



ST. TAMMANY PARISH, LA
CODE OF ORDINANCES
PART II: UNIFIED DEVELOPMENT CODE
Ch. 700 – Coastal Management

DRAFT for Public Comment

March 31, 2023



•Environmental Consulting
•Zoning/Planning
•Land Use Law



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Chapter 700 Coastal Management

OUTLINE

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SEC. 700-1 COASTAL SHORELINE STANDARDS.

A. General Provisions for Coastal Shoreline Uniformity.

1. The use of soft-armoring shoreline stabilization methods such as: rip-rap, geo-textile fabrics, or vegetative plantings shall be the primary choice for coastal shoreline projects.
2. The use of hard-armoring shoreline stabilization methods such as: bulkheads and retaining walls, may be used, if deemed necessary, for adequate support and stabilization of the coastal shoreline.
3. The base of any bulkhead or hard-surface structure shall be located above the mean high-water elevation. Stabilization activities on the water side of the bulkhead shall incorporate softer methods such as vegetative planting, rip rap, revetment, or geo-textile fabric.
4. Shoreline stabilization activities shall not result in the significant reduction in stormwater storage capacity nor impede the flow of drainage.
5. Any existing access easements shall not be impeded by the proposed land reclamation project, shall be located seaward of any proposed bulkhead or structure, and shall provide for access across the entire project.
6. When repairing or replacing an existing bulkhead, the new bulkhead shall be parallel to the existing bulkhead and shall not extend into the waterway more than 1 additional foot, or the project will be subject to the standards for land reclamation as set forth in this section.

B. Specific Provisions for Coastal Shoreline Uniformity Related to Land Reclamation.

A coastal property owner shall request the Administrator of the State Land Office to issue a permit to implement the work necessary to recover land lost through erosion, compaction, subsidence, or sea level rise. The State Land Office may require a Letter of No Objection from the parish for coastal land reclamation projects.

1. A Letter of No Objection shall not be issued by the parish until plans and specifications for such work have been submitted to the St. Tammany Parish Watershed Manager, or designee, for review.
 - a. The applicant must submit a valid survey of the property and provide proof of ownership of the property to be reclaimed.
 - b. The applicant must submit plans for the proposed project for local review to confirm consistency with this section.
2. Reclamation activity located adjacent to property that has already been reclaimed shall provide a consistent and uniform shoreline and avoid sharp angles that might intensify or focus wave energy and shall not extend more than a distance of 200 feet lakeward of the existing shoreline.
3. Reclamation activity located adjacent to property with unclaimed shorelines must maintain a uniform shoreline and shall not extend more than a distance of 200 feet lakeward of the property line.
 - a. Reclamation using rip-rap, or other proposed methods of soft-armoring of coastal shorelines, shall be required to provide adequate shoreline stabilization and prevent adverse impacts to existing shorelines.

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- b. Reclamation projects using bulkheads, retaining walls, or other methods of hard-armoring of coastal shorelines, may be deemed necessary to provide adequate shoreline stabilization. Plans for hard-armoring shall include buffering the entire length of the structure with rip-rap, or other energy absorbing material prevent adverse impacts to existing shorelines.
 4. Land reclamation projects shall not result in the alteration of existing drainage patterns without the express authorization of the St. Tammany Parish Department of Engineering. The proposed project shall not cause adverse drainage impacts to adjacent properties or roadways.
 5. Other individual requirements may be placed on any project relative to site specific concerns.
 6. The Watershed Manager, or designee, will issue the Letter of No Objection provided that all of the above conditions have been met, coordination with the governing agencies is complete, and the proposed project is consistent with the St. Tammany Parish Code of Ordinances.

SEC. 700-2 DEFINITIONS.

Unless specifically defined in this section, words and phrases used in this Chapter shall be read as commonly used to give this section its most reasonable application.

After-the-Fact Permit - means a Coastal Use Permit issued after the commencement of an activity or use.

