

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3028 ORDINANCE COUNCIL SERIES NO. 05-

COUNCIL SPONSOR STEFANCIK/PRESIDENT PROVIDED BY: PLANNING

INTRODUCED BY MR. CANULETTE SECONDED BY MR. BURKHALTER

ON THE 3RD DAY OF MARCH 2005

ORDINANCE TO AMEND APPENDIX B OF ST. TAMMANY PARISH
SUBDIVISION REGULATORY ORDINANCE NO. 499, SECTION 40-
041.0 DEVELOPMENTAL AGREEMENTS, SPECIFICALLY,
SUBSECTION 40-041.03 APPLICABILITY, AND TO PROVIDE FOR
REPEAL, SEVERABILITY AND DATE OF ENACTMENT

WHEREAS, since the adoption of mandatory parish-wide impact fees, there is no longer a need to require a developer to submit a voluntary developmental agreement application with the tentative subdivision submission; and

WHEREAS, although the parish still encourages a developer to participate in the voluntary developmental agreement process, the parish does not wish to give the appearance of imposing leverage upon a developer to donate additional impact fees, by requiring the submission of a voluntary developmental agreement application, since mandatory exactions are now being imposed on every new subdivision development in the parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 40-041.0 Developmental Agreements, Subsection 40-041.03 Applicability, of Subdivision Regulatory Ordinance No. 499 be hereby amended as follows:

SECTION I.

Sec. 40-041.03 **Applicability**

Every individual, firm or corporation who submits application for inclusion into the subdivision process, shall also be required to submit an application electing whether or not to enter into a developmental agreement with the parish. Said application shall be submitted in conjunction with the tentative plan review. *If an individual, firm or corporation wishes to participate in the parish's voluntary developmental agreement process, an application must be filed with the tentative subdivision submission documentation.* If said individual, firm or corporation elects not to participate in the developmental agreement process at the tentative subdivision review stage, that shall not preclude their rights or ~~abilities~~ ability to participate at a latter time during the subdivision process, if they so desire.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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: _____