

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4014AA ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR. GOULD PROVIDED BY COUNCIL OFFICE

INTRODUCED BY MR. HAMAUEI SECONDED BY MR. BURKHALTER

ON THE 2ND DAY OF APRIL, 2009.

ORDINANCE AMENDING ORDINANCE C.S. NO. 09-1985, ADOPTED JANUARY 8, 2009 MAKING CHANGES TO LAND USE REGULATIONS ORDINANCE NO. 523 AS AMENDED, SECTION 6.01, AND UNIFIED DEVELOPMENT CODE SECTION 7.0801, MODIFICATIONS AND EXCEPTIONS, LOTS OF RECORD, AMENDING SIDE YARD SETBACK AND DRIVEWAY REQUIREMENTS.

WHEREAS, Ordinance C.S. No. 09-1985 was adopted by the Parish Council on January 8, 2009 and established special side setback requirements for the development of lots of record; and

WHEREAS, the Zoning Commission recommended against adoption of the proposed setback requirements and it is the desire of the Parish Council to amend Ordinance C.S. No. 08-1861 establishing side setback requirements for the development of lots of record to address Zoning Commission concerns.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS through its Parish Council as governing authority that it amends Ordinance C.S. No. 09-1985 and Appendix C of the Parish Code of Ordinances, Land Use Regulations, Section 6.01, Modifications and Exceptions, Lots of Record, to amend side yard setback and driveway requirements as follows, to wit:

St. Tammany Parish Land Use Ordinance No. 523

Section 6 - Modifications and Exceptions

Section 6.01 Lot of Record

The minimum lot size requirement of Section 2 of the Land Use Schedule notwithstanding, a single-family dwelling and its accessory buildings may be erected on any lot of record or parcel of land in a residential district, or a commercial/industrial structure may be erected on any lot of record in a commercial/industrial district, which shall be documented as legally established and defined by deed or act of sale prior to the adoption of this ordinance. Where applicable, the contiguous lot of record regulations apply. (See Subdivision Regulations) The following minimum area setback requirements shall be maintained for residential uses:

1. Front Yard Setback - twenty-five (25) feet.
2. Rear Yard Setback - 20% of lot depth or twenty five (25) feet, whichever is the lesser.
- ~~3. Side Yard Setbacks - five (5') feet on each side of lots with widths of fifty (50') feet or less. less than fifty (50') feet. Seven and one-half (7 1/2') feet on each side of lots with widths greater than fifty (50') feet or more. However, for corner lots, there shall be a side yard setback from the side street of not less than ten (10) feet.~~
3. Side Yard Setbacks - Except as otherwise provided in subparagraphs (a) and (b) hereof, five (5') feet on each side of lots with widths of fifty (50') feet or less. Seven and one-half (7 1/2') feet on each side of lots with widths greater than fifty (50') feet. However, for corner lots, there shall be a side yard setback from the side street of not less than ten (10') feet.

(a) Lots With a Width of Fifty (50') Feet Located in a Critical Drainage Area: seven and one-half (7½') feet setbacks for drainage swales. In administering the provisions of Chapter 7 Drainage and Flood Control, Article 1 Section 7-002.00 Use of Fill Materials Prohibited, in addition to meeting all of the requirements applicable to lots ninety (90') feet or less in width, a lot that is fifty (50') feet in width and located in a critical drainage area may be required to have side yard setbacks of seven and one-half (7½') feet on each side when the Department of Engineering determines, based upon review of the required development plan and application of best engineering practices, that drainage swales are required.

(b) Lots With a Width of Fifty (50') Feet or Less in Areas of Special Concern: seven and one-half (7½') feet setbacks.

