

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5017

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: PRESIDENT'S OFFICE

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. TANNER

ON THE 6 DAY OF JUNE , 2013

AN ORDINANCE TO PROVIDE FOR THE RE-ESTABLISHMENT OF A REGIONAL PLANNING COMMISSION TO INCLUDE THE PARISH OF TANGIPAHOA JOINTLY WITH THE PARISHES OF JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD AND ST. TAMMANY.

WHEREAS, this governing authority desires that the Parish of Tangipahoa be included in the joint efforts of the Regional Planning Commission.

THE PARISH OF ST. TAMMANY HEREBY AMENDS: the code of ordinances for St. Tammany Parish as follows:

SEC. 18-016.00 Regional Planning Area

The regional planning area hereby established is to be comprised of the total area of Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish, Plaquemines Parish and Tangipahoa Parish. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

CROSS REFERENCE : See Zoning Regulations for the Parish of St. Tammany being Appendix C of this Code of Ordinances; Subdivision Regulations for the Parish of St. Tammany being Appendix B of this Code of Ordinances; Airport Zoning for the Parish of St. Tammany being Chapter 3, Article I of this Code of Ordinances; Building Codes for the Parish of St. Tammany being Chapter 5, Article I, Divisions 1 through 6 of this Code of Ordinances; Marinas for the Parish of St. Tammany being Chapter 3, Article III of this Code of Ordinances; Moratoriums for the Parish of St. Tammany being Chapter 3, Article IV of this Code of Ordinances; and Flood Hazard Areas for the Parish of St. Tammany being Chapter 7, Article II of this Code of Ordinances.

STATE REFERENCE : See Regional Planning generally in LSA R.S. 33:131 et seq.

There is hereby established a Regional Planning Commission in accordance with the Provisions of Act 239 of the Louisiana Legislature of 1956, as now amended by Acts No. 114 of the Louisiana Legislature of 1966, Nos. 267 Sec. 1 and 288 Sec. 2 of the Louisiana Legislature of 1968, No., 329 Sec. 1 of the Louisiana Legislature of 1970, No. 607 Sec. 1 of the Louisiana Legislature of 1972, No. 112 Sec. 1 of the Louisiana Legislature of 1973, No. 249 Sec. 1 of the Louisiana Legislature of 1974, No. 132 Sec. 1 of the Louisiana Legislature of 1979, No. 377 Sec. 2 of the Louisiana Legislature of 1984 and No. 533 Sec. 1 of the Louisiana Legislature of 1985, for the following purposes:

A. To prepare and from time to time revise, amend, extend or add to a plan or plans for the development of the regional planning area, which plan or plans collectively shall be known as the Regional Development Plan. Such plan shall be based on studies of physical, social, economic, and governmental conditions and trends and shall aim at the coordinated development of the regional planning area in order to promote the general welfare and prosperity of its people. In preparing the Regional Development Plan, the Planning Commission shall take account of and shall seek to harmonize the planning activities of Federal, State, Parish, Municipal or other local agencies within the area. In preparing such plan, or any part thereof, and in preparing, from time to time, revisions, amendments, extensions or additions, the Regional Planning Commission may seek the cooperation and advice of the state, Louisiana State Planning Office, and of other appropriate departments, agencies and instrumentalities of Federal, State and local government, of other regional planning commissions, educational institutions and research organizations, and of civic groups and private persons and organizations. The Regional Development Plan shall embody the policy recommendations of the Regional Planning Commission in regard to the physical development of the regional planning area and shall contain:

1. A statement of the objectives, standards and principles sought to be expressed in the Regional Development Plan;

2. Recommendations for the most desirable pattern of land use within the regional planning area, in the light of the best available information concerning topography, climate, soil and underground conditions, watercourses and bodies of water, and other natural or environmental factors, as well as in the light of the best available information concerning the present and prospective economic bases of the regional planning area, trends of industrial, population or other developments, the habits and standards of life of the people of the regional planning area, and the relocation of land use in adjoining areas. Such recommendations shall, insofar as appropriate, indicate areas for residential uses and maximum recommended densities therein; areas for farming and forestry, mining and other extractive industries; areas for manufacturing and industrial uses, with classification of such areas in accordance with their compatibility with land use in adjoining areas; areas for the concentration of wholesale, retail, business and other commercial uses, areas for recreational uses, and for open spaces and areas for mixed uses;

