

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7674

ORDINANCE COUNCIL SERIES NO.: 24-

COUNCIL SPONSOR: IMPASTATO/SEIDEN

PROVIDED BY: CIVIL DA/COUNCIL OFFICE

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 5TH DAY OF SEPTEMBER, 2024

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART I – CODE OF ORDINANCES, CHAPTER 2 – ADMINISTRATION, ARTICLE XVII – PARISH FEES, TO ADD SEC. 2-714 AND SEC. 2-752 – APPEAL FEE, AND PART II – UNIFIED DEVELOPMENT CODE, CHAPTER 200 – PROCEDURES, SEC. 200-3.4 – CONDITIONAL USES AND SEC. 200-3.6 – PLANNED CORRIDOR, AND CHAPTER 800 – SUBDIVISION REGULATIONS, SEC. 800-1.2 – RIGHTS OF APPEAL, RELATIVE TO ADDING A FEE FOR APPEALS TO THE PARISH COUNCIL FROM THE PLANNING AND ZONING COMMISSION

WHEREAS, the Unified Development Code provides a procedural mechanism to appeal certain decisions of the Planning and Zoning Commission to the Parish Council, specifically decisions related to conditional uses, planned corridor developments, and minor and major subdivision applications; and,

WHEREAS, costs associated for appeals to the Parish Council for publication and mailed notices have been calculated by the Department of Planning and Development to total approximately \$250.00; and,

WHEREAS, the application fees for the aforementioned planning and zoning matters do not cover the actual costs incurred by the Parish in setting these matters for appeal and it is necessary to establish a fee to be paid by the party appealing a decision of the Planning and Zoning Commission.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that St. Tammany Parish Code of Ordinances, Part I – Code of Ordinances, Chapter 2 – Administration, Article XVII – Parish Fees, Sec. 2-714 and Sec. 2-752, be added to establish a fee for an appeal from a decision by the Planning and Zoning Commission to the Parish Council, as reflected below:

Sec. 2-714. Appeal fee for conditional uses and planned corridor developments.

The following are fees for appeals from decisions of the Planning and Zoning Commission to the Parish Council:

- (1) Fees for appeal of conditional uses application or planned corridor development \$250.00.
- (2) Exemptions. If a manifestly unreasonable financial hardship is demonstrated by an applicant for a for a conditional use or planned corridor development appeal on a single-family residential parcel, the appeal fee may be waived, subject to the following parameters:
 - a. A manifestly unreasonable hardship shall be defined as a situation where the demonstrated income of the property owner falls within the parameters set by the most recent U.S. Department of Housing and Urban Development – Public Housing and Section 8 Income Limits for Very Low Income (50% of regional median income).
 - b. Adequate financial documentation shall be presented to the impact fee administrator to determine qualifications for said waiver.
 - c. No individual may receive more than a single waiver of said fees.

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Sec. 2-752. Appeal fee for minor and major subdivisions.

The following are fees for appeals from decisions of the Planning and Zoning Commission to the Parish Council:

- (1) Fees for appeal of minor subdivision and major subdivision applications \$250.00.
- (2) Exemptions. If a manifestly unreasonable financial hardship is demonstrated by an applicant for a for a conditional use or planned corridor development appeal on a single-family residential parcel, the appeal fee may be waived, subject to the following parameters:
- a. A manifestly unreasonable hardship shall be defined as a situation where the demonstrated income of the property owner falls within the parameters set by the most recent U.S. Department of Housing and Urban Development – Public Housing and Section 8 Income Limits for Very Low Income (50% of regional median income).
 - b. Adequate financial documentation shall be presented to the impact fee administrator to determine qualifications for said waiver.
 - c. No individual may receive more than a single waiver of said fees.

THE PARISH OF ST. TAMMANY FURTHERORDAINS that St. Tammany Parish Code of Ordinances, Part II – Land Development Code, Chapter 200 – Procedures, Sec. 200-3.4 – Conditional Uses and Sec. 200-3.6 Planned Corridor, and Chapter 800 – Subdivision Regulations, Sec. 800-1.2 Rights of Appeal, be amended to reference the appeal fee as implemented in Part I of the Code of Ordinances, as reflected below:

Sec. 200-3.4 CONDITIONAL USES.

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H. Appeal to the Parish Council.

- 1. An applicant for a conditional use approval may appeal the decision of the Planning and Zoning Commission to the Parish Council.
- 2. Notice of appeal shall be filed in writing with the Department of Planning and Development within 10 days of the decision of the Planning and Zoning Commission.
- 3. A fee for the cost of the appeal shall be paid as provided for in Part I of the St. Tammany Parish Code of Ordinances.

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Sec. 200-3.6 PLANNED CORRIDOR.

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H. Appeal to the Parish Council.

- 1. An applicant for a ~~conditional use~~ planned corridor development approval may appeal the decision of the Planning and Zoning Commission to the Parish Council at its next regularly scheduled meeting following the 10-day appeal period. The Parish Council shall have the exclusive right to overturn the Planning and Zoning Commission decision by a majority vote.
- 2. Notice of appeal shall be filed in writing with the Department of Planning and Development within 10 days of the decision of the Planning and Zoning Commission.
- 3. A fee for the cost of the appeal shall be paid as provided for in Part I of the St. Tammany Parish Code of Ordinances.

Sec. 800-1.2 Rights of Appeal.

A. Generally.

Exhibit 800-2 Appeal of a Subdivision Decision summarizes process for appealing a subdivision decision by either the Directors of the Departments of Engineering or Planning and Development or by the Planning and Zoning Commission. The Parish Council is the final appeal authority within

the parish and an appeal must be heard by the Parish Council before they can be filed with the 22nd Judicial District. A fee for the cost of the appeal from the Planning and Zoning Commission to the Parish Council shall be paid as provided for in Part I of the St. Tammany Parish Code of Ordinances.

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 3RD DAY OF OCTOBER, 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO. 24-
_____.

ARTHUR A. LAUGHLIN, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: AUGUST 28, 2024

Published Adoption: _____, 2024

Delivered to Parish President: _____, 2024 at _____

Returned to Council Clerk: _____, 2024 at _____