

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3232

ORDINANCE COUNCIL SERIES NO. 06-

COUNCIL SPONSOR MR. GOULD

PROVIDED BY LEGAL COUNSEL

INTRODUCED BY MR. GOULD

SECONDED BY MR. BAGERT

ON THE 2ND DAY OF FEBRUARY 2006

ORDINANCE ADOPTING THE FOUR (4) COMPLETED ELEMENTS, TO DATE, OF THE PROPOSED NEW DIRECTIONS 2025 COMPREHENSIVE PLAN FOR ST. TAMMANY PARISH, LOUISIANA, WHICH WERE PREVIOUSLY ADOPTED BY SEPARATE RESOLUTIONS, TO BE MADE A PART OF THE EXISTING COMPREHENSIVE PLAN OF ST. TAMMANY PARISH, LOUISIANA.

WHEREAS, by ordinance made effective on January 1, 1972, and in accordance with state law, the St. Tammany Parish Police Jury, after receiving the report and recommendations of the Parish Planning Commission, adopted a Comprehensive Plan, referred to as "St. Tammany Parish Land Use Ordinance No. 523," and specifically Section 12, which has been amended many times over the years and continues to be part of the overall comprehensive plan of St. Tammany Parish, Louisiana; and

WHEREAS, in the year 1999 the St. Tammany Parish Police Jury initiated preparation of the New Directions 2025 Comprehensive Plan to be utilized as a guide for the future development of the Parish in an orderly, sustainable manner; and

WHEREAS, the work program envisioned that ten (10) elements would comprise the New Directions 2025 Comprehensive Plan; and

WHEREAS, St. Tammany Parish, by separate resolutions of the Planning Commission, and the Police Jury or Parish Council, has adopted the following elements and small area plans of the proposed New Directions 2025 Comprehensive Plan for St. Tammany Parish: (1) Resolution P.J.S. No. 99-9447, adopted December 8, 1999, Approving the New Directions 2025- Vision **Element**, and Parish Council Resolution No. C-005, ratifying resolution P.J.S. No. 99-9447; (2) Resolution C-0973, adopted December 4, 2003, approving the New Directions 2025 - Land Use **Element** - Phase I; (3) Resolution C-1084, adopted April 1, 2004, approving the New Directions 2025 Strategic Plan for Economic Development **Element**; (4) Resolution C-1241, adopted September 2, 2004, approving the New Directions 2025 Critical and Sensitive **Element**; (5) Resolution C-1299, adopted December 2, 2004, approving the New Directions 2025 *Special Area and Corridor Plan* for the Fremaux/U.S. 190B Corridor; (6) Resolution C-1441, adopted July 7, 2005, approving the New Directions 2025 *La. 21 Corridor and South Half of Ward 1 Small Area Plan*; (7) Resolution C-1486, adopted August 4, 2005, approving the New Directions 2025 Small Area and Corridor Plan for the Northern Half of Ward 1; and

WHEREAS, in conjunction with the ND 2025 Land Use Element, the ND 2025 Steering Committee created the ND 2025 Future Land Use Map(s). The map(s) depicts generalized areas designated for future land uses, by broad category. Neither the Map nor the ND 2025 Land Use Element document constitutes a "zoning" map or policy, nor do they indicate – except broadly – levels of intensity of use. Efforts that will follow adoption by the Parish Council of the ND 2025 Land Use Plan and Policy Statement will develop detailed zoning and other parish policies (such as, capital improvement, incentives, and regulatory) that will, in effect, "implement" the plan. The statements contained in the ND 2025 Land Use Policy and Principles are intended to ensure consistency with the Plan in zoning and other related ordinances to be developed subsequently. Such ordinances will effectively "implement" the Plan, but the statement should be considered as an interim guide for residents, property owners, developers, parish officials and other public agencies; and

WHEREAS, Louisiana State Law defines a "Master Plan" or "Comprehensive Plan" as a statement of public policy for the physical development of a parish or municipality adopted by the parish or municipal planning commissions, which plan or plans are for the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the parish or municipality, as the case may be; and

WHEREAS, Louisiana Law states that a "Master Plan" or "Comprehensive Plan" may be adopted as a whole, by single resolution, or may be adopted by successive resolutions adopting successive parts of such plan; and

WHEREAS, whenever a parish has adopted a master or comprehensive plan, the governing authority shall consider such adopted plan or plans before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted elements of the master or comprehensive plan; and

WHEREAS, following the Planning Commission's recommendation, with amendments, and approval of the Elements of the proposed New Directions 2025 Comprehensive Plan, and small area plans, and following the approval of the Police Jury or Council, as the case may be, St. Tammany Parish Government began to include the adopted Elements of the proposed New Directions 2025 Comprehensive Plan for St. Tammany Parish, and the adopted small area plans, as guides in making all land use decisions, along with all other elements of the previously existing Comprehensive Plan, including, by way of illustration, "St. Tammany Parish Land Use Ordinance No. 523;" and

WHEREAS, Section 1-04(B) of the St. Tammany Parish Home Rule Charter provides that "The Parish shall prepare, enact, enforce and maintain comprehensive plans for the development of the Parish." The Parish has had an existing comprehensive plan since 1972, and while Section 1-04(B) requires the Parish to prepare, enact, enforce and maintain comprehensive plans, it does not require adoption of the proposed New Directions 2025 Comprehensive Plan, any element of that plan nor any small area plan component. Although the Parish is not required to adopt the New Directions 2025 Comprehensive Plan, any element of that plan or any small area plan component, the Parish is prepared to move forward with the process of implementing such comprehensive plan(s) elements through the process of a parishwide rezoning of property and the implementation of other necessary regulations and ordinances.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the "Master Plan" or "Comprehensive Plan" of St. Tammany Parish shall be defined as a statement of public policy for the physical development of the Parish that has been adopted by the Parish Planning Commission and the Parish Council or Police Jury, as the case may be, which plan or plans are for the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of St. Tammany Parish. Such plan or plans, and the provisions contained in any adopted Element thereof, shall only have that force of law as set forth herein and in the applicable state statutes. The provisions of the plan or plans, and any provision contained within any adopted Element thereof, shall not be mandatory, but shall be considered in making all land use decisions that entail the application of the individual regulatory ordinances that are contained in Land Use Zoning Ordinance 523, Subdivision Regulatory Ordinance 499 and the St. Tammany Parish Code of Ordinances, and shall be considered before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted elements of the master or comprehensive plan.