3. The circulation pattern recommended for the regional planning area, including routes and terminals of transit, transportation and communication facilities, whether used for movement within the regional planning area or for movement from adjoining areas;

4. Recommendations concerning the need for and the proposed location of public and private works and facilities, such as utilities, flood control works, reservoirs, and pollution control facilities, military or defense installations which works or facilities, by reason of their function, size, extent or for any other causes are of regional or metropolitan as distinguished from purely local concern, or which for any other cause are appropriate subjects for inclusion in the regional development plan;

5. Such other recommendations of the Regional Planning Commission concerning current and impending problems as may effect the regional planning areas as a whole;

B. To make or assist in studies and investigations, insofar as may be relevant to regional or metropolitan planning, or the resources of the regional planning area and of existing and emerging problems of agriculture, industry, commerce, transportation, population, housing, public service, local government and of allied matters affecting the development of the regional planning area, and in making such studies to seek the cooperation and collaboration of the state Louisiana State Planning Office and of appropriate departments, agencies and instrumentalities of Federal, State and local government, educational institutions and research organizations, whether public or private, and of civic groups and private persons and organizations;

C. To prepare and from time to time revise inventory listings of the regions or metropolitan areas natural resources, and of major public and private works and facilities of all kinds which are deemed of importance to the development of the regional planning area as a whole;

D. To cooperate with, and provide planning assistance, including but not limited to surveys, land use studies, urban renewal plans, technical services and other planning work, to Parish, Municipal or other local government, instrumentalities or planning agencies; coordinate its planning activities with the planning activities of the State, and of the parishes, municipalities or other local units within its regional planning area, and cooperate with and assist departments and other agencies or instrumentalities of Federal, State and local government as well as other regional planning commissions in the execution of their planning functions with a view to harmonizing their planning activities with the Regional Development Plan. The Commission shall also cooperate and confer with, and upon request supply information to, federal agencies, and to local or regional agencies created pursuant to the federal program or which receive federal support, and shall cooperate and confer, as far as possible, with planning agencies of other states or of regional groups of states adjoining its area. Whenever cooperation or assistance under this subdivision includes the rendering of technical services such services may be rendered free or in accordance with an agreement for reimbursement;

E. To advise and supply information, as far as available, to civic groups and private persons and organizations who may request such information or advice, and who study or otherwise concern themselves with the regions problems and development in the fields of agriculture, business and industry, labor, natural resources, urban growth, housing and public service activities such as public health and education, insofar as such problems and development may be relevant to regional or metropolitan

planning;

F. To provide information to officials of departments, agencies, and instrumentalities of state and local government and to the public at large, in order to foster public awareness and understanding of the objectives of the Regional Development Plan and of the functions of regional or metropolitan and local planning, and in order to stimulate public interest and participation in the orderly, integrated development of the region or metropolitan area;

G. To accept and receive, in furtherance of its functions, funds, grants and services from the Federal government or its agencies, from departments, agencies and instrumentalities of State, Parish, Municipal or local government, or from private and civic sources;

H. To hold public or private hearings and sponsor public forums in any part of its area whenever it deems it necessary or useful in the execution of its other functions;

I. To cooperate, in the exercise of its planning functions, with Federal and State agencies in planning for civil defense;

J. Have the power to borrow money from private lenders in order to stabilize its cash flow necessary for the staff's day to day operations, provided that such debt is secured by Commission receivables or other collateral;

K. Any two or more of the Regional Planning Commissions are authorized to form an association for purpose of coordinating comprehensive planning/development programs for the resolution of economic, social, physical, and governmental problems of the state and its citizens;

L. The association may exercise any and all powers necessary or appropriate to effectuate this purpose, including but not limited to the following powers:

1) To enter into agreements or other transactions with any federal, state, or local governmental agency and with private sector organizations.

