be defined as any residential lot located within a subdivision created prior to July 28, 1967 and having a minimum lot width of 90 feet and a minimum lot area of 12,500 square feet.

**A buildable lot of record** shall be defined as any residential lot located within a subdivision created prior to July 28, 1967 and having a minimum lot width of 50 feet and a minimum lot area of 5000 square feet.

**A substandard lot of record** shall be defined as any residential lot with less than fifty (50) feet of street frontage or less than 5000 square feet in area, and created prior to July 28, 1967.

**A buildable substandard lot** is a lot which has, after Planning Commission review, been determined to meet all requirements of Section 40-034.01(5) of these regulations and therefore may be constructed upon as a substandard lot. For the purposes of this section the division of lots to create smaller lots will not be permitted.

~~t. Building permits shall not be issued to a lot which does not meet the minimum standards of a conforming lot of record. However, a building permit for a buildable lot of record or lots which have been re-subdivided to meet the standards of a buildable lot of record may be issued only upon satisfaction of one of the following conditions:~~

- ~~a. The structure to be constructed is connected to a community sewerage system a central water system, and the lot(s) is located in a subdivision that has a drainage plan which has been approved by the Department of Engineering that meets the current requirements as set forth in Ordinance No. 499.~~
  - ~~b. The structure to be constructed is connected to a community sewerage system and the building permit applicant has paid a fee equal to \$1,000.00 whenever a central water system is not available for connection, and \$1,000.00 for drainage improvements when the lot(s) is located in a subdivision with no approved drainage plan that meets the current requirements as set forth in Ordinance No. 499. Said fees shall be placed in escrow toward the construction of a central water system and necessary drainage improvements.~~
  - ~~c. The structure to be constructed is connected to a central water system and the building permit applicant has paid a fee equal to \$1,000.00 whenever such a community sewerage system is not available for connection, and \$1,000.00 for drainage improvements when the lot(s) is located in a subdivision with no approved drainage plan. Said fees shall be placed in escrow toward the construction of a community sewerage system and necessary drainage improvements.~~
  - ~~d. The building permit applicant has paid a fee equal to \$1,000.00 whenever a central water system is not available for connection the building permit applicant has paid a fee equal to \$1,000.00 whenever a community sewerage system is not available for connection, and the building permit applicant has paid a fee equal to \$1,000.00 for drainage improvements when the lot(s) is located in a subdivision with no approved drainage plan that meets the current requirements as set forth in Ordinance No. 499. Said fees shall be placed in the appropriate escrow accounts toward the construction of a community sewerage system, central water system, and necessary drainage improvements.~~
  - ~~e. A manifestly unreasonable financial hardship of the owner occupant precludes the construction of the proposed structure in accordance with any of the conditions set forth above herein, as determined by the Directors of the Department of Planning, the Department of Engineering and the Department of Environmental Services of St. Tammany Parish.~~
  - ~~f. The construction proposed for an existing structure or building site is of a relatively minor nature (e.g. remodeling, swimming pool, shed, sign, etc.) or is otherwise an accessory use of the building site, as determined by the Director of the Department of Permits.~~
2. If two (2) or more contiguous residential lots or combination of lots and portions of lots are in single ownership, and if all or part of the lots do not equal or exceed the minimum lot area and width requirements of a buildable lot of record, then said lots or combination of lots or portions thereof, shall be construed as substandard lots of record; and therefore, must be combined together to conform with the buildable lot of record area and width requirements.
  3. It shall be a violation for any individual who owns contiguous residential substandard lots of record to sell a lot or lots or portions thereof to another if the remaining balance of lots retained, or the lots sold to another, does not meet or exceed the minimum standards of a buildable lot of record.
  4. Resubdivision requirements and payment of fees:
    - a. Prior to an owner selling a combination of contiguous residential substandard lots to another, or filing for a building permit, an application for resubdivision must be filed and submitted as set forth in Section 40-080.0 Resubdivision Review. Said resubdivision application must reflect the combination of substandard lots of record into larger lots to create buildable lots of record.

- ~~b. When filing for a resubdivision in order to meet the requirements of this Section, the \$1,000.00 fees for both for sewer, water, and drainage improvements shall be paid at time of application, if applicable:~~
- ~~c. If sewerage and/or water facilities are available to the property being resubdivided, the owner shall provide the parish with a signed and dated contract or contracts with the provider of the facilities. The contract or contracts shall include language to the effect that will bind and obligate the owner to connect to said facilities within a reasonable period of time. Building permits can be issued for the property once said contracts have been provided to the parish. However, no certificate of occupancy shall not be issued until the structure has been properly connected to the required sewerage and/or water facilities:~~
- b.** For the purposes of this Section, the resubdivision of existing conforming lots in order to create smaller lots shall not be permitted.
5. A building permit may be issued on a substandard lot of record if the individual who applies for a building permit where a residential substandard lot or lots of record does not meet the minimum standards as a buildable lot of record appears before the Planning Commission to establish buildable substandard lot of record status by providing the Planning Commission with proof:
- a. of the individual's cumulative ownership of a substandard lot or contiguous lots, and
  - b. either of the following applies:
    1. that the purchaser of a substandard lot or contiguous lots from a seller was inclusive of all lots owned by said seller, or any other seller prior to 1971; or
    2. that the substandard lots of record were obtained, owned or purchased prior to the enactment of this section.

