

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3452

ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. BAGERT

SECONDED BY: MR. THOMPSON

ON THE 7<sup>TH</sup> DAY OF DECEMBER 2006

ORDINANCE AMENDING AND REENACTING SECTION 40-034.01, CONTIGUOUS LOT RULE, OF ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE 499, TO CLARIFY THE DEFINITION PROVISIONS OF A BUILDABLE SUBSTANDARD LOT, TO PROVIDE ADDITIONAL REQUIREMENTS REGARDING CONSTRUCTION AND THE PLACEMENT OF FILL ON BUILDABLE SUBSTANDARD LOTS, AND TO PROVIDE MORE SPECIFIC PENALTIES AND REMEDIAL MEASURES IN PARAGRAPH FIVE (5) THEREOF.

WHEREAS, St. Tammany Parish recognizes that it is in the best interest of public health, safety and welfare to endeavor to mitigate and, whenever possible, to eliminate any adverse drainage impact to adjacent properties, which are particularly likely to result from slab construction and the placement of fill on substandard lots of record; and

WHEREAS, requiring raised construction and prohibiting the placement of fill on substandard lots of record, except when authorized through review of the Department of Engineering, will serve to mitigate or eliminate the adverse drainage impacts to adjacent properties and existing drainage infrastructure; and

WHEREAS, in order to maximize compliance with the regulations of Section 40-034.01, and to protect the public health, safety and welfare, it is necessary to establish more specific penalties and remedial measures to address violations of the provisions set forth in said Section.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 40-034.01, Contiguous Lot Rule, of St. Tammany Parish Subdivision Regulatory Ordinance 499, specifically the definition and related provisions of A Buildable Substandard Lot, and the associated penalty provisions, are hereby amended and reenacted to provide as follows:

Section 40-034.01 Contiguous Lot Rule

A buildable substandard lot is a lot which has been determined, upon review of the Planning Commission, to meet all of the requirements of Section 40-034.01(4) of these regulations and, therefore, may be constructed upon following the subsequent review and approval of the Department of Engineering in accordance with the provisions hereof. For purposes of this Section the division of lots to create smaller lots will not be permitted.

~~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.~~

1. 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.

2. The following shall constitute a violation of this Section and subject to the provisions set forth in paragraph five (5) herein after:

(a) It shall be a violation for any individual who owns contiguous residential substandard lots of record to sell, and in the case of a corporation or other legal entity to cause to be sold, a lot or lots, or portions

thereof, to another person or legal entity, if the remaining balance of the lots retained, or lots sold to another, does not meet or exceed the minimum standards of a buildable lot of record.

(b) It shall also be a violation for any person or entity to commence construction or to place fill on a substandard lot prior to review and approval of the Planning Commission, review and approval of the Department of Engineering and issuance of a building permit.

(c) Failure to adhere to the fill and construction requirements of the Department of Engineering shall also constitute a violation of the provisions of this Section.

~~2. 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.~~

3. 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 set forth the combination of substandard lots of record into larger lots to create buildable lots of record.

(b) For the purposes of this Section, the resubdivision of existing conforming lots in order to create smaller lots shall not be permitted.

4. A building permit may only be issued on a substandard lot of record when the applicant satisfies the following requirements of a buildable substandard lot, which must be done at the time of the public hearing before the St. Tammany Parish Planning Commission, and the application has been reviewed and approved within the guidelines of the Department of Engineering:

(a) At the public hearing before the Planning Commission, the applicant must establish that he does not currently own, and has not sold, during the period following the initial adoption of the ordinance that required substandard lots of record to be combined, any contiguous lots or portions thereof which could have been combined with the lot or lots in question to create a buildable lot of record; and

(b) At the public hearing before the Planning Commission, the applicant must establish that he purchased the substandard lot or contiguous lots from a seller who owned said lot or lots prior to 1971, or were owned prior to the initial adoption of the ordinance that required substandard lots of record to be combined, and that the seller did not subsequently sell any lots or portions thereof which could have been combined with the lot or lots in question to create a buildable lot of record.

(c) Only after the Planning Commission determines that the applicant has satisfied the above requirements and grants buildable lot of record status, the applicant shall then submit an application for a building permit. The application must be reviewed by the Department of Engineering for consideration of adverse drainage impacts resulting from the placement of fill and construction. The Department of Engineering shall determine, based on best engineering practices, the amount of fill that may be placed on the property, if any, and whether the proposed residence may be built on a slab or must be elevated. A building permit shall not be issued until the application has been reviewed and approved by the Department of Engineering.

~~4. 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.

5. A violation of any provision of paragraph four (4) of this Section, and knowingly providing false information in connection with an application filed pursuant to this section, shall constitute a misdemeanor that is punishable by a fine not to exceed five hundred (\$500.00) dollars per day, for each day that the violation continues, and imprisonment in the parish jail for not more than thirty (30) days, or both such fine and imprisonment. In addition thereto, or in lieu thereof, St. Tammany Parish is authorized to take all legal action that may be necessary to address and remedy any violation of these provisions.

~~5. 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.~~

6. 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.

REPEAL: The amendments, which are limited in their 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.

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

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

YEAS:

NAYS:

ABSTAIN:

ABSENT: