

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4600

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MS. HOWELL

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7 DAY OF JULY, 2011

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, APPENDIX B, CHAPTER 40 SUBDIVISION REGULATORY ORDINANCE NO. 499, SECTION 40-010.7.1 DRIVEWAY, TO PROVIDE FOR THE REPLACEMENT OF A RESIDENCE ON A CONTIGUOUS PARCEL BEING ACCESSED BY A PRIVATE DRIVEWAY.

WHEREAS, there are situations where multiple residences or multiple residential properties were being provided access by a private road that existed before Hurricane Katrina. In some instances, two residences existed on the same parcel of property; and

WHEREAS, in order to allow an owner to replace a residence that was removed after Hurricane Katrina from a parcel of property being accessed by a private road, whether the residence is replaced on the same parcel from which it was removed or on a contiguous parcel of the owner, it is necessary to amend and clarify Sec. 40-010.7.1 Driveway, to authorize such replacement, provided the contiguous parcel was also being accessed by said private servitude before Hurricane Katrina; and

WHEREAS, the Planning Commission of the Parish of St. Tammany, after public hearing held in accordance with law, has made its recommendation to the St. Tammany Parish Council; and

WHEREAS, the St. Tammany Parish Council held its public hearing in accordance with law and has determined that it is in the best interest of public health, safety and welfare to amend and reenact Section 40-010.7.1 of Subdivision Regulatory Ordinance No. 499.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Appendix B, Chapter 40 Subdivision Regulatory Ordinance 499, Section 40-010.7.1 Driveway, is hereby amended and reenacted to provide as follows:

APPENDIX B, CHAPTER 40 ST. TAMMANY PARISH CODE OF ORDINANCES SUBDIVISION REGULATORY ORDINANCE NO. 499

Sec. 40-010.7.1 Driveway: A private servitude for gaining access to not more than two individual residences or properties that will utilize said access exclusively for two residences or uses (i.e., apartments, condominiums, shopping centers). Except as set forth in subparagraph (a) herein below, multiple use (more than two) of a driveway shall warrant and constitute the definition of a "street", and therefore subject to the same specifications, construction standards, surety obligations and subdivision regulations (if applicable) that are required for streets within this ordinance. (Created per Ord. No.90-1345, adopted October 20, 1990)

(a) Where, prior to Hurricane Katrina, a private servitude (or private road) provided access to more than two residences, whether located on the same or contiguous parcels of property, if an owner of a residence demolished and removed the residence from the owner's property after Hurricane Katrina, the owner may replace the residence, either on the same property from which it was removed or on a contiguous parcel owned by him, provided the contiguous parcel was being provided access by said private servitude before Hurricane Katrina. The owner must provide an affidavit, or other acceptable proof, that the residence to be replaced was removed after Hurricane Katrina.

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: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 4 DAY OF August, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: JUNE 30, 2011

Published Adoption: _____, 2011

Delivered to Parish President: _____, 2011 at _____

Returned to Council Clerk: _____, 2011 at _____