2) To apply for and receive state and other funds for distribution to the regional planning commissions belonging to the association based upon allocation formulas developed by these commissions.

3) To exercise all or any part or combination of powers granted and to do and perform all acts and things necessary or convenient to carry out the general powers expressly granted to the regional planning commissions when authorized by the several regional planning commissions belonging to the association.

M. To exercise all other powers necessary and proper for the discharge of its duties. (Ord. No. 519, Bk. 7, P. 21)

STATE REFERENCE : See Regional Planning generally in LSA R.S. 33:131 et seq. See LSA R.S. 33:135 for similar provisions.

(Ord. No. 519, Bk. 7, P. 21; Ord. No. 80-48, adopted 09/11/80; Ord. No. 85-361, adopted 03/21/85; amended by Ord. No. 96-2491, adopted 09/11/96)

SEC. 18-017.00 Commission Generally

A. In order to carry out the purposes contained in Section 18-016.00 of this Article, there is hereby established a Regional Planning Commission which shall consist of ~~twenty-six (26)~~ thirty-one (31) members, five (5) each being legal residents of Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish, Plaquemines Parish, Tangipahoa Parish and the Director of the Louisiana Department of Transportation and Development.

B. The members of such commission shall serve without compensation.

C. The membership of such commission shall be composed of a simple majority of appointed or elected public officials holding office in the following municipalities and/or parishes, namely Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish, ~~and~~ Plaquemines Parish, and Tangipahoa Parish.

D. The five (5) members from the Parish of Jefferson shall include the Parish President, the Council Chairman, and a third member selected by the Parish Council and approved by the Parish President from among the Mayors of the Municipalities located within the Parish of Jefferson, which member shall represent the municipalities therein located, and two (2) members who must not otherwise hold elected or appointed office in Jefferson Parish, to be appointed by the Council and approved by the Parish President.

E. The five (5) members from Orleans Parish shall include the Mayor, the two (2) Councilmen elected from the Parish at large and the remaining two (2) members must not otherwise hold elected or appointed office, and shall be appointed by the Mayor, with the approval by the Council.

F. The five (5) members from the Parish of St. Bernard shall include the following:

1. The Parish President;
2. Two (2) Council members in the Parish of St. Bernard, provided same is not otherwise prohibited by law, to be appointed by the Parish Council;
3. Two (2) members who must not otherwise hold elected or appointed office in the Parish of St. Bernard, to be appointed by the Parish Council.

G. The five (5) members from the Parish of St. Tammany shall include the following:

(1) The Parish President; or the Parish President shall appoint or designate any other Parish Councilperson in his stead to serve on, attend, or otherwise participate in his stead. The appointment or designation by the Parish President of a Councilperson may be made without the need of parish ordinance or resolution. In the event the Councilperson does not desire to attend or participate, then the Parish President may appoint or designate any person other than a Parish Councilperson in his stead to serve, attend or participate without further approval or ratification by the Parish Council; (Ord. No. 00-0109, adopted 02/17/2000);

(2) Two (2) members who must otherwise hold elected or appointed office in the Parish, provided same is not otherwise prohibited by law, to be appointed by the Parish Jury;

(3) Two (2) members who must not otherwise hold elected or appointed office in the Parish, to be appointed by the Parish Council;

H. The five members from the Parish of Plaquemines shall include the following:

(1) The President of the Parish Council;

(2) The Chairman of the Plaquemines Parish Council;

(3) One (1) member who otherwise holds elected or appointed office in the Parish of Plaquemines, provided same is not otherwise prohibited by law, to be appointed by the Parish Council;

(4) Two (2) members who must not otherwise hold elected or appointed office in the Parish of Plaquemines, to be appointed by the Parish Council.

I. The five members from the Parish of Tangipahoa shall include the following: (1.) The Parish President; (2.) The Chairman of the Tangipahoa Parish Council; (3.) the Mayors of the Cities of Hammond and Ponchatoula shall serve on an annual rotating basis; (4.) Two (2) members who must not otherwise hold elected or appointed office in the Parish of Tangipahoa, provided same is not otherwise prohibited by law, to be appointed annually by the Parish President.

