

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4027

ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 5TH DAY OF MARCH 2009

ORDINANCE AMENDING AND REENACTING SECTION 40-034.01, CONTIGUOUS LOT RULE, OF ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE 499, TO ALLOW FOR THE COMBINING OF SUBSTANDARD LOTS WITH ABUTTING REAR PROPERTY LINES, AND TO ESTABLISH THE CRITERIA APPLICABLE THERETO.

WHEREAS, in furtherance of the intents and purposes of the provisions of the Contiguous Lot Rule, Section 40-034.01 of Subdivision Regulatory Ordinance 499, it is necessary to amend the provisions to authorize the sale of a substandard lot under certain limited circumstances where the sale of such lot would not be in contravention of the intents and purposes of the law.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Contiguous Lot Rule, Section 40-034.01 of St. Tammany Parish Subdivision Regulatory Ordinance 499, is 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.

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, corporation or other legal entity who owns contiguous residential substandard lots of record to sell 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.

(i) Under the following limited circumstances set forth in this subparagraph, a contiguous residential substandard lot may be sold, provided that: the sale does not result in the seller retaining a lot or portion of lots that, either individually or combined, would not meet or exceed the minimum standards of a buildable lot of record; the entire width along the rear boundary of the contiguous residential substandard lot that is sold abuts the rear boundary of the purchaser's lot; and, either a principal structure exists on the purchaser's lot, at the time of the sale, the purchaser's lot is a buildable lot of record, or the purchaser satisfies the requirements for establishing a buildable substandard lot, which requirements are set forth in paragraph four (4) of this section.

(ii) A sale authorized under the provisions of Paragraph (2)(a)(i) shall not be construed as authorizing the creation of a buildable residential substandard lot or the issuance of a building permit for a principal structure to be placed on the substandard lot being purchased, except in the following limited circumstances: the building permit is issued in

conjunction with the demolition of, and the replacement of, the principal structure that exists on the purchaser's lot at the time of his purchase of the rear abutting residential substandard lot; or if no principal structure existed on the purchaser's lot at the time of purchasing the rear abutting substandard lot, but the owner otherwise satisfies the requirements for establishing that the lot he owned, at the time of purchasing the rear abutting substandard lot, is a buildable substandard lot, which requirements are set forth in paragraph four (4) of this section. In either case, the two lots may be combined and a building permit may be issued for one principal residential structure.

(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.

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 (i) he does not currently own and has not sold, (ii) nor has any predecessor in title sold, during the period following the initial adoption of the ordinance that required substandard lots of record to be combined (P.J.S. No. 94-1899), 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) 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.

5. A violation of any provision 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.

6. In the case of Bayou Gardens Subdivision (Lacombe), all regulations outlined above shall apply,

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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:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2009 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: FEBRUARY 26, 2009
Published adoption: _____, 2009

Delivered to Parish President : _____, 2009 at _____
Returned to Council Clerk: _____, 2009 at _____