Agricultural, Forestry and Aquaculture Activities - means those activities that are common practice and incident to agriculture, forestry and aquaculture provided that the activity is one of an on-going basis that do not require a permit from the U.S. Army Corps of Engineers; and that do not result in a new or changed use of the land. Examples include seeding, fence building, and harvesting

Applicant - means the owner of the property for which a use requiring a Coastal Use Permit is requested, an agent, or someone specifically authorized in writing by the owner to make an application.

Buffer Zone - means a strip of land adjoining a wetland mitigation site to protect the wetland habitat and wildlife within the bank from the impact of an activity outside the buffer zone. The term includes a strip of land composed primarily of water or a strip of land that includes a fence, wall, or screen of vegetation when these visual barriers also provide functional protection for the wetland.

Camp - means a structure built and used for non-commercial and non-profit purposes and commonly referred to as single family. It does not include multiple family dwellings and shall apply only to such structure built singly, by and for the owner of the land for the owner's use.

Coastal Use Permit (CUP) - means those permits required by L.R.S. 49:214.30.

Coastal Waters - means bays, lakes, inlets, estuaries, rivers, bayous and other bodies of water within the boundaries of the coastal zone.

Coastal Management Zone - means that area described in L.R.S. 49:214.24. Lands below Interstate 12 denotes the entire geographic extent of the portion of St. Tammany Parish that is located in the coastal zone.

Coastal Zone Management Program - means the applicable laws, regulations, policies and guidelines developed by federal, state, and local government to implement the Coastal Zone Management Act.

Coastal Zone Management Plan - means the goals, objectives and policies set forth in the current edition of the document entitled, St. Tammany Parish Local Coastal Program (Management Plan)

Compensatory Mitigation - means replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of those values caused by a permitted activity.

Continuing Uses - means activities which by nature are carried out on an uninterrupted basis; examples include shell dredging and surface mining activities, projects involving maintenance dredging of existing waterways, and maintenance and repair of existing levees.

Cumulative Impacts - means the influence on the environment resulting from the incremental effects of the activity when added to other past, present, and reasonably foreseeable future activities. Cumulative impacts may result from individually minor, but collectively significant, activity taking place over a period of time. Cumulative impacts to coastal zone resources may result from activity outside the coastal zone or from activity exempt under coastal zone permitting.

Department, LDNR, or DNR - means the Louisiana Department of Natural Resources.

Direct and Significant Impact - means an impact that perceptibly or measurably alters the physical, hydrological, chemical, or biological characteristics of coastal waters as a result of an action or series of actions undertaken by man.

Ecological Value - means the ability of an area to support vegetation and fish and wildlife populations.

Environmental Management Unit (EMU) - means an area with certain distinguishing physical, hydrological, chemical, biological or cultural characteristics.

Exempted Use - shall mean any use specifically listed in this Chapter as not requiring a permit.

Fastlands - means that area surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, which would normally prevent activities therein from having a direct and significant impact on coastal waters.

Guidelines - means L.A.C. Title 43, Chapter 7 Subchapter B. 701 – 719, Coastal Use Guidelines.

Levees - mean any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other linear use above normal or flood water levels. Examples include levees, dikes and embankments of any sort.

Local Coastal Program (LCP) - means the program administered by the Local Coastal Program Manager.

Local Coastal Program Manager (LCPM) - means the designee selected by the Director of the St. Tammany Parish Department of Planning and Development. The designee shall subsequently be adopted by the St. Tammany Parish Council.

Local Coastal Zone Administrator (LCZA) - means the designee by the Director of Planning and Development who is responsible for the administration of the Local Coastal Zone Management Plan.

Local Coastal Use Permit (LCUP) - means the coastal use permit issued by the parish for uses of local concern.

Mitigation - means all actions taken by an applicant to avoid, minimize, restore and compensate for loss of an area's ability to support vegetation, fish and wildlife populations due to a permitted activity.

Navigational Aids - means buoys, marker piles, dolphins, piling, and/or pile clusters when in conformance with U.S. Coast Guard standards and do not involve dredge and fill activity.

