

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on November 4, 2021, and laid over for publication of notice and was then

L.P. ORDINANCE NO. 21-31

AN ORDINANCE TO AMEND PART III, "LAND DEVELOPMENT CODE", CHAPTER 125, "SUBDIVISION REGULATIONS", OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, BY CREATING ARTICLE V, "IMPACT FEES", SECTIONS 125-112 THROUGH SECTION 125-125.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, November 18, 2021, at six o'clock (6:00) p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

\s\ Sandy C. Teal

Sandy C. Teal, Council Clerk

\s\ Garry Talbert

Garry Talbert, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on November 4, 2021, a summary thereof having been published in the Official Journal together with a notice of Public Hearing which was held in accordance with said Public Notice was brought up for final passage November 18, 2021, on Motion of _____ and seconded by _____:

L.P. ORDINANCE 21-31

AN ORDINANCE TO AMEND PART III, "LAND DEVELOPMENT CODE", CHAPTER 125, "SUBDIVISION REGULATIONS", OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, BY CREATING ARTICLE V, "IMPACT FEES", SECTIONS 125-112 THROUGH SECTION 125-200.

WHEREAS, the Livingston Parish Council desires and finds it necessary to establish impact fees in the unincorporated areas for the Gravity Drainage Districts in Livingston Parish and;

WHEREAS, upon any division of property will be assessed and charged an impact fee to fund the drainage efforts in the area in which the division of property occurs for work done through the areas Gravity Drainage District;

WHEREAS, the Livingston Parish Council now finds it imperative to adopt an ordinance to establish impact fees for all divisions of property within the unincorporated areas of Livingston Parish;

NOW, THEREFORE, BE IT ORDAINED by the governing authority of the Parish of Livingston, State of Louisiana: The Code of Ordinances of Livingston Parish, Part III, "Subdivision Regulations", Article V, Sections 125-112 through Section 125-125, "Impact Fees", is hereby created, to read as follows:

ARTIVLE V. -Impact Fees

Sec. 125-112- Title and application.

- (a) *Title.* This section shall be known and may be cited as the "Livingston Parish Impact Fee Ordinance."
- (b) *Application.* The parish impact fee ordinance shall apply to all lands within the unincorporated portion/Gravity Drainage Districts of Livingston parish.

Sec. 125-113- Purpose.

The establishment of a system or the imposition of drainage impact fees within the unincorporated area is intended to ensure that, newly subdivided lots, new commercial development and newly constructed subdivisions contribute its proportionate share of the cost of providing, and benefits from the provision of, improvements to the drainage system.

Sec. 125-114- Definitions.

Please see sec. 125-1-Definitions for the following:

- (a) Subdivisions without improvements
- (b) Minor subdivisions
- (c) Subdivisions with improvements
- (d) Mobile home park
- (e) Commercial development
- (f) Multifamily development

Sec. 125-115- Time of fee obligation and payment.

- (a) Any person or government body that causes the commencement of development within the unincorporated areas of the parish shall be obligated to pay a drainage impact fee, pursuant to the terms of this section. The fee shall be determined by the Planning Director and paid in accordance with the impact fees schedule in effect at the time.
 - 1. Subdivisions without improvements. At the time of final plat approval.
 - 2. Minor subdivisions. At the time of final plat approval.
 - 3. Subdivisions with improvements. At the time of final plat approval.
 - 4. Mobile home park. At the time of final plat approval.
 - 5. Commercial development. At the time of final plat approval if the size of the end development is known, else at the time of the issuance of a building permit.
 - 6. Multifamily development. At the time of final plat approval if the size of the end development is known, else at the time of the issuance of a building permit.
- b) If any credits are due pursuant to section 125-121 they shall also be determined at the time of payment. If the fee is imposed and a change in use occurs, replacement or redevelopment of an existing building or use, the fee shall be determined by computing the difference in the fee schedule between the new impact-generating development and the existing development. The obligation to pay the impact fee shall run with the land.

Sec. 125-116- Exemptions.

- (a) The following shall be exempt from the terms of this impact fee ordinance. An exemption must be claimed by the fee payer at the preliminary meeting with the Parish.
 - 1. Alterations of an existing building where no additional dwelling units are created, the use is not changed and no additional impervious cover is created.
 - 2. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional impervious cover will be created.
 - 3. Structures associated with uses recognized as agricultural by the state.

Sec. 125-117- Procedure for Exemptions.

