

2014-0049

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV

An ordinance to amend the Code of Ordinances Appendix A, Section XIV. Amendments and Petitions and Appendix A, Section XV. Amendment Procedure to modify the reporting and recommendation requirements.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code, Appendix A, Section XIV. Amendments and Petitions A. Initiation of Amendments, under No such amendment shall be effective unless: 1. is hereby revised to read as follows:

1. The Council has received a full report from the Planning and Zoning Department on the merits of the proposed amendment including a recommendation by the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and

SECTION II. That the St. Charles Parish Code, Appendix A, Section XV. Amendment Procedure A. is hereby revised to read as follows:

- A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless (1) the Council has received a full report from the Planning and Zoning Department on the merits of the proposed amendment including a recommendation from the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and (2) the Council has held a public hearing on the proposed amendment offering standard public notice according to the Council rules. When a recommendation of denial is made, the basis upon which the recommendation was made is to be presented during the Commission's discussion prior to the vote or it is to be presented following the Commission's vote via the Commission Chairman and/or independently via each member casting the recommendation of denial.

SECTION III. That the St. Charles Parish Code, Appendix A, Section XV. Amendment Procedure D. is hereby revised to read as follows:

- D. Upon receipt of a petition for a change or amendment, the Council shall refer the matter to the Commission which shall have thirty (30) days to render a recommendation to the Council based upon the merits of the proposed amendment. The member making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In cases where the Planning and Zoning Department does not offer a recommendation and the Commission offers a recommendation of denial, the Commission shall indicate at its meeting the basis upon which the Commission's recommendation was made. In cases where the Planning and Zoning Department makes a recommendation relative to rezoning petitions and where the Commission's recommendation differs from that of the Planning and Zoning Department, the Commission shall indicate at its meeting the basis upon which the Commission's recommendation was made with regards to the rezoning guidelines and criteria. The basis upon which the recommendation is made is to be presented during the Commission's discussion prior to the vote or it is to be presented following the Commission's vote via the Commission Chairman and/or independently via each member casting the recommendation which differs from that of the Planning and Zoning Department's recommendation. This shall not be required of the Commission provided the proponent and/or anyone addressing the Commission indicates to the Commission the guideline and criteria which is met or is not met as the case may be in order to warrant the recommendation. This information can be presented to the Commission in writing and must be read at the meeting for

incorporation into the minutes. In addition, any other Commission member may make a statement regarding their position at the meeting or may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the verbatim transcript of the portion of the Commission meeting relating to the proposed rezoning amendment that contains the Commission's recommendation report. These may refer to the following guidelines and criteria.

SECTION IV. That the St. Charles Parish Code, Appendix A, Section XV. Amendment Procedure D. 3. the last paragraph is hereby revised to read as follows:

The Planning Staff shall base its rezoning analyses on these criteria. The Planning and Zoning Commission may state in its recommendations to the Council: (i) its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment or the Planning and Zoning Department's recommendation, and/or (ii) its position relative to proponents' statements on the case. In cases where the Commission's recommendation differs from that of the Planning and Zoning Department, the Commission shall indicate at its meeting the basis upon which the Commission's recommendation was made with regards to the rezoning guidelines and criteria. The basis upon which the recommendation is made is to be presented during the Commission's discussion prior to the vote or is to be presented following the Commission's vote via the Commission Chairman and/or independently via each member casting the recommendation which differs from that of the Planning and Zoning Department's recommendation. This shall not be required of the Commission provided the proponent and/or anyone addressing the Commission indicates to the Commission the guideline and criteria which is met or is not met as the case may be in order to warrant the recommendation. This information can be presented to the Commission in writing and must be read at the meeting for incorporation into the minutes. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed rezoning amendment.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, WOODRUFF, HOGAN

NAYS: WILSON, BENEDETTO, FLETCHER, FISHER-PERRIER

ABSENT: TASTET, COCHRAN

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON MARCH 10, 2014.