Noncontinuing Uses - are activities which by nature are done on a one-time basis; examples include dredging access canals for oil and gas well drilling, implementing an approved land use alteration plan and constructing new port or marina facilities.

Normal Maintenance and Repair - means activity taken to reasonably preserve the utility of a lawfully existing structure in active use for the year preceding the proposed activity. It does not include expanding an existing structure, dredging and filling, or altering the magnitude or function of the original structure.

Office of Coastal Management (OCM) - means the administrators or their designee within the Office of Coastal Management within the Louisiana Department of Natural Resources.

Residence - means a structure built and used for non-commercial and non-profit purposes and commonly referred to as single family. It does not include multiple family, dwellings and shall apply only to such structures built singly, by and for the owner of the land for the owner's use.

Secretary - means the Secretary of the Department of Natural Resources or their designee.

Special Coastal Management Areas - means those portions of the coastal zone within St. Tammany Parish that require special management procedures due to certain unique and/or valuable characteristics.

St. Tammany Parish Coastal Management Zone Plan - means the current plan approved by Parish Council to implement, manage, and enforce the regulations, policies, and guidelines of the Local Coastal Program.

Supplemental Material - means any supporting documentation deemed appropriate by the Local Coastal Program Manager such as a description of and the expected consequences to the physical, chemical, hydrological, biological, and cultural environment in which the activity is proposed to take place; evidence to support the proposal's intended results and how the projected results, both positive and negative, may be monitored in the future, etc.

Uplands - mean land that is five feet or more above sea level.

Use - means any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

Wetland - means land, located in the Coastal Management Zone that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Wetland Functions - means a service that wetlands perform, including flood water storage, flood water conveyance, ground water discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, and habitat for fish, wildlife, invertebrates, plants, and other organisms.

SEC. 700-3. COASTAL ZONE PROGRAM REQUIREMENTS.**SEC. 700-3.1 GENERAL REQUIREMENTS.****A. Purpose.**

This section, which shall be known, cited, and referred to as the Local Coastal Management Zone Ordinance of St. Tammany Parish, is adopted for the purposes as set forth herein.

1. To recognize the value in natural coastal ecosystems.
 - a. Protect, restore and enhance the Local Coastal Management Zone as a natural storm barrier, flood control system, and water filtration system.
 - b. Protect, restore and enhance the Local Coastal Management Zone as a habitat for wildlife, an aquatic resource, an aesthetic resource, a parish, state and national resource, and a historic cultural resource.
 - c. Protect, restore and enhance the Local Coastal Management Zone as a legacy to future generations.
2. To recognize the value in coastal-dependent commercial activity.
 - a. Promote coordinated development within the Local Coastal Management Zone.
 - b. Promote conflict resolution arising from multiple, competing uses.
 - c. Promote recreational uses and public access within the Local Coastal Management Zone.
3. To balance these values in St. Tammany Parish to allow current and future residents the opportunity to enjoy the multiple benefits and cultural values associated with a healthy Local Coastal Management Zone.
4. To foster the public safety, health, and welfare of St. Tammany Parish residents.

B. Interpretation.

In the event that sections of this ordinance may be subject to multiple interpretations, they shall be administered in a manner that furthers the purposes stated above and shall be consistent with the Louisiana Coastal Resources Program. All exceptions shall be construed narrowly.

C. Applicability.

This ordinance applies to all local uses, defined in LA R.S. 49: 214.25 A (2).

D. Duties Of the Local Coastal Program Manager.

The duties of the Local Coastal Management Program Manager include, but are not limited to, the following:

1. Manage the local Coastal Management Program based upon the current edition of the St. Tammany Parish Coastal Management Zone Plan, as adopted by the Parish Council.
2. Issue, or modify Coastal Use Permits (CUP) consistent with the Parish Coastal Management Zone Plan and deny Coastal Use Permits that are not consistent with the plan.