- (a) The determination of any exemption shall be undertaken through the submission of an application for exemption, which shall be submitted to the Planning Director.
 - 1. If the proposed application involves an exemption for any alteration or replacement of any existing structure, the following documentation must be provided:
 - 1. A site survey showing the existing structures and the improvements being proposed; and
 - 2. Documentation confirming no additional dwelling units are created, the use is not changed and no additional impervious cover created over and above that produced by the existing use.
 - 2. If the proposed application involves another type of permitted exemption, the Planning Director may request a site plan, sight survey, or any additional documentation they feel is necessary in approving or denying the exemption.
 - 3. Within thirty (30) days of receipt of the proposed application for exemption agreement, the Planning Director shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the Planning Director shall send a written statement to the applicant outlining the deficiencies. The Planning Director shall take no further action on the proposed application for exemption agreement until all deficiencies have been corrected or otherwise settled.
 - 4. Once the Planning Director determines that the proposed application for exemption agreement is complete, it shall be reviewed within 30 days. The application for exemption agreement shall be approved if it complies with the standards in subsections (1) through (4) of section 125-116.
 - 5. If the application for exemption agreement is approved by the Planning Director, an exemption agreement shall be prepared and signed by the applicant and the parish.
 - 6. Appeal of exemption decision. A fee payer affected by the decision of the impact fee administrator regarding an exemption may appeal such decision to the parish council by filing with the Planning Director, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda for the next regularly scheduled meeting. The parish council shall affirm or reverse the decision of the Planning Director based on the standards in section 125-116.

Sec. 125-118- Establishment of fee schedule.

- (a) Any person who causes the commencement of development shall pay a drainage impact fee in accordance with the following fee schedules. The definitions in Section 125-114 and 125-1 shall be used to determine the appropriate land use type.

(1) Drainage impact fee schedule (Effective November 18, 2021)

Subdivisions without improvements	\$1114 per lot
Minor subdivisions	\$1114 per lot
Subdivisions with improvements	\$1114 per lot
Mobile home park	\$622 per pad
Commercial development	\$720 per 1,000 sq feet
Multifamily development	\$441 per unit

- (b) For the purposes of applying the impact fee schedules to nonresidential development, square feet shall be interpreted as follows:
 - (1) In the drainage impact fee schedule, square feet refers to the total area of all buildings, including parking structures, measured from the outside surface of exterior walls.
- (c) If the type of development for which a building permit is requested is not specified on the above fee schedule, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

Sec. 125-119- Fee Calculations

- (a) The fees should be calculated by the Planning director or his designee using the fee schedule in section 125-118.
- (b) Appeal of decision.
 - (1) A fee payer affected by the administrative decision of Planning Director may appeal such decision to the parish council, by filing with the Planning Director within ten days of the date of the written decision a written notice stating and briefly specifying the grounds of the appeal. The Planning Director shall place the appeal on the council's agenda for the next regularly scheduled meeting.
 - (2) The parish council, after hearing, shall have the power to affirm or reverse the decision of the Planning Director. In making its decision, the council shall specify the reasons for its decision and apply the standards in Article V of this Chapter. If the council reverses the amount set forth by the Planning Director, it shall direct the administrator to recalculate the fee in accordance with its decision. In no case shall the council have the authority to negotiate the amount of the fee or waive the fee. The decision of the council shall be final and not subject to further administrative appeal.

Sec. 125-120- Fee expenditures.

- (a) The parish shall establish the following impact fee account:
 - (1) The parish shall establish the appropriate revenue account for drainage impact fees, as deemed necessary by the director of finance, for the purpose of for drainage impact fees paid on projects in accordance with the standards of this section.
- (b) All drainage impact fees collected by the parish shall be immediately deposited into the appropriate revenue account for drainage impact fees.
- (c) All drainage impact fees are to be distributed to the districts in which the development is proposed on a quarterly basis by the finance director.
- (d) Each year, the finance director shall prepare a report to be presented to the parish council identifying the funds distributed from the previous year for each gravity drainage district.

Sec. 125-121- Credits and Refunds.

- (a) *Issuance of Credits.*
 - (1) If a parcel of property or development has a change of use credits should be issued using the fee schedule that was in effect at the time of the original payment.
- (b) *Issuance of Refunds.*
 - (1) If a parcel of property or development has a change of use refunds should be issued using the fee schedule that was in effect at the time of the original payment.
- (c) *Appeal of refund decision.*
 - (1) A fee payer affected by a decision of the Planning Director may appeal such decision to the parish council by filing with the Planning Director, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Planning Director shall place such appeal on the council's agenda for the next regularly scheduled meeting. The council shall affirm or reverse the decision of the Planning Director based on the standards in Article V of this Chapter. If the parish council reverses the decision of the Planning Director, it shall direct the administrator to readjust the refund in accordance with its findings. In no case shall the council have the authority to negotiate the amount of the refund. The decision of the parish council shall be final and not subject to further administrative appeal.

Sec. 125-122- Review.

At least once every five years, the Planning director shall recommend to the parish council whether any changes should be made to the drainage impact fee study and the ordinance codified herein. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the drainage impact fees will not exceed a proportionate share of the costs attributable to new development.

Secs. 125-123 – 125-125 Reserved.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. 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.

This ordinance having been submitted to a vote; the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

And the ordinance was declared adopted on the 9th day of September 2021.

Garry Talbert, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ . M.

APPROVED BY PRESIDENT _____

Layton Ricks Date

VETOED BY PRESIDENT _____

Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ . M.