I. J. The governing bodies of Jefferson Parish, St. Bernard Parish, St. Tammany Parish, Plaquemines Parish, or Tangipahoa Parish may remove their respectively appointed members of the Commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office. The chief executive of Orleans Parish may remove any of the members, appointed by him, of the Commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office.

J. K. The Secretary of the Louisiana Department of Transportation and Development shall serve as a member of the Regional Planning Commission.

K. L. Of the members hereof first appointed, those not holding any other elected or appointed public offices shall hold office as follows: One shall hold office for one year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, one for a term of five (5) years, and the sixth member shall hold office for a term of six (6) years.

L. M. Members of the Regional Planning Commission who may hold other public offices, appointed or elected, including the Secretary of the Louisiana Department of Transportation and Development (or his designee) shall serve terms co-extensive with their terms of other public office.

M. N. The successors of the Regional Planning Commission Members first appointed who do not hold any other appointed or elected public office shall be appointed for a term of five (5) years from and after the expiration of the terms of their predecessors in office.

N. O. If a vacancy occurs otherwise than by expiration of term, same shall be filled by appointment of the unexpired term. Such appointment shall be made by the original appointing authority. (Ord. No. 519, Bk. 7, P. 21; Ord. No. 80-48, adopted 09/11/80; Ord. No. 85-361, adopted 03/21/85; amended by Ord. No. 96-2491, adopted 09/11/96)

SEC. 18-018.00 Organization, Meetings, And Rule Of Commission

The Regional Planning Commission so established shall elect a Chairman from its membership and create and fill such other of its offices as it may determine. The term of Chairman shall be one year, with eligibility for re-election. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep records of its resolutions, transactions, findings and determinations, and which records shall be public. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

SEC. 18-019.00 Staff And Finances

In order to carry out its functions and responsibilities the Regional Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same general provisions governing other corresponding civil employees of the Parishes and Municipality cooperating to engage in regional planning. The Commission may also contract with planning experts, engineers, architects, and other consultants for such services as it may require. The expenditures of a Commission, exclusive of those made from funds received by gift, grants of Federal, State and other such agencies, shall be within the amounts appropriated for the purpose by the cooperating local legislative bodies, which shall provide the funds, equipment and accommodations necessary for the Commission s work. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

SEC. 18-020.00 Regional Development Plan; Filing; Distribution

Upon the preparation of the Regional Development Plan or of any phase or functional part thereof, or upon the preparation of any extension of or addition to the plan, the Regional Planning Commission shall file such plan, part of plan, amendment, revision, extension or addition in the office of the state director of Public Works, and shall transmit copies of the same to the chief administrative officers, the legislative bodies and to the planning agencies of the parishes and municipalities or other local governments within its area, as well as to the Regional Planning Commissions established for adjoining areas. The Regional Planning Commission shall make copies of the Regional Development Plan or part of a plan available for general distribution or sale. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. 96-2491, adopted 09/11/96)

SEC. 18-021.00 Relationship Of Commission To Municipal And Parish Planning Commissions

A. The Regional Planning Commission created herein shall not be authorized to exercise the functions of any Municipal Planning Commission or Parish Planning Commission, where such are established within a regional planning area, except as hereinafter provided.

B. In a Municipality or Parish located in the regional planning area as herein above defined, the legislative body of the Municipality or Parish may designate the Regional Planning Commission as the Municipal Planning Commission or the Parish Planning Commission, provided all requirements, if any, of the local home rule charters are met. Upon such designation, the Regional Planning Commission shall have all the powers and functions relating to making, adopting, amending and adding to the Master Plan of the Municipality or Parish part thereof, or relating to the planning of the Municipality or Parish as provided or granted by Revised Statutes 33:101 through 119 inclusive or by other laws to the Planning Commission of the Municipality or Parish; and the Master Plan, its parts, amendments and additions

made and adopted by the designated Commission for the Municipality or Parish shall have the same force and effect in the Municipality or Parish as though made and adopted by the Municipal Planning Commission appointed by the Municipality or a Parish Planning Commission appointed by the Parish. In acting as the planning commission of the Municipality, or the Parish, the designated Regional Planning Commission shall follow the procedure specified by the provisions of Revised Statutes 33:101 through 119 inclusive, and other laws relating to Municipal or Parish Planning Commissions. Any Municipality or Parish so designating a Regional Planning Commission as its planning commission shall pay to the designated commission that portion of the expenses of the designated commission which is properly chargeable to the planning service rendered to the Municipality or Parish Plan.