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3. Adopt any rules and regulations that are reasonable and necessary to carry out this Chapter in conformance with the generally established procedures for St. Tammany Parish rule making.
 4. Conduct any investigation necessary to ascertain compliance with this Chapter.
 5. Act as liaison for St. Tammany Parish to the U.S. Army Corps of Engineers, other parishes, and other state and local governmental entities relative to projects governed by this Chapter or the State of Louisiana Coastal Zone Management Program which are proposed to take place in or impact the coastal zone of St. Tammany Parish.
 6. Review and comment upon uses of State Concern, as defined in LA R.S.49:214.25 A (1).
 7. Review and make determinations for uses deemed of local concern by the Office of Coastal Management (OCM).
 8. Maintain and hold open for public inspection records and activities governed by this Chapter.
 9. Implement and enforce this Chapter and the State of Louisiana Coastal Zone Management Program as it pertains to St. Tammany Parish.
 10. Request and receive the assistance of other officers and employees of the Parish, when necessary to carry out these duties.
 11. Consider written requests from St. Tammany Parish residents to add, modify, or delete local rules implemented in this Chapter.
 12. Submit an annual report describing the activity of the St. Tammany Parish Local Coastal Program to the Department of Natural Resources (DNR) Secretary. This report shall be published in the official journal of the parish.
 - a. The report shall include the number, type and characteristics of the CUP applications, decisions, appeals, variances, enforcement actions, and problem areas in the St. Tammany Parish Local Coastal Program for the past year and proposed changes in the State or Local Coastal Program.

SEC. 700-3.2 COASTAL USE PERMIT APPLICATION.

A. Coastal Use Permits Standards.

1. Undertaking a local or state use in the St. Tammany Parish Coastal Zone without a Coastal Use Permit or in violation of permit terms is unlawful. Activities listed below in **Sec. 700-3.2.B** are exempt from this Chapter, except when that activity would have direct and significant impact on coastal waters. To receive an official written determination, activities that are potentially exempt under **Sec. 700-3.2.B** must be described in a completed permit application to ascertain if direct and significant impact on coastal waters are involved.
2. All applications shall be made on the forms prescribed by the Secretary of the DNR, available on the DNR website or at the St. Tammany Parish Department of Planning and Development.
3. Applications may be submitted either online or by mail to the Office of Coastal Management on the state-approved coastal use permit application form.
4. Applications shall include at a minimum the following:

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- a. The name, address, and telephone number of the applicant. If the applicant is not the owner of the property, a signed lease or other written documentation that the owner has given the applicant authority to act on his behalf.
 - b. A legal description of the property (title, lease, etc.).
 - c. Maps showing actual location, size and dimensions of the real property proposed as the use site.
 - d. Plans showing the exact location, size, and height of the buildings or structures to be developed.
 - e. A list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies.
 - f. A description of the extent to which any watercourse or natural drainage will be altered or relocated because of the proposed coastal use.
 - g. A description of how the projects impacts might be tracked in the future, if applicable,
 - h. If the development involves dredging, a description of the type, quantity and composition of the dredged material, plats showing extent of dredge and fill, the method of dredging and disposal.
 - i. Any other documentation required by the Local Coastal Program Manager or the Office of Coastal Management due to the nature of the project.
 - j. All required coastal application review fees.
5. Separate applications shall be made for each unrelated, single action. Actions that are closely-related should be included in a single permit application.
 6. If an application is found to be incomplete or inaccurate or if it is determined that additional information from the applicant is necessary to assess the application adequately, applicants may be requested to provide supplemental material.
 - a. Processing will be stopped pending receipt of the requested changes and/or information from the applicant.
 - b. If the applicant fails to respond within 30 days to any request or inquiry of the permitting body, the permitting body may advise the applicant that his application will be considered as having been withdrawn unless and until the applicant responds within 15 days of receipt of the letter.
 - c. Upon receipt of the required changes or information a new processing period will begin.
 - d. Assistance and consultation will be provided to any applicant so requesting.

B. Exemptions.

1. After review of a Coastal Use Permit application and upon the decision of the Office of Coastal Management or the Local Coastal Program Manager, the following activities may be exempted from the requirements of this Chapter.

