

TAB 6



City of Palmetto Agenda Item

Meeting Date

2/7/11

Presenter: Lorraine Lyn **Department:** Public Works

Title:

This is a staff initiated change to correct the number of Planning and Zoning Board members needed for a quorum. The applicable section of the City of Palmetto Code of Ordinances is Section 12.3, Appendix B.

The current City Ordinance provides for a quorum of 4 members of the Planning and Zoning Board. The City Commission decreased the board's composition from seven to five members in August of 2010 but the quorum requirement was inadvertently left at 4. This amendment will change the quorum requirement from 4 to 3.

The following wording requiring the applicant to be present at the Planning and Zoning meeting was also removed.

"Applicant or an applicant's representative shall be present at the designated planning and zoning board meeting. If no one is present at the meeting, the item shall be continued to the next scheduled meeting."

Budgeted Amount: **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A number of P & Z board members

Potential Motion/Direction Requested: This the City Commission's first reading on this item. It is scheduled to be heard by the Planning and Zoning Board on February 17, 2011.

Staff Contact: Lorraine Lyn City Planner 723-4580 Ext. 135

Attachments: Strike through document of proposed changes to Sec. 12.3, Appendix B of the City of Palmetto Code of Ordinances

ORDINANCE 2011-01

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING PROVISIONS RELATED TO THE PROCEDURES OF THE PLANNING & ZONING BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to enact ordinances in furtherance thereof; and

WHEREAS, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to regulate conditions and activities within the City for the protection of the public health, safety and welfare; and

WHEREAS, the City Commission has determined that amending the procedures of the Planning and Zoning Board is in the best interest of the City; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above “WHEREAS” clauses are adopted herein as findings of fact.

Section 2. Revision Language. Section 12.3, Appendix B, of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

- (a) *Officers.* The planning and zoning board shall elect a chair and a vice-chair from among its members. They shall serve for one-year terms.
- (b) *Rules of procedure.* The planning and zoning board shall adopt such additional rules as are necessary to conduct its affairs and in keeping with the provisions of this zoning code. The zoning administrator shall be the secretary to the