

ARTICLE 4  
NON-CONFORMITIES

SECTION 4.01            TYPES OF NON-CONFORMITIES

4.0101 LEGAL NON-CONFORMING LOTS

The owner of any residential substandard lot(s) of record lawfully existing at the time of enactment of this ordinance shall be continued as a legal non-conforming use even though said lot(s) does not conform with the provisions of this ordinance for the use district in which it is located, except that an owner of a contiguous substandard lot(s) of record shall be required to combine said lots to create buildable lots of record in accordance with the St. Tammany Parish Subdivision Regulatory Ordinance No. 499.

4.0102 LEGAL NON-CONFORMING BUILDINGS

Any building or structure lawfully existing at the time of enactment of this ordinance may be continued as legal non-conforming building or structure even though said building or structure does not conform with the provisions of this ordinance for the zoning district in which it is located. Similarly, whenever use district shall be changed thereafter, then the existing lawful use may be continued. Legal non-conforming buildings shall be subject to the following regulations:

A.        Alterations

Structural alterations to a legal non-conforming building or structure may be permitted only when there is not an increase in the cubical content of the building.

B.        Expansions

Expansions including structural additions to a legal non-conforming building or structure may be permitted, provided:

1.        The total expansion shall not exceed twenty-five percent (25%) of the total area of the existing structures or uses.
2.        The proposed expansion shall not infringe on the side, front and rear yard requirements for the particular district in which the Legal non-conforming Use is located.
3.        The parking requirements for the use shall be satisfied.
4.        The proposed expansion will not merely serve as a convenience to the applicant, but will relieve some demonstrated hardship.
5.        The proposed expansion shall not result in a diminution of surrounding conforming uses, or cause any diminution or depreciation of property values of any surrounding property nor alter the essential character of the locality.
6.        The proposed expansion will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a parking hazard, or permit inadequate parking, or increase the danger of fire, or substantially overburden existing drainage or sewerage systems, or endanger the public safety nor cause serious annoyance or injury to occupants of adjoining premises by reason of

emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.

7. Any proposed expansion of a non-conformity shall not require the re-zoning of adjacent properties to accommodate said expansion (i.e. provide additional required parking)

C. Expiration

The petitioner shall have six (6) months to obtain the appropriate building permits or occupy the expansion from the date of approval of the St. Tammany Parish Zoning Commission, unless otherwise stipulated the St. Tammany Parish Zoning Commission.

#### 4.0103 LEGAL NON-CONFORMING USES

- A. Legal non-conforming uses shall be defined as any use lawfully existing at the time of enactment of this ordinance may be continued as a legal non-conforming use even though such use does not conform to the provisions of this ordinance for the zoning district in which it is located. Similarly, whenever a use district shall be changed thereafter, then the existing lawful use may be continued.

B. Non-conforming uses shall be subject to the following regulations:

1. Continuance alteration shall conform to provisions of the use district in which it is located or unless approved by the Parish. No nonconforming use shall hereafter be extended or intensified, unless such extension or Council as forth below in Section 4.03.
2. Change in Use.  
A legal non-conforming use may be changed to one of a similar or less intensive use. However, no building, structure or tract of land in which a legal non-conforming use has been changed shall be used as a more intense use unless a zoning change comparable to that use has been approved the Parish Council.
3. A building or structure which has a legal non-conforming use that does not involve or permit the sale and consumption of alcoholic beverages on the premises shall not be changed to a use which involves, permits or authorizes the sale and consumption of alcoholic beverages on the premises.
4. No building or structure or premises within where a legal non-conforming use has ceased for reasons other than those stated in Section 4.02 for a period of more than six (6) months or has changed to a permitted or conforming use, shall again be used as a legal non-conforming use. Should the new legal non-conforming use be less intense than the original use, the new legal non-conforming, use shall establish the degree of the non-conformity relative to intensity after the same period of time.