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- a. Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities; hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves; normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire or the elements that do not involve dredge or fill; uses and activities permitted by the Offshore Terminal Authority in accord with its environmental protection plan and proposed for the special area established in LA R.S. 49:214.29(C); construction and modification of navigational aids such as channel markers and anchor buoys.
 - b. Activities occurring wholly on lands 5 feet above mean sea level; occurring within fast lands; construction, maintenance, or repair of any existing structure, sign, or utility; a single-family home; or uses which do not have a significant impact on coastal waters must be described in a permit application to allow a determination of whether they have a direct and significant impact on coastal waters.
 2. Upon a finding of an exemption or no direct and significant impact(s) to coastal waters, the Local Coastal Program Manager shall issue a Coastal Authorization Letter to notify the applicant that the activity may proceed without a Coastal Use Permit. The Local Coastal Program Manager will forward the application materials and any supplemental materials to the Secretary for an authoritative determination.

C. Permit Application Review Process.

1. Application processing will begin when an application that is accepted by the State Administrator. Upon receipt of an application to the State, an initial determination is made whether the proposed activity is a State or Local Concern in accordance with LA R.S. 49:214.25(A). This determination is subject to the review by the Secretary.
 - a. *Local Concern.* Upon determination by the Secretary, that a permit application is a Local Concern, the Local Coastal Program Manager shall make a 30-day public notice of the Local Coastal Use application in the official journal of the parish in accordance with LAC 43:1,723(C)(5) and review the application for consistency with the State and Local Coastal Management Program guidelines. Before expiration of the applicable public comment period, the Local Coastal Program Manager shall:
 - i. Make copies of Local Concern application available on the parish common network for review by parish officials.
 - ii. Allow the applicant or agent an opportunity to address issues raised in comments, prior to the final permit decision.
 - iii. Make a determination regarding the appropriateness of calling a Public Hearing on the proposed local use. Requests for a public hearing by interested parties must be received within 30 days of the official journal publication of the notice of the application. A decision to call a public hearing shall interrupt the timeline for deciding the appropriateness of issuing or denying the permit application, however, the hearing shall be scheduled in a prudent manner. Any documents, studies or other data in the applicant's possession, relevant to the proposed use, shall be made available to interested parties upon making a public records request with the District Attorney's office.

