

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7393

ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR MR. FITZGERALD

PROVIDED BY: COUCIL STAFF

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

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

ON THE 27<sup>TH</sup> DAY OF SEPTEMBER, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH LAND DEVELOPMENT CODE, PART II – LAND DEVELOPMENT CODE, CHAPTER 105 - BUILDINGS AND CONSTRUCTION, ARTICLE 2 - PERMITS, SECTIONS 105-61 AND 105-62, TO PROVIDE FOR MANDATORY NOTICE UPON FILING OF APPLICATION FOR PERMITS FOR CERTAIN CONSTRUCTION AND DEVELOPMENT AS DESCRIBED HEREIN TO ENSURE THAT THE PUBLIC AND ITS ELECTED REPRESENTATIVES, THE PARISH COUNCIL, ARE NOTIFIED OF SAID PERMIT APPLICATIONS IN A SPECIFIC MANNER.

WHEREAS, St. Tammany Parish Code of Ordinances, Chapter 105, Buildings and Construction, Article 2- Permits, provides for the steps necessary to obtain a permit for any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, mechanical, plumbing, or gas system; and

WHEREAS, Article 2- Permits, Sec. 105-61, provides that a written application for permits is to be made providing for certain information as enumerated therein; and

WHEREAS, Article 2- Permits, Sec. 105-62, provides for the director of planning and development's action on a permit application to review and issue a permit within a reasonable time if the proposed work meets the requirements of all codes and laws; and

WHEREAS, there is a need to ensure that the public and its elected representatives, the Parish Council, are notified of the application for permitting of work which is proposed to be done which may impact the residents of this Parish due to the nature, size and/or value of the project where the permit application may not otherwise result in a public hearing prior to the issuance of a building permit; and

WHEREAS, it is the intent of the Parish Council to assure that there is notice to the residents in the area of proposed construction work which may impact the traffic, drainage or general make-up of the surrounding properties prior to issuance of a building permit for construction; and

WHEREAS, these amendments and the required notifications shall be required prior to issuance of any new building permits for construction or development of any property which is determined to be of such size or nature which may impact the traffic, drainage or general make-up of the surrounding properties prior to issuance of a building permit for construction as follows:

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Code of Ordinances, Chapter 105-61 Application for Permit, be amended as follows:

**Sec. 105-61. Application for permit.**

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of permits and regulatory for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Provide an assessment or parcel number from the parish assessor's office.
- (3) Describe the land on which the proposed work is to be done by legal description.
- (4) Provide clear and concise directions to the land on which the proposed work is to be done.
- (5) Indicate the use and occupancy for which the proposed work is intended.
- (6) Be accompanied by construction documents and other information as required by section 105-97.
- (7) State the valuation of the proposed work.
- (8) Be signed by the applicant, or the applicant's authorized agent.
- (9) Completed lot fill form.
- (10) Completed sheriffs job registration form.
- (11) L.H.S.47 (if using an individual sewerage system).
- (12) State highway department approval form (if accessing from a state controlled road).
- (13) Approved conditional use/administrative permit (if required).
- (14) Approved land clearing permit (five acres or greater).
- (15) Approved sign review permit (commercial signs).
- (16) State fire marshal review letter (commercial only).
- (17) List of subcontractors. Copies of contracts if commercial.
- (18) Be accompanied by permit fees and any other fees as required in section 105-380.
- (19) Certify that the District Councilmember for the area where the permitted work is to occur has been notified, in writing, of the proposed work. If the proposed work for which the permit is sought may be subject to impact fees exceeding fifty-thousand dollars (\$50,000), the applicant must certify that the District Councilmember for the area where the permitted work is to occur has been notified, by certified mail, and proof thereof, at least seven (7) days before the application is filed.
- ~~(19)~~ 20 Provide such other data and information as required by the director.

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BE IT FURTHER ORDAINED that the St. Tammany Code of Ordinances, Chapter 105-62 Action on Application, be amended as follows:

**Sec. 105-62. Action on application.**

The director shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of the pertinent laws, the director shall reject such application in writing, stating the reasons therefore. If the director is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the director shall issue a permit therefore as soon as possible.

If upon review of the application for permits and amendments the director determines that the proposed work may be subject to mandatory development impact fees which exceed fifty-thousand dollars (\$50,000.00), the director shall notify the Councilmember for the area where the proposed work is to occur of the application, in writing, within three days after initial review, if applicable, and within three days of determining said threshold may be met. In this notice to the Councilmember, the director shall provide a copy of the application and state whether the matter will be subject to a public hearing prior to issuance of any building permits. When determining whether fifty-thousand dollars (\$50,000.00) threshold is met, the director shall consider all mandatory impact fees which may be applicable for all phases whether the permit application filed requests approval for full build out or only a portion. For purposes of this paragraph director may include the Director of Planning and Development or the Director of Permits, or their designee(s).

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 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 ADOPTED AT A SPECIAL MEETING OF THE PARISH COUNCIL ON THE 5<sup>TH</sup> DAY OF OCTOBER, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-\_\_\_\_\_.

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JACOB "JAKE" A. AIREY, COUNCIL CHAIR

ATTEST:

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KATRINA L. BUCKLEY, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published introduction: \_\_\_\_\_, 2023

Published adoption on: \_\_\_\_\_, 2023

Delivered to Parish President: \_\_\_\_\_, 2023 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2023 at \_\_\_\_\_