

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4744

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 1 DAY OF MARCH , 2012

\*\*\*PLEASE SEE ATTACHED FOR COMPLETE DOCUMENT\*\*\*

ORDINANCE AMENDING AND REENACTING SECTION 40-034.01, CONTIGUOUS LOT RULE, OF ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE 499, TO REQUIRE A MINIMUM BUILDING SITE OF SEVENTY-FIVE FEET FRONT ON THE SETBACK LINE WITHIN DOVE PARK SUBDIVISION.

WHEREAS,

THE PARISH OF ST. TAMMANY HEREBY ORDAINS:

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 5 DAY OF APRIL , 2012 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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THERESA L. FORD, COUNCIL CLERK

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PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: FEBRUARY 23 , 2012

Published Adoption: \_\_\_\_\_, 2012

Delivered to Parish President: \_\_\_\_\_, 2012 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2012 at \_\_\_\_\_

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4744

ORDINANCE COUNCIL SERIES NO. 12-

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 1 DAY OF MARCH, 2012

ORDINANCE AMENDING AND REENACTING SECTION 40-034.01, CONTIGUOUS LOT RULE, OF ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE 499, TO REQUIRE A MINIMUM BUILDING SITE OF SEVENTY-FIVE FEET FRONT ON THE SETBACK LINE WITHIN DOVE PARK SUBDIVISION.

WHEREAS, on January 21, 1954, pursuant to the authority granted by R.S. 33:1236 (20), the St. Tammany Parish Police Jury adopted Ordinance No. 181, "An ordinance requiring that subdividers of real estate within the Parish of St. Tammany must obtain approval of the Police Jury of said Parish before recording and/or marketing such subdivision; providing penalties for violation of the provisions of this ordinance; and repealing all previous ordinances in conflict herewith"(See pg.195 of the Police Jury Book); and

WHEREAS, on July 21, 1955, the St. Tammany Parish Police Jury adopted Ordinance No. 201 "An ordinance amending the Subdivision Regulatory Ordinance enacted by the St. Tammany Parish Police Jury on January 21, 1954, and amended on March 4, 1954; Repealing all provisions of the Ordinance of January 21, 1954 in conflict with these amendments and to re-enact the said ordinance as amended herein." (See pg. 430 of the Police Jury Book); and

WHEREAS, of particular pertinence to the amendment being provided for herein below, Section 3(d)(1) of Ordinance No. 201 provided that ". . . no lot in any subdivision shall be less than 5000 sq.ft. in area with a minimum of 50 ft. at the building set-back line on streets, nor 7500 sq.ft. in area, with a minimum width of 75 ft. at the building set-back line on avenues and boulevards." Prior to this amendment, the minimum width of a residential lot was required to be 60' at the building set back line; and

WHEREAS, on December 20, 1956, after receiving the recommendation of the Subdivision Regulatory Committee, the St. Tammany Parish Police Jury amended Section 3(d)(1) of Ordinance No. 201 to provide that ". . . no lot in any subdivision shall be less than 7500 square feet in area, with a minimum of 75 feet front on the set back line."(See pg. 590 of the Police Jury Book); and

WHEREAS, on June 20, 1957, the St. Tammany Parish Police Jury unanimously approved the final plat for Dove Park Subdivision, Sec. 26-7-11, Ward 4 (See pg. 52 of Police Jury Book 4). On the same date, the subdivision plat for Dove Park was recorded in the Clerk's Office, Map # 16A. In accordance with the amendments to Section 3(d)(1) of Ordinance No. 201, adopted on December 20, 1956, they inscribed the following on the approved and recorded Dove Park Subdivision plat: "Note: Restriction of minimum building sight of 75' front."

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that, in conformity with the herein above requirements for approval of the Dove Park Subdivision, and as inscribed on the final recorded plat attached hereto (Map #16A), the Contiguous Lot Rule, Section 40-034.01 of St. Tammany Parish Subdivision Regulatory Ordinance 499, is amended and reenacted to require a minimum building site of seventy-five feet front on the setback line within the Dove Park Subdivision, to-wit:

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 must 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, 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.

**7. Notwithstanding any provision that may conflict with the following requirement, a minimum building site of seventy-five (75') feet front on the setback line shall be required within the Dove Park Subdivision.**

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 5 DAY OF APRIL, 2012 AND BECOMES ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_.

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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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THERESA FORD, COUNCIL CLERK

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