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- iv. Consider and address in writing each comment received on the application in the final permit decision.
 - v. Include a statement explaining the basis for each final permit decision.
 - vi. Either send a notice of acceptance or denial of the permit application to the applicant within 30 days of publishing the public notice, or within 15 days after the closing of the record of a public hearing, if held, whichever is later and in accordance with LAC 43:1.723(C)(8).
 - vii. The Local Coastal Program Manager shall assess mitigation for coastal wetland losses, caused by the proposed activities consistent with the requirement of the Louisiana Coastal Resources programs and attendant regulation and guideline, if applicable.
- b. *State Concern.* Upon the determination by the Office of Coastal Management that a permit application is a use of State Concern, the Local Coastal Program Manager shall review the proposed activity for consistency with their program guidelines and with the goals, objectives and policies developed for the environmental management units(s) in which the proposed activity would take place. Based on this review the Local Coastal Program Manager shall:
- i. Request a public hearing when there is significant public opposition to a proposed use, or when there have been requests from legislators, local governments, or other local authorities, or in controversial cases involving significant economic, social, or environmental issues.
 - ii. The Local Coastal Program Manager may submit comments to the Office of Coastal Management regarding the application within thirty (30) days from the date of the official journal publication of the notice. Note: General permits have a shorter window of review time and the Local Coastal Program Manager should forward comments in accordance with the general permit timelines.
 - iii. The Local Coastal Program Manager may assist the Office of Coastal Management in the scheduling and location of requested public hearings.
 - iv. A Letter of No Objection, when required by the State Land Office, for State Concern Coastal Use Permits may be administratively issued by the Local Coastal Program Manager contingent upon the following:
 - (A) Receipt of a written request from the applicant, accompanied with the payment of the local coastal review fee, and a copy of the Coastal Use Permit application with all required supporting documentation.
 - (B) The applicant must have applied for all necessary permits including, but not limited to, a Department of the Army (DOA) permit from the Army Corps of Engineers, a Coastal Use Permit from the Office of Coastal Management, and a water quality certification from the Department of Environmental Quality.
 - (C) All applications must be administratively complete and include all required supplemental documentation, as required by the state agencies and the Army Corps of Engineers.
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- (D) The Local Coastal Program Manager will issue the Letter of No Objection provided that all conditions pursuant to this Chapter have been met, coordination with the governing agencies is complete, and the proposed project is consistent with the Local Coastal Management Ordinance and the St. Tammany Parish Local Coastal Management Zone Plan.
2. Any interested party or person may obtain a copy of a specific Local Coastal Use Permit application and supporting documents by making a public records request to the St. Tammany Parish District Attorney's Office and providing reasonable costs of copying, postage, and handling.
 3. An issued permit shall contain conditions described in LAC 43:1723(C)(9) and any other conditions designated by parish ordinance and by the Local Coastal Program Manager in compliance with the St. Tammany Parish Coastal Management Zone Plan, guidelines pursuant to Title 43, Chapter 7 of the Louisiana Administrative Code, and the State of Louisiana Coastal Zone Management Program.
 4. The term of issuance of permits and authorization letters shall be as follows:
 - a. One year to initiate the permitted/authorized use from the date of issuance.
 - b. An additional 1 year to initiate the permitted/authorized use from the date of issuance may be granted by the Local Coastal Program Manager.
 - c. The term of a coastal use permit shall be 5 years from the date of issuance with no provisions for extension. Renewal may occur in the form of a new application.
 5. Modification and suspension of the Coastal Use Permit shall be allowed in accordance with LAC 43:1.723(D) (1) & (2). Authorization Letters shall not be modified; a new application is required.
 6. The Local Coastal Program Manager's decision on a permit application is evidenced by his/her signature upon issuance of a Local Coastal Use Permit, the Local Coastal Authorization Letter, or on a Denial Notice of the Local Coastal Use Permit.
 7. All Local Coastal Use Permit decisions made pursuant to Chapter 700 shall be published in the official journal of the parish within 30 days of having been provided to the applicant.

D. After-The-Fact Permits.

1. In the event an activity or use is commenced prior to receipt of a Coastal Use Permit, a landowner and/or responsible party shall have 10 days from the date of notice to make an after-the-fact permit application. After 10 days, the Local Coastal Program Manager shall proceed in accordance with the terms of the enforcement section of this Chapter.
2. CUP may be issued as an after-the-fact permit under any one of the following circumstances:
 - a. The activity was undertaken in response to an emergency and the Local Coastal Program Manager was notified of the activity.
 - b. The activity taken was in violation of the Coastal Zone Management Program but would likely have been permitted if the applicant had applied for a permit.
3. An after-the-fact permit may be limited in duration at the discretion of the Local Coastal Program Manager but shall not exceed the time allocated for issuance of similar CUPs obtained through the normal process.

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4. An emergency, after-the-fact permit must be requested within ten (10) days of the activity subject to permitting, at which time the application will proceed as any other application.
 5. When an after-the-fact permit is issued as part of an enforcement action, additional fees, terms and conditions may be included at the discretion of the Local Coastal Program Manager as consideration of circumstances unique to the applicant including, but not limited to, posting of bonds to assure compliance and reporting requirements to monitor the project.
 6. An applicant for an after-the-fact permit may be required to fulfill conditions in the permit despite completion of the activity or return the area to its pre-emergency state if the application is denied.
 7. For purposes of the Coastal Zone Management Program, an after-the-fact permit review, public notice period, processing, and decision shall be made in a manner consistent with any other Coastal Use Permit.

E. Mitigation and Mitigation Requirements.

1. The Local Coastal Program Manager will require mitigation for coastal wetland losses, caused by permitted activities, consistent with the requirements of the Louisiana Coastal Resources Program (LCRP) and the attendant regulations and guidelines.
2. The Local Coastal Program Manager will require that the determination of mitigation requirements for permitted activities, as well as the appropriateness of mitigation proposals to offset losses, be based on losses/gains of wetland habitat values, measured by the same method utilized by DNR.

