

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5681AAII

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: TANNER / SHARP

PROVIDED BY: COUNCIL ATTY.

INTRODUCED BY: MR. TANNER

SECONDED BY: MR. BELLISARIO

ON THE 6 DAY OF OCTOBER , 2016

ORDINANCE AMENDING SECTION 40-034.01 OF THE ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE - ORDINANCE NUMBER 499 TO PROVIDE FOR MODIFICATIONS.

WHEREAS, the lack of regulation prior to July 28, 1967 permitted the platting of numerous subdivisions with lots less than 50 feet in width; and

WHEREAS, there is demonstrated need for the use of smaller lots than the Parish standard minimum lot size for the development of affordable housing within St. Tammany Parish; and

WHEREAS, the lack of central water and community sewer systems within the suburban and rural areas of the parish is a primary motivation for discouraging development at such densities; and

WHEREAS, the development of (75') seventy-five foot width buildable lots with the provision of central water and community sewer in more suburban and rural areas of the Parish is in the best interest of the citizens of St. Tammany.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that certain undeveloped dormant subdivisions as defined under Section 40-81.01 herein of Subdivision Regulatory Ordinance No. 499 are required to be re-subdivided to comply with its underlying zoning classification applicable on October 6, 2016, and Section 40-034.01 of the St. Tammany Parish Subdivision Regulatory Ordinance No. 499 be amended as follows:

Sec. 40-034.01 Contiguous Lot Rule

The purpose and intent of this section is to require an owner to combine contiguous residential substandard lots of record, through the Parish's resubdivision process, in order for said lots to conform with minimum standards relative to lot size and the provision of central water, community sewerage and adequate drainage. These standards shall apply only to subdivisions properly recorded with the St. Tammany Parish Clerk of Court prior to July 28, 1967.

A. Definitions

For the purposes of this section, the following definitions shall apply:

A **residential lot** shall be defined as any lot or lots used for residential purposes in any of the following zoning districts: E-1 Estate District, E-2 Estate District, E-3 Estate District, E-4 Estate District, A-1 Suburban District, A-1A Suburban District, A-2 Suburban District, A-3 Suburban District, A-4 Single-Family Residential District, A-4A Single-Family Residential District, and A-5 Two-Family Residential District ~~R-Rural, SA-Suburban Agriculture, A-1, A-2 and A-3 Suburban, A-4 Single Family Residential and A-5 Two Family Residential.~~

A **conforming lot of record** shall be defined as any residential lot located within a subdivision created prior to July 28, 1967 and having a minimum lot width of ninety (90) feet and a minimum lot area of 12,500 square feet.

A **buildable lot of record** shall be defined as any residential lot located within a subdivision created prior to July 28, 1967, located below(south of) the Urban Growth Boundary Line as defined in Article

2 of the St. Tammany Parish Unified Development Code, and having a minimum lot width of fifty (50) feet and a minimum lot area of 5,000 square feet; or, any residential lot located above (north of) the Urban Growth Boundary Line as defined in Article 2 of the St. Tammany Parish Unified Development Code and having a minimum lot width of seventy-five (75) feet and a minimum lot area of 7,500 square feet.

A **substandard lot of record** shall be defined as any residential lot located below (south of) the Urban Growth Boundary Line as defined in Article 2 of the St. Tammany Parish Unified Development Code and with less than fifty (50) feet of street frontage or less than 5,000 square feet in area, and created prior to July 28, 1967; or, any residential lot located above (north of) the Urban Growth Boundary Line as defined in Article 2 of the St. Tammany Parish Unified Development Code and having less than seventy-five (75) feet of street frontage or less than 7,500 square feet in area, and created prior to July 28, 1967.

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 40-034.01B(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.

B. Application of Rule

1. If two (2) or more contiguous residential lots or combination of lots and portions of lots created prior to July 28, 1967 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 as defined above, 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 subsection 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 Planning Commission and 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 reflect 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 set by of the Departments of Planning and Engineering:

a. At the public hearing before the Planning Commission, the applicant for a building permit on a substandard lot of record located below (south of) the Urban Growth Boundary Line as defined in Article 2 of the St. Tammany Parish Unified Development Code must establish that he does not currently own and has not sold, nor has any predecessor in title title sold, during the period following the effective dateinitial adoption of the ordinance that required substandard lots of record to be combined to meet the fifty (50) foot width and minimum lot area of 5,000 square feet requirement (Ordinance PJS No. 94-1899, adopted January 20, 1994), 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; or and

b. At the public hearing before the Planning Commission, the applicant for a building permit on a substandard lot of record located above (north of) the Urban Growth Boundary Line as defined in Article 2 of the St. Tammany Parish Unified Development Code must establish that he does not currently own and has not sold, nor has any predecessor in title sold, during the period following the effective date of the ordinance that required substandard lots of record above (north of) the Urban Growth Boundary Line be combined to meet the seventy-five (75) foot width and minimum lot area of 7,500 square feet requirement (Ordinance C.S. No. , adopted December1, 2016), 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.

c. 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 in 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 (70' 75') feet front on the setback line shall be required within the Dove Park Subdivision.

8. Any dormant subdivisions, and all lots therein, for which permission has never been granted by the Parish to open the public right of ways, which is owned by one individual or a group of individuals and/or any entity or entities or a combination thereof and which is located above (north of) the Urban Growth Boundary Line shall be required to submit a plan of resubdivision which must conform to the underlying zoning classification and subdivision regulations currently existing prior to the sale or development of any lots after the effective date of this provision, October 6, 2016.

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 applicable as of the date of its introduction and 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: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF DECEMBER, 2016; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: _____, 2016

Published Adoption: _____, 2016

Delivered to Parish President: _____, 2016 at _____

Returned to Council Clerk: _____, 2016 at _____