BE IT FURTHER ORDAINED that, subject to all of the provisions set forth herein below, it adopts the following elements and plans of the proposed New Directions 2025 Comprehensive Plan for St. Tammany Parish, which were previously adopted by the reflected Resolutions, as elements and plans included as part of its overall Comprehensive Plan for the development of St. Tammany Parish:

- (1) Resolution P.J.S. No. 99-9447, adopted December 8, 1999, Approving the New Directions 2025-Vision **Element**, and Parish Council Resolution No. C-005, ratifying resolution P.J.S. No. 99-9447;
- (2) Resolution C-0973, adopted December 4, 2003, approving the New Directions 2025 - Land Use **Element** - Phase I;
- (3) Resolution C-1084, adopted April 1, 2004, approving the New Directions 2025 Strategic Plan for Economic Development **Element**;

(4) Resolution C-1241, adopted September 2, 2004, approving the New Directions 2025 Critical and Sensitive **Element**;

(5) Resolution C-1299, adopted December 2, 2004, approving the New Directions 2025 *Special Area and Corridor Plan* for the Fremaux/U.S. 190B Corridor;

(6) Resolution C-1441, adopted July 7, 2005, approving the New Directions 2025 *La. 21 Corridor and South Half of Ward 1 Small Area Plan*;

(7) Resolution C-1486, adopted August 4, 2005, approving the New Directions 2025 Small Area and Corridor Plan for the Northern Half of Ward 1.

BE IT FURTHER ORDAINED that the herein above elements and plans of the proposed New Directions 2025 Comprehensive Plan for St. Tammany Parish shall constitute a statement of public policy for the physical development of the parish, which plan or plans are for the general purpose of guiding and accomplishing a co-ordinated, adjusted, and harmonious development of St. Tammany Parish. Efforts that will follow adoption, by the Parish Council, of the ND 2025 Land Use Plan and Policy Statement and above referenced elements and plans will develop detailed zoning and other components (such as, capital improvement, incentives, and regulatory) that will, in effect, "implement" the plan; and

BE IT FURTHER ORDAINED that the statements contained in the ND 2025 Land Use Policy and Principles are intended to provide consistency with the Plan in zoning and other related ordinances to be developed subsequently. Such ordinances will effectively "implement" the Plan, but the ND 2025 statements should be considered as an interim guide for residents, property owners, developers, parish officials and other public agencies. The ND 2025 Future Land Use map(s) depicts generalized areas designated for future land uses, by broad category. Neither the Map(s) nor the ND 2025 Land Use Element document shall constitute a "zoning" map or policy, since they depict generalized areas designated for future land uses and indicate, broadly, levels of intensity of use; and

BE IT FURTHER ORDAINED that Parish Government shall hereafter consider such adopted elements and plans before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with all adopted elements and plans of the overall comprehensive plan of St. Tammany Parish. In making all land use decisions, St. Tammany Parish Government shall consider, as guidelines, the adopted Elements of the proposed New Directions 2025 Comprehensive Plan for St. Tammany Parish, and the adopted small area plans, along with all other elements of the previously existing Comprehensive Plan, including, by way of illustration, "St. Tammany Parish Land Use Ordinance No. 523;" and

BE IT FURTHER ORDAINED that all other elements of the previously existing Comprehensive Plan for St. Tammany Parish, including, by way of illustration, that contained in "St. Tammany Parish Land Use Ordinance No. 523," and specifically Section 12 thereof, shall remain in full force and effect until amended or repealed by the Council or until they expire by their own limitation.

BE IT FURTHER ORDAINED that St. Tammany Parish Land Use Ordinance No. 523, the Official Land Use Zoning Map of St. Tammany Parish, St. Tammany Parish Subdivision Regulatory Ordinance 499, and all provisions of the St. Tammany Parish Code of Ordinances shall continue unaffected and shall remain in full force and effect until amended or repealed by the Council or until they expire by their own limitation.

BE IT FURTHER ORDAINED that the Official St. Tammany Parish Zoning Map shall continue unaffected and shall remain in full force and effect until amended or repealed by the Council. Neither the ND 2025 Future Land Use Map(s), the small area plan and maps, nor the ND 2025 Land Use Element document shall constitute a "zoning" map or policy, but shall be considered by the Parish, as an advisory document and guidelines, in making land use decisions and before adopting, approving, or promulgating any local laws, ordinances, or regulations which are inconsistent with the adopted elements and small area plans of the comprehensive plan.

REPEAL: This ordinance, which is limited in its scope and application, shall not be held to repeal any previously existing ordinance or parts of ordinances.

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 Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: 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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006 AND BECOMES ORDINANCE COUNCIL SERIES NO. 06-.

ATTEST: \_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction: \_\_\_\_\_, 2006  
Published adoption: \_\_\_\_\_, 2006

Delivered to Parish President : \_\_\_\_\_, 2006 at \_\_\_\_\_  
Returned to Council Clerk: \_\_\_\_\_, 2006 at \_\_\_\_\_