(i) In the following areas, lots with widths of fifty (50') feet or less shall have seven and one-half (7½') foot setbacks, except that the setbacks shall be five (5') feet in those cases where a lot with a width less than fifty (50') feet satisfies all of the requirements set forth in Section 40-034.01(4) governing a buildable substandard lot:

Part of Ward 4 and Ward 7: Commence at the corner of the Section Lines common to Sections 2, 3, 10 and 11, T8S – R12E, the Point of Beginning. Thence proceed in a northerly direction along the Section line between Sections 2 and 3 to the southern boundary line of the I-12 right of way; thence proceed in a south-easterly direction along the southern boundary line of the I-12 right of way to the Section Line common to Sections 21 and 22; thence proceed in a southerly direction along the common Section Line of Sections 21 and 22 to Lake Pontchartrain; thence proceed along the shoreline of Lake Pontchartrain in a westerly, thence in a north and north-westerly direction along the shoreline to Cane Bayou; thence proceed along Cane Bayou in a north, north-easterly direction to the Section line common to Sections 3 and 10; then proceed west to the Point of Beginning, all as more particularly depicted on the attached map identified as "St. Tammany Parish Council District 7 Set Backs".

4. No driveway accessing a dwelling or accessory building may be located within any side yard setback.

Commercial and industrial setbacks shall be as provided in this ordinance.

BE IT FURTHER ORDAINED that the Parish Council amends of St. Tammany Parish Unified Development Code, Section 7.0801, Supplemental District Regulations, Lot of Record, to make changes to side yard setback and driveway requirements as follows, to wit:

St. Tammany Parish Unified Development Code

Article 7 - Supplemental District Regulations

Section 7.0801 Lot of Record

The minimum lot size requirement as outlined in the applicable zoning classification notwithstanding, a single-family dwelling and its accessory buildings may be erected on any lot of record or parcel of land in a residential district, or a commercial/industrial structure may be erected on any lot of record in a commercial/industrial district, which shall be documented as legally established and defined by deed or act of sale prior to adoption of the St. Tammany Parish Land Use Ordinance No. 523. Where applicable, the contiguous lot of record regulations apply. (See Subdivision Regulations) The following minimum area setback requirements shall be maintained for residential uses:

1. Front Yard Setback - twenty-five (25) feet.
2. Rear Yard Setback - 20% of lot depth or twenty five (25) feet, whichever is the lesser.

~~3. Side Yard Setbacks - five (5') feet on each side of lots with widths of fifty (50') feet or less, less than fifty (50') feet. Seven and one-half (7 1/2') feet on each side of lots with widths greater than fifty (50') feet or more. However, for corner lots, there shall be a side yard setback from the side street of not less than ten (10) feet.~~

3. Side Yard Setbacks - Except as otherwise provided in subparagraph (a) hereof, five (5') feet on each side of lots with widths of fifty (50') feet or less. Seven and one-half (7 1/2') feet on each side of lots with widths greater than fifty (50') feet. However, for corner lots, there shall be a side yard setback from the side street of not less than ten (10') feet.

(a) Exception for lots with a width of fifty (50') feet; seven and one-half (7 1/2') feet setbacks for drainage swale. In administering the provisions of Chapter 7 Drainage and Flood Control, Article 1 Section 7-002.00 Use of Fill Materials Prohibited, in addition to meeting all of the requirements applicable to lots ninety (90') feet or less in width, a lot that is fifty (50') feet in width and located in a critical drainage area may be required to have side yard setbacks of seven and one-half (7 1/2') feet on each side when the Department of Engineering determines, based upon review of the required development plan and application of best engineering practices, that drainage swales are required.

4. No driveway accessing a dwelling or accessory building may be located within any side yard setback.

Commercial and industrial setbacks shall be as provided in this ordinance.

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.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

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

YEAS:

NAYS:

ABSTAIN:

ABSENT:

ORDINANCE CALENDAR NUMBER: 4014AA
ORDINANCE COUNCIL SERIES NO.
PAGE 3 OF 4

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

JERRY BINDER, COUNCIL CHAIRMAN

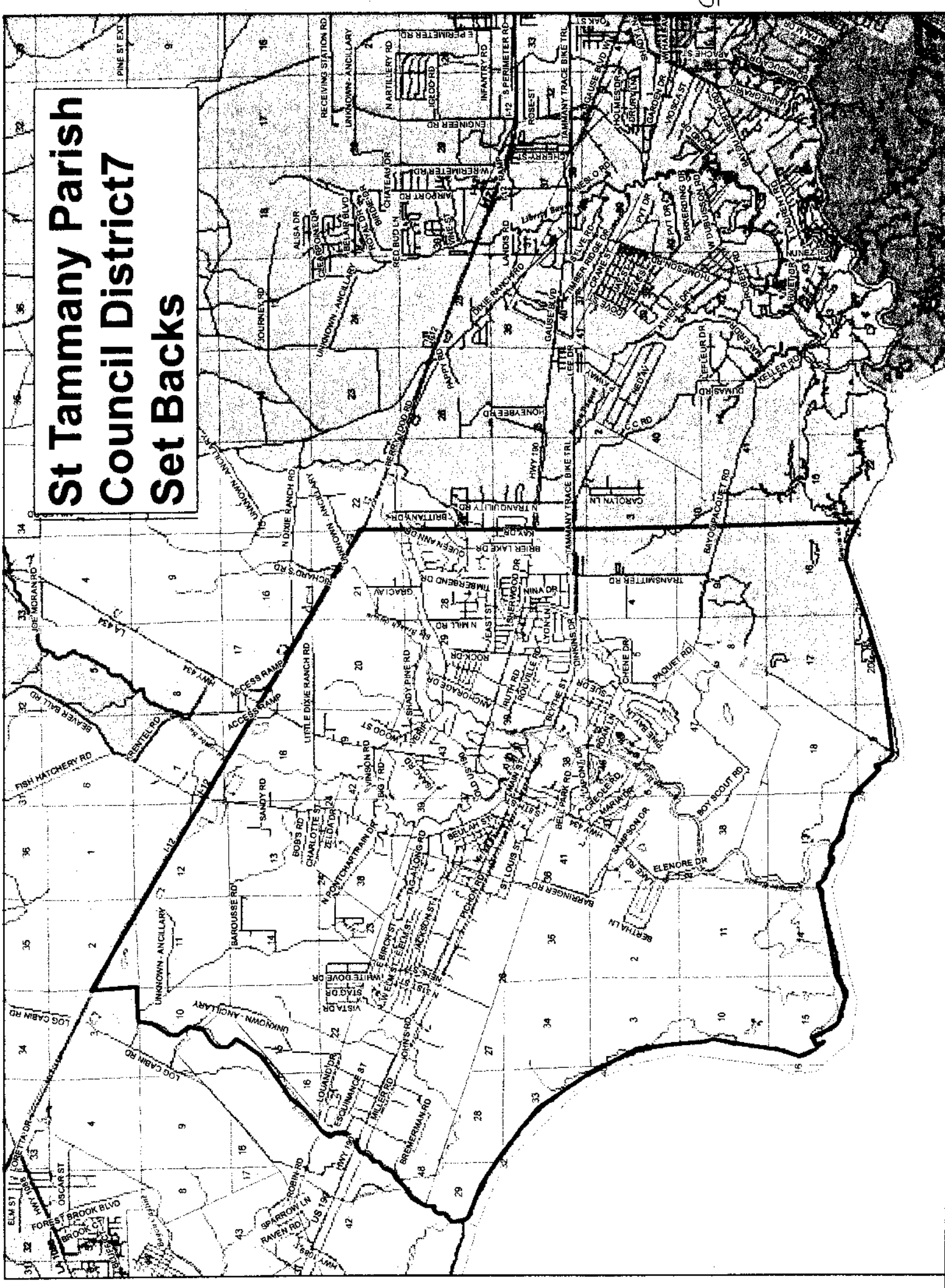
ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

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

Delivered to Parish President: , 2009 @
Returned to Council Clerk: , 2009 @



St Tammany Parish Council District 7 Set Backs



St. Tammany Parish Government
P.O. Box 628
Covington, LA 70434
Kevin C. Davis,
President

Legend

- District 7 set backs
- Sections
- Streets
- Major roads
- Streams

Exhibit
ORD CAL NO. 4014AA



This map was produced by St. Tammany Parish Information Services, 2020 Poydras Street, Suite 2000, New Orleans, LA 70112. It is not a legal instrument. Any use of this map for engineering, planning, or construction purposes must be checked with the appropriate departments, and the original information should be used to verify all data shown on this map. Information is current as of 12/15/2010. © 2010 St. Tammany Parish. Louisiana, LA 70401-1002.

