

SECTION 5.18 MISCELLANEOUS OFFENSES

1. No structure (temporary or permanent) fill, deposit, obstruction storage of materials, equipment, machinery, junk, trash, garbage, debris, abandoned or in operable vehicles or other materials deemed inappropriate shall be permitted upon any Parish right-of-way, road, ditch, drainage canal or waterway of any kind.

2. It shall further be prohibited to cause injury or endanger the comfort, repose health or safety of others. Nuisances shall include but not be limited to the following:
 - A. Accumulation of rubbish, trash, refuse, junk, inoperable or abandoned vehicles and other abandoned materials.

 - B. Any conditions which provide harborage for rats, mice, snakes and other vermin.

 - C. Any building or other structure which is in a condition that is unfit for human habitation, kept in an unsanitary condition so that it is a menace to the health and safety of residents in the area or presents a more than ordinarily dangerous fire hazard in the vicinity to where it is located.

 - D. Contractor's rubble, residue from construction, building demolition or parts of whole structures, including building debris.

 - E. Contractors burning within residential subdivisions shall be prohibited.

 - F. Other activities considered a nuisance as determined by the Director of the Department of Development.

SECTION 5.19 NIGHTCLUBS, BARS, LOUNGES AND OTHER ALCOHOL BEVERAGE ESTABLISHMENTS.

1. It shall be unlawful for the owner, operator, employee or gent of any alcohol beverage establishment, location or outlet licensed in St. Tammany Parish to serve, sell, distribute or dispense any alcoholic beverages by means of a drive-thru window or similar appurtenance, whether adjoining or adjacent to said establishment.

2. It shall be unlawful in any zoning district for a person, as owner, tenant, proprietor, landlord, manager, servant, agent, or employee, shall participate in or allow any nude or partially nude dancer, host, hostess, waiter or waitress in commercial or public establishments, whether in the capacity as an employee, entertainer, guest, invitee, patron, or otherwise.

The definition for "nude" or "partially nude" is defined as less than completely or opaquely covered and exposing:

- a. Human genitals, pubic region;
- b. All of the buttocks area;
- c. Female breast area below a point immediately above the top of the areola.

SECTION 5.20 NUDE OR PARTIALLY NUDE COMMERCIAL OR PUBLIC BUSINESSES

It shall be unlawful in any zoning district for a person, as owner, proprietor, manager, servant, agent, or employee, shall participate in or allow any nude or partially nude activity in an industrial, commercial or public establishments, whether in the capacity as an employee, entertainer, guest, invitee, patron, or otherwise.

The definition for "nude" or "partially nude" is defined as less than completely or opaquely covered and exposing:

- a. Human genitals, pubic region;
- b. All of the buttocks area;
- c. Female breast area below a point immediately above the top of the areola.

SECTION 5.21 PERFORMANCE STANDARDS & DEVELOPMENTAL AGREEMENTS

5.2101 Purpose

The purpose of this section is to encourage the participation of an individual, firm or corporation, within the planning process, when seeking to develop property in St. Tammany Parish, by initiating applicable performance standards and/or a developmental agreement between said individual, firm or corporation and the parish, for the purposes of providing an adequate infrastructure for new projects and developments.

5.2102 Applicable Zoning Districts

Performance standards and/or developmental agreements shall be applicable for the following zoning districts:

- A-6 General Multi-Family District
- LC Light Commercial District
- C-1 Neighborhood Commercial District
- C-2 Highway Commercial District
- C-3 Planned Business Center District
- M-1 Light Industrial District
- M-2 Intermediate Industrial District
- M-3 Heavy Industrial District

5.2103 Building Permit Application

Performance standards and/or developmental agreements shall be considered for implementation at the building permit application stage. The Director of the Department of Development or his designee shall review each application to determine whether reasonable performance standards or a developmental agreement is warranted.

5.2104 Performance Standards

- a. Performance standards for the purpose of this ordinance shall be defined as additional and reasonable on and off-site improvements that an applicant may be required to provide after consultation with the director or his designee due to the unique characteristics of the applicant's site; and as an extension of existing site regulations that govern the applicant's property.