F. Appeals.

1. Any landowner, agency, person, or resident of St. Tammany adversely affected or aggrieved by a Coastal Use Permit decision, may request a review panel to hear an appeal of the Local Coastal Use Permit by filing a written request with the Director of Planning and Development within 10 days from the Public Notice date of the Local Coastal Use Permit decision.
 - a. The written request for an appeal shall provide grounds for reconsideration that are consistent with the provisions of LA R.S. 49:214.35(B).
 - b. A copy of the written request for a review panel to hear an appeal shall be provided to all parties of record and to the Local Coastal Program Manager, by the party requesting an appeal.
2. A public records request must be made to the St. Tammany Parish District Attorney's Office, within 3 working days of the filing of the written notice of appeal, for a complete copy of the permit record. Copies shall be prepared and presented to the review panel at least 3 working days prior to the hearing of the appeal.
3. Public Notice providing the date, time, and location of the hearing and shall be published in the official journal of the parish and posted on the proposed site of the activity at issue. A copy of the notice shall be provided to all parties of record involved in the permit decision, or any persons who have requested notice of such hearings.
 - a. The Local Coastal Program Manager shall form a review panel to hear the appeal regarding a Local Coastal Use Permit issued by the Local Coastal Program. Review panel decisions shall be made in accordance with local and state requirements for Coastal Use Permits.

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- b. The Local Coastal Program Manager shall schedule a review panel to hear the appeal within 10 days of receiving a proper request for an appeal.
 4. Consideration of the review panel shall be limited to those grounds upon which the permit decision was granted; except where fraud, perjury, or fictitious evidence is proven; or when new evidence is presented that may have bearing on the permit decision which was not discovered before, or during, the application review process.
 5. The standard for review of the Local Coastal Program Manager's decision by the appeals panel is whether the decision on the permit application was supported by substantial evidence, as defined in state law (see LA.R.S. 49:964).
 6. The review panel shall issue a decision and state the reason, or basis, for its decision. This statement should be sufficient to evaluate the rationale and fundamental facts underlying the decision.
 7. A written copy of testimony to be heard during the appeal must be provided by the party making the appeal. The written copy along with any exhibits introduced at the hearing shall constitute the record.
 8. Judicial review of the review panel's decision shall be based on the substantial evidence standard, as defined by state law (see LA R.S. 49:964).
 9. The parish may charge reasonable fees to cover the administrative expenses associated with implementing the appeals process.

G. Enforcement.

1. When a permitted or unpermitted use located in the Coastal Management Zone is determined to be a violation, each day a violation continues will constitute a separate violation.
2. Enforcement may be initiated due to referrals from other agencies, or complaints from individuals, or groups. All site inspections shall include a field investigation for permit compliance, photographs, and notes or other documentation developed during the permit process.
3. When a violation is noted the following enforcement steps shall be taken.
 - a. A determination must be made as to whether the activity is a state or local use and whether the activity has been permitted.
 - i. If the activity is a State Concern, state and federal agencies shall be notified of the violation including, but not limited to, contacting the DNR Office of Coastal Management.
 - ii. If the activity is a non-permitted local concern, the Local Coastal Program Manager shall prepare and send a letter of warning as described below and revert to the guidelines provided in the After-the- Fact-Permit section of this Section.
 - iii. If the activity is a non-compliance issue related to a local concern, the Local Coastal Program Manager shall prepare and send a letter of warning as described below. Should compliance fail to be achieved or if the inspecting official deems a violation serious enough to warrant enforcement the violation may be deemed either non-compliance or significant non-compliance. The gravity of the violation and the actor's compliance history shall be taken into consideration in making a determination as to whether enforcement is warranted.