C. In cases where a Municipality or a Parish has a Municipal or a Parish Planning Commission functioning within a regional planning area, then the Regional Planning Commission shall recommend measures for the coordination of plans, and if appropriate, recommend plans for adoption by the said Municipal or Parish Planning Commission. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

STATE REFERENCE : See Regional Planning generally in LSA R.S. 33:131 et seq. See LSA R.S. 33:137 for similar provisions.

SEC. 18-022.00 Local Governments & Planning Agencies; Plans and Reports; Proposals

To facilitate effective and harmonious planning of the region or metropolitan area, all Parish and Municipal legislative bodies, and all Parish, Municipal or other local planning agencies shall file with the Regional Planning Commission, for its information, all Parish or Municipal Plans, Zoning Ordinances, Official Maps, Building Codes, Subdivision Regulations, or amendments or revisions of any of them, as well as copies of their regular and special reports dealing with planning matters.

Parish or Municipal legislative bodies, or Parish, Municipal or other local planning agencies may also submit proposals for such Plans, Ordinances, Maps, Codes, Regulations, amendments or revisions prior to their adoption, in order to afford an opportunity to the Regional Planning Commission and/or its staff to study such proposals and to render advice thereon. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

SEC. 18-023.00 Federal, State And Local Aid To Commission

The Regional Planning Commission may request and accept grants of funds or services from the Federal government or any of its agencies, from the State government or any of its agencies or from Parish, Municipal or other local governments within their planning area, or from private sources. The parishes and municipalities are hereby authorized to appropriate funds for the purposes of the Regional Planning Commission established for all or part of their area. The books and accounts of the Regional Planning Commission shall be public records open for public inspection, and shall show the amounts and sources of all receipts and the amount of all disbursements. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

STATE REFERENCE : See Regional Planning generally LSA R.S. 33:131 et seq. See LSA R.S. 33:139 for similar provisions.

SEC. 18-024.00 Miscellaneous Powers And Duties Of Commission

Members of the Commission created herein, when duly authorized by the Commission, may attend planning conferences or meetings or planning institutes or hearings upon pending planning legislation, and the Commission may, by Resolution, pay the reasonable traveling expenses incident to such attendance. When so directed and authorized by the Regional Planning Commission, members thereof who hold no other elected or appointed office may be paid a per diem of fifty dollars (\$ 50.00) each for attendance at regular or specifically called meetings of full Commission or the executive committee thereof in no event to exceed two such meetings per month, i.e. in no event is payment of a total per diem per such member to exceed one hundred dollars (\$ 100.00) per month, payable out of the funds of the Regional Planning Commission.

All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote planning and in

all respects carry out the purposes of this Article. (Ord. No. 519, Bk. 7, P. 21; amended by Ord. No. 96-2491, adopted 09/11/96)

STATE REFERENCE : See Regional Planning generally LSA R.S. 33:131 et seq. See LSA R.S. 33:140 for similar provisions.

SEC. 18-025.00 Boundaries

The boundaries of the regional planning area hereby established is to be comprised of the total area of Jefferson Parish, Orleans Parish, St. Bernard Parish, St. Tammany Parish, ~~and~~Plaquemines Parish and Tangipahoa Parish. (Ord. No. 96-2491, adopted 09/11/96)

SEC. 18-026.00 Effective Date

The effect of this Article shall be suspended until such time as the Parishes of Jefferson, Orleans and St. Bernard and Plaquemines adopt identical Ordinances to the one upon which this Article is based. (Ord. No. 519, Bk. 7, P. 21)

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 11 DAY OF JULY , 2013 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MAY 30 , 2013

Published Adoption: _____, 2013

Delivered to Parish President: _____, 2013 at _____

Returned to Council Clerk: _____, 2013 at _____