

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3195 AS AMENDED ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: STEFANCIK/DAVIS PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BURKHALTER SECONDED BY: MR. CANULETTE

ON THE 5TH DAY OF JANUARY 2006

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, APPENDIX C, LAND USE REGULATION ZONING ORDINANCE 523, AMENDING AND REENACTING PARAGRAPH A OF SECTION 2.0902, TO PROVIDE THAT THE SITE SHOULD USE FLOOD HAZARD AREAS, IF PRESENT, FOR RECREATIONAL AREAS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO. (ZC 05-09-067)

WHEREAS, the parish has determined that an ambiguity has been perceived with respect to language contained in paragraph A of Section 2.0902 of St. Tammany Parish Land Use Regulation Zoning Ordinance 523; and

WHEREAS, it is and has been the intent of the St. Tammany Parish Council, in enacting Paragraph A of Section 2.0902, that to the extent a site contains flood hazard areas, efforts should be made to utilize said areas for recreation; and

WHEREAS, the Parish of St. Tammany has never interpreted paragraph A of Section 2.0902 to mean that such flood hazard areas must only be used for recreational areas but, rather, has consistently, *and* over a long period of time, interpreted paragraph A of Section 2.0902 to mean that such flood hazard areas may also be used for any other purposes relating to the development of said site and which is otherwise in compliance with other applicable regulations.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that for the purpose of providing additional clarity to Section 2.0902A of the St. Tammany Parish Land Use Regulation Zoning Ordinance 523, Section 2.0902A is hereby amended and reenacted to provide as follows:

2.0902 General Standards and Criteria:

In order for the Zoning Commission and *Parish Council* to make competent and definitive decisions concerning a Planned Unit Development's proper makeup, the following general standards and criteria shall be applicable:

A. Physical Characteristics of the Site:

The site ~~shall~~ *should* be suitable for development in the manner proposed without hazard to persons or property adjacent to the site, ~~shall~~ *should encourage* use of flood hazard areas if present for recreational areas and ~~shall~~ *should* not promote erosion or other soil related damage. Soil conditions, drainage, vegetative cover and topography ~~shall~~ *should* be maximally utilized to fit the intended design of the development. *Any structure proposed to be built in the flood hazard areas must be constructed in accordance with all other applicable regulations, including, but not limited to, the flood and fill regulations set forth in St. Tammany Parish Code of Ordinances, Chapter 7 Drainage and Flood Control, and in Subdivision Regulatory Ordinance 499, Sections 40-037.04 and 40-037.05.*

REPEAL: The amendment, which is limited in its scope and application to the particular subparagraph and section, shall not be held to repeal any previously existing ordinance or parts of ordinances.

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 Ordinances are hereby declared to be severable.

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