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- (A) Significant non-compliance exists when the violation poses an imminent threat to the public welfare, is egregious in nature, or results from action by a person that has been in violation of the Coastal Management Program within the preceding 36 months; in these instances, a cease and desist order shall be issued promptly by a St. Tammany Parish Enforcement Officer.
 - (B) Non-compliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the Local Coastal Program Manager.
- c. A letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of the Coastal Zone Management Ordinance in violation, and is signed by the inspector. A letter of warning must be sent to the permit applicant and/or the owner of record of the property when no permit exists.
 - i. The inspector shall investigate the response. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether, or not, compliance has been achieved and the case can be closed.
 - ii. The Local Coastal Program Manager shall notify the State Administrator, and appropriate federal and state agencies of all enforcement actions.
 - d. When a violation does not exist, the Local Coastal Program Manager shall note the fact in the record and inform the agency official or citizen who made the referral of such in writing.
- 4. If the property owner or permit applicant fails to comply with Chapter 700 or a cease and desist order, the parish shall seek appropriate civil or criminal relief. Failure to comply with the provisions of Chapter 700, or of any Coastal Use Permit, shall be punishable of not less than \$100.00 nor more than \$500.00, or 90 days imprisonment, or both. Each day for which the violation continues shall constitute a separate violation.
 - 5. A recipient of a cease and desist order may challenge the validity of the order with the Director of Planning and Development.
 - 6. To perform the duties required under this Chapter, St. Tammany Parish Personnel may enter upon any land and make examinations in accord with L. R. S. 49:214.36 (A) and this Chapter, provided that:
 - a. A warrant is obtained, or
 - b. The examinations do not interfere with the use of the land by its owners or possessors; and
 - c. Prior to inspection the owner or possessor of the land is informed that an inspection is to take place and allowed to accompany the inspector, if they so desire.
 - 7. Consequences for violating the Coastal Zone Management Program are set forth in LA. R.S. 49:214.36 (E) through (N).
 - 8. Pursuit of remedies and enforcement actions taken under Chapter 700 in no way precludes seeking any other applicable remedy or enforcement action available.

H. Designation of Special Coastal Management Areas.

The Local Coastal Program Manager may designate areas within St. Tammany Parish which should be nominated for Special Coastal Management Area designation. These are areas within the St. Tammany Parish Coastal Management Zone that have unique and valuable characteristics or require management procedures that are different from the normal coastal management process, and are to be managed for a purpose of local, state or federal importance. Establishment of Special Areas shall be in accordance with L.A. R. S. 49:214.29.

I. Existing Uses.

Any use or activity that was lawfully commenced or established prior to the adoption of this ordinance shall not require a local coastal use permit.

J. Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared unconstitutional or invalid.

K. Conflict with Existing Ordinances.

All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.

L. Severability.

If any section, subsection, paragraph, sentence, or phrase of this ordinance shall for any reason be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, which shall continue in full effect.

M. Schedule of Fees.

1. Local coastal review fees shall be paid upon notice that a fee is due, or at the time the permit application is filed.
2. Fees must be paid at the St. Tammany Parish Inspections and Enforcement Department. All Local Coastal Use Review fees shall be paid as outlined in Part I of the St. Tammany Parish Code of Ordinances.

N. Letters of No Objection for Coastal Projects.

1. A Letter of No Objection, when required by the State Land Office, the Army Corps of Engineers, or any other agencies may be administratively issued by the Watershed Manager, or designee, contingent upon the following:
 - a. A written request from the applicant, accompanied with the pertinent application and all required supporting documentation.
 - b. The applicant must have applied for all necessary permits including, but not limited to, a Department of the Army (DOA) permit from the Army Corps of Engineers, a Coastal Use Permit from the Office of Coastal Management, and a Water Quality Certification from the Louisiana Department of Environmental Quality.
 - c. Prior to issuance of a Letter of No Objection, all applications must be administratively complete and include all required supplemental documentation, as required by the applicable Local, State and Federal agencies.

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2. A fee shall be paid for issuance of a Letter of No Objection, upon notice that a fee is due. Fees must be paid to the St. Tammany Parish Inspections and Enforcement Department. Letter of No Objection fees shall be paid in accordance with Part I of the St. Tammany Parish Code of Ordinances.