If the Planning Commission determines that the property meets the above listed requirements it may grant buildable lot of record status, and permit construction on the parcel in question.

6. Any individual who is found to be in violation of this section may be subject to fines or penalties commensurate to the extent of the violation, denial of a building permit, or any other corrective actions deemed necessary by the parish including judicial reprisal in order to compel compliance with this section.
7. In the case of Bayou Gardens Subdivision (Lacombe), all regulations outlined above shall apply, except that all lots less than 100 feet width shall be combined to create lots at least 100 feet in width and 12,500 square feet in area.  
(entire section amended by Ord. No. 03-0761, adopted 10/02/03)

Items 2, 3, 4, 5, 6 & 7 to be re-enumerated as items 1, 2, 3, 4, 5 and 6 respectively.

~~Sec. 40-034.02 Non-conforming Lot Rule~~

~~For the purposes of this section, the following definitions shall apply:~~

~~— A residential lot shall be defined as any lot or lots used for residential purposes in any of the following zoning districts: R-Rural, SA-Suburban Agriculture, A-1, A-2 and A-3 Suburban, A-4 Single Family Residential and A-5 Two Family Residential:~~

~~— A non-conforming lot shall be defined as any residential lot located in a subdivision with less than 90 feet in width and less than 12,500 square feet of lot area and not subject to the provisions of the Contiguous Lot Rule:~~

~~A buildable lot shall be defined as any residential lot located in a subdivision having a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet and not subject to the provisions of the Contiguous Lot Rule:~~

~~This section shall apply to any lot located within a subdivision which does not have a minimum lot width of 90 feet and a minimum lot area of 12,500 square feet. Building permits shall not be issued for non-conforming lots unless the lot meets the requirements for a buildable lot and the building permit applicant has satisfied one of the following conditions:~~

- ~~a. The structure to be constructed is connected to a community sewerage system, a central water system, and the lot(s) is located in a subdivision that has a drainage plan which has been approved by the Department of Engineering.~~
- ~~b. The structure to be constructed is connected to a community sewerage system and the building permit applicant has paid a fee equal to \$1,000.00 whenever a central water system is not available for connection, and \$1,000.00 for drainage improvements when the lot(s) is located in a subdivision with no approved drainage plan that meets the current requirements as set forth in Ordinance No. 499. Said fees shall be placed in escrow toward the construction of a central water system and necessary drainage improvements.~~
- ~~c. The structure to be constructed is connected to a central water system and the building permit applicant has paid a fee equal to \$1,000.00 whenever a community sewerage system is not available for connection, and \$1,000.00 for drainage improvements when the lot(s) is located in a subdivision with no approved drainage plan that meets the current requirements as set forth in Ordinance No. 499. Said fees shall be placed in escrow toward the construction of a community sewerage system and necessary drainage improvements.~~
- ~~d. The building permit applicant has paid a fee equal to \$1,000.00 whenever a central water system is not available for connection; the building permit applicant has paid a fee equal to \$1,000.00 whenever a community sewerage system is not available for connection; and the building permit applicant has paid a fee equal to \$1,000.00 for drainage improvements when the lot(s) is located in a subdivision with no approved drainage plan that meets the current requirements as set forth in Ordinance No. 499. Said fees shall be placed in the appropriate escrow accounts toward the construction of a community sewerage system, central water system, and necessary drainage improvements.~~
- ~~e. A manifestly unreasonable financial hardship of the owner occupant precludes the construction of the proposed structure in accordance with any of the conditions set forth above herein, as determined by the Directors of the Department of Planning, the Department of Engineering and the Department of Environmental Services of St. Tammany Parish.~~
- ~~f. The construction proposed for an existing structure or building site is of a relatively minor nature (e.g. remodeling, swimming pool, shed, sign, etc.) or is otherwise an accessory use of the building site, as determined by the Director of the Department of Permits.~~

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

ORDINANCE CALENDER NO. 2985

ORDINANCE P.C. SERIES NO. \_\_\_\_\_

PAGE NO. 5 OF 5

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

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

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005; AND BECOMES ORDINANCE COUNCIL SERIES NO. 05-\_\_\_\_\_.

\_\_\_\_\_  
PATRICIA BRISTER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction: \_\_\_\_\_, 2004

Published adoption: \_\_\_\_\_, 2005

Delivered to Parish President: \_\_\_\_\_, 2005 @ \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2005 @ \_\_\_\_\_