

CITY OF HAMMOND
ORDINANCE NO. _____

An Ordinance to Amend the Unified Development Code Regarding the Duties and Authority of the Planning and Zoning Commission

WHEREAS, The City Council finds that removing the ordinance establishing a Board of Adjustments and amending the ordinance to delegate authority to the Planning and Zoning Commission is necessary to provide for the general welfare of the citizens of Hammond and to maintain the effective and efficient oversight and review of the land and activities within the corporate limits of Hammond; and

WHEREAS, this amendment is consistent with the City of Hammond comprehensive plan of development and the Unified Development Code.

THEREFORE BE IT ORDAINED by the City Council of Hammond, Louisiana, that current Section 2.1.3 is deleted and new Section 2.1.2 (F) is added to read below::

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Article 2

ADMINISTRATION

2.1 REVIEW BODIES

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2.1.2 Planning and Zoning Commission

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F. Additional Authority

(1) General Authority

- (a) The Planning and Zoning Commission shall have authority to perform related duties as directed by the City Council and pursuant to LA R.S. 33:4727.
- (b) The Planning and Zoning Commission may exercise additional powers as may be described elsewhere in this development code and as permitted by the City Code of Ordinances.

(2) Final Authority

With respect to this development code, the Planning and Zoning Commission is responsible for final action regarding:

- (a) To hear and decide appeals involving the interpretation of any provision of this Unified Development Code or when it is alleged that there is error in any order, requirement, decision, or determination made by the Building Official concerning this Unified Development Code;
- (b) Decide on structures and uses that are for temporary or seasonal purposes (such as Christmas tree sales or fireworks stands) that may not typically be included in this UDC.
- (c) Hear and decide appeals involving the boundaries of the zoning district; and
- (d) To review and grant variances to the zoning district regulations when it is found that:
 - (1) Strict application of the zoning district regulations would cause an unreasonable hardship to the property owner/owners, unless the hardship was actually created by the applicant.
 - (2) There are special demonstrable circumstances or conditions applying to the land or building for which the variance is sought, which circumstances

or conditions are peculiar to such land or building and do not apply generally to land or buildings in the district, and that strict application of the provisions of this ordinance under these conditions would deprive the applicant of any reasonable use of such land or building.

(3) Role of Planning and Zoning Commission as a board of adjustments

The role of the Planning and Zoning Commission shall be to hear appeals and variances on matters of interpretation of the Unified Development Code that have first been presented to the Building Official. Any business or citizen may appeal a decision by the Building Official to the Planning and Zoning Commission. The Building Official may also request interpretation and/or clarification of any zoning and sign regulation or district boundary by presenting the issue to the Planning and Zoning Commission. Any appeal of a decision by the Planning and Zoning Commission shall be to the courts as provided by law.

(4) Rules of Procedure

The Planning and Zoning Commission shall adopt its own rules of procedure not in conflict with any State Act or City Ordinance. Meetings of the Planning and Zoning Commission shall be held at the call of the chairman and shall be publicly announced and open to the public. Each meeting agenda shall be sent to the official journal for publication at least 24 hours before such meeting takes place. Minutes of the meeting shall be kept. The concurring vote of a majority of the total members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any appeal or variance.

(5) Appeals to the Commission

Appeals or variances to the Commission shall be stated in writing on a form designated by the Building Official, and submitted at least seven (7) days prior to the Commission meeting. The appeal shall include the name(s) and address(es) of the affected parties, conclusive proof of property ownership, and the nature of the appeal. The Building Official shall be notified of any appeal and shall attend the Commission meeting at which the appeal is scheduled. The appeal may be decided by the Commission at that same meeting or within a 30 day time period following the meeting. There shall be only one appeal on the same matter to the Commission.

(6) Fees for Planning and Zoning Commission

A fee as prescribed in Section 2.3.1 is required for applications.

2.1.3 [Reserved]

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2. All Ordinances in conflict therewith are repealed.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, 2015 of the Hammond City Council and discussed at a public meeting held on _____, 2015; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by _____ and a Second by _____ the foregoing ordinance was hereby declared adopted on _____, 2016, by the following roll call vote:

Votes: Johnny Blount () Jason Hood () Janice Carter Beard () Lemar Marshall () Mike Williams () Motion carried approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this _____ day of _____, in the year 2016, at Hammond, Tangipahoa Parish, Louisiana.

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Tonia Banks, Clerk
Hammond City Council