

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4171 ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR MR. DEAN PROVIDED BY COUNCIL ATTORNEY

INTRODUCED BY _____ SECONDED BY _____

ON THE ____ DAY OF _____, 2009

ORDINANCE TO AMEND THE ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE, VOLUME I (Zoning), ARTICLE 2 DEFINITIONS AND SECTION 5.2102, PARAGRAPH (2) CONVENIENCE STORES (W/GAS), TO PROVIDE A DEFINITION FOR CONVENIENCE STORE AND TO PROVIDE REQUIREMENTS FOR CONVENIENCE STORES SELLING GAS AS AN ACCESSORY USE IN THE HC-2 HIGHWAY COMMERCIAL DISTRICT.

WHEREAS, it is necessary to amend the St. Tammany Parish Unified Development Code, Volume I (Zoning), specifically Article 2 Definitions, in order to provide a definition for a Convenience Store use; and

WHEREAS, pursuant to Section 5.2101 of the St. Tammany Parish Unified Development Code, Volume I (Zoning), the purpose of the HC-2 Highway Commercial District is to provide for the location of moderately scaled, more intense retail, office and service uses, generally located along major collectors and arterials designed to provide services to a portion of the parish; and

WHEREAS, in establishing Convenience Stores (w/gas) as a Permitted Use in paragraph (2) of Section 5.2101 Permitted Uses, the use as a convenience store was intended to be the principal use or primary purpose or function that a lot serves or is intended to serve in the HC-2 Highway Commercial District and the sale of gas was intended to be an Accessory Use, one that is incidental and secondary to the primary use as a convenience store; and

WHEREAS, in order to ensure that the use as a Convenience Store is moderately scaled and serves as the principal use or primary purpose in the HC-2 Highway Commercial District, and that the sale of gas or fuel shall be an Accessory Use, it is necessary to amend Paragraph 2 of Section 5.2102 in order to regulate the sale of gas or fuel as an Accessory Use; and

WHEREAS, all public hearings and advertisement requirements having been held and done pursuant to St. Tammany Parish Unified Development Code and in accordance with law; and

WHEREAS, the St. Tammany Parish Council has determined that it is in the best interest of the public health, safety and welfare to regulate the sale of gas or fuel as an Accessory Use to Convenience Stores in the H-2 Highway Commercial District.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends and reenacts the St. Tammany Parish Unified Development Code, Volume I (Zoning), Article I Definitions as follows, to wit:

ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE, VOLUME I (ZONING)

ARTICLE I DEFINITIONS

Convenience Store: A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as packaged food items, staple groceries, snacks, tobacco, periodicals, and other household goods and may also sell gasoline; does not include automobile service stations, or vehicle repair shops.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS that it amends and reenacts the St. Tammany Parish Unified Development Code, Volume I (Zoning), Section 5.2102, Paragraph (2) Convenience Stores (w/gas) as follows, to wit:

Section 5.21 HC-2 Highway Commercial District

5.2101 Purpose

The purpose of this district is to provide for the location of moderately scaled, more intense retail, office and service uses, generally located along major collectors and arterials designed to provide services to a portion of the parish.

5.2102 PERMITTED USES - Use By Right subject to any minimum standards as listed in Section 8.01 of these regulations

All uses permitted in the HC-1 District and,

1. Banks and Financial Institutions (greater than 3000 sq. feet)
2. Convenience Stores (w/gas). **The sale of gas or fuel shall be an accessory use limited to four (4) pumps that are capable of dispensing gas and/or diesel fuel simultaneously to no more than two vehicles on opposite sides of the pump.**
3. Drive-in Restaurants
4. Liquor Stores
5. Any private office use that is a permitted use in the NC District over 20,000 sq. ft.
6. Clubs, Lodges, Fraternal & Religious Institutions, Meeting Halls (over 20,000 sq. ft.)
7. Veterinary Clinics (with outdoor kennels)
8. Parcel Post Delivery stations
9. Mini-Warehouses
10. Commercial Kennels
11. Lodging -100 rooms or less. (Including Apartments, hotels, motels)
12. Automotive Repair and Service facilities not to exceed 10,000 sq. ft. (Amended 07/02/09 OCS#09-2083)
13. Automotive sales not to exceed two acres of display and storage. (Amended 07/02/09 OCS#09-2083)

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 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:

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THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: OCTOBER 29, 2009

Published adoption on: _____, 2009

Delivered to Parish President: _____, 2009 @ _____

Returned to Council Clerk: _____, 2009 @ _____