#### 4.0104 LEGAL NON-CONFORMING OUTDOOR STORAGE

Any outdoor storage use such as junk yards, salvage yards and storage yards, existing at a time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued longer than six (6) months from and after the enactment of this ordinance as long as they are enclosed and screened from view by walls and/or fences and/or planting of not less six (6) feet in height in a manner prescribed by the Director of Planning.

#### 4.02 ABANDONMENT OF OR RESTORATION AFTER DAMAGE

Any legal non-conforming building or structure which has been damaged to the extent of not exceeding fifty (50) percent of its replacement valuation by reason of fires, flood, explosion, earthquake, riot, war or act of God, may be re-constructed and re-used as before if done within six (6) months from the time such damage occurred, provided that there is no increase in cubical content of the building or structure. Except as provided in paragraph one (1) herein below, if such damage is greater than fifty (50) percent of the replacement valuation, such building or structure may only be reconstructed to conform to the provisions of the use district in which it is situated. If any structure or building is removed from the site, other than a manufactured home, such structure or building shall only be replaced if it conforms to current land use regulations or meet all criteria within the current zoning district in which it is located. (amended 07/01/10 ZC10-06-058 OCS#10-2298)

1. A manufactured home damaged by an event set forth in paragraph A herein above may be removed from the site and replaced if done within one (1) year from the time such damage occurred.
2. The provisions of paragraph A herein above shall not apply in those cases where the damage was occasioned by the intentional act of the owner.

#### 4.03 EXPANSIONS

4.0301 Expansions of legal non-conforming uses, including structural additions to a legal non-conforming building or structure may be permitted, provided:

##### A. Standards

1. The total expansion shall not exceed twenty-five percent (25%) or the total area of the existing structures or uses.
2. The proposed expansion shall not infringe on the side, front and rear yard requirements for the particular district in which the Legal non-conforming Use is located.
3. The parking requirements for the use shall be satisfied.
4. The proposed expansion will not merely serve as a convenience to the applicant, but will relieve some demonstrated hardship.
5. The proposed expansion shall not result in a diminution of surrounding conforming uses, or cause any diminution or depreciation of property values of any surrounding property nor alter the essential character or the locality.
6. The proposed expansion will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the

public streets, create a parking hazard, or permit inadequate parking, or increase the danger of fire, or substantially overburden existing drainage or sewerage systems, or endanger the public safety nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare or other nuisances.

B. Application

An application verified by the owner of record or authorized agent of said owner of the property involved shall be filed with the Department of Planning for the attention of the Zoning Commission upon a form prescribed therefore, which shall contain, or be accompanied by, all required information.

C. Public Hearings

Upon receipt of such verified application, the Department of Planning shall notice of a Public Hearing by posting the affected site in a conspicuous place at least ten (10) fifteen (15) consecutive days prior to the intended permit hearing. Notice of such public hearing shall also be published in the official Journal of the Parish at least ten (10) days prior to the intended public hearing. A record of pertinent information presented to the public hearing shall be made and maintained by the Zoning Commission as part of their permanent record relative to the applicant.

D. Determination

The Zoning Commission shall then make its findings and the permit decision shall not become effective for ten (10) days, during which time an appeal can be made in written form to the Department of Planning. Should the next scheduled Parish Council meeting occur prior to the expiration of the appeal period, the appeal must be filed in time for placement on the regular agenda.

Upon the filing of an appeal all permits for said request shall be suspended and shall not be issued until a determination has been made by the Parish Council

E. Appeal

The Parish Council may sustain the decision of the Zoning Commission by majority vote or may overturn the decision of the Zoning Commission by a vote of a simple majority of the legislative body.

F. Expiration

The petitioner shall have six (6) months to obtain the appropriate building permits or occupy the expansion from the date of approval of the St. Tammany Parish Zoning Commission, unless otherwise stipulated by the St. Tammany Parish Zoning Commission.

In the case of an appeal, the six (6) month provision shall commence at such time as a determination has been made by the Parish Council.