- b. Some examples of performance standards include, but are not limited to: additional parking spaces and landscape and buffering requirements, drainage plans, opaque screening, advanced sewerage disposal systems, and additional easements and servitudes.

- c. If the director or his designee determines, after reviewing the applicant's building permit application, that performance standards are warranted, the director or his designee shall inform said applicant.
- d. If, in the case where the building permit applicant and the director or his designee cannot reach an agreement, then said matter shall be forwarded to the St. Tammany Parish Planning Commission.

5.2105 Developmental Agreements

- a. A developmental agreement for the purpose of this ordinance shall be defined as a binding contractual agreement between the building permit applicant and the Parish of St. Tammany.
- b. The Planning Commission shall consider and approve an infrastructural plan for said applicant's project or development; to provide for procedures and requirements for entering into such agreement; to provide for the contents, periodic review, enforcement and applicability of said agreement.
- c. A developmental agreement shall be recommended by the director or his designee only in cases where the building permit applicant's project or development warrant reasonable infrastructural improvements due to the project or developments impact upon the surrounding area.
- d. Upon completion of the agreement process, the St. Tammany Parish Planning Commission shall forward its recommendations for a developmental agreement to the Police Jury for their review and subsequent action.
- e. Examples of what might be included within a developmental agreement include, but are not limited to: impact studies, traffic control improvements, improved street and drainage design and construction standards for on and off-site locations; and the dedication of land, monies, material and equipment.

5.2106 Contents

- a. A developmental agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use and other provisions as established in Section 5.21.5(d). The developmental agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.
- b. The agreement may provide that construction and improvements shall be commenced within a specified time and that the project or any phase thereof be

completed within a specified time, subject to said agreement being declared in default if the applicant fails to comply with construction and improvements within the specified time allotted.

5.2107 Application Requirements and Procurement

- a. In the event that the director or his designee determines that a developmental agreement is warranted, the building permit applicant shall be furnished with the necessary application and documentation information required to initiate the process.
- b. The applicant shall be required to pay an application fee of \$25.00 in order to cover administrative, advertisement and procurement costs.
- c. Once an application with attached documentation has been filled out and returned by the applicant, the director or his designee shall request an informal application pre-agreement conference to discuss the substantive points for the agreement in relationship to the applicant's project or development. After informal negotiations have taken place, the director or his designee shall forward said application and recommendations to the St. Tammany Parish Planning Commission for review and consideration.
- d. Subsequent to the Planning Commission review, the commission shall forward its recommendations to the St. Tammany Parish Police Jury for their review and final dispensation.

5.2108 Rules, Regulations, and Official Policies

Unless otherwise provided by the developmental agreement, the rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications applicable to development of the property subject to a developmental agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A developmental agreement shall not prevent the parish, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the parish from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

5.2109 Public Advertisement

A public hearing on an application for a developmental agreement and notice of intention to consider the adoption of a developmental agreement shall be published at least three (3) times in the official parish journal and at least ten (10) days shall elapse between the first publication and the date of the initial hearing.

5.21010 Approval by Ordinance and Recordation

A developmental agreement shall be approved by ordinance by the St. Tammany Parish Police Jury and shall be recorded within the St. Tammany Parish Clerk of Courts Office no longer than ten (10) days after said developmental agreement becomes law. Said document shall be filed within the mortgage records of said office, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State of Louisiana. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure, to all successors in interest to the parties to the agreement.

5.21011 Periodic Review; Non-compliance

A periodic review at least every twelve months, at which time the applicant or his successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result of such periodic review, the parish finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the parish may terminate or modify the agreement.

If any party or parties fail to comply with the binding nature of the agreement in any way, shape, form or substance; then the St. Tammany Parish Police Jury can claim said agreement null and void and suspend or stay any further activities upon the applicant's property; and further may rescind any prior or future conditions or approvals for the subject property. Or, the parish may option to seek judicial relief to force compliance of the agreement with those parties who have violated same, and claim any punitive damages as a result from breach of contract through the 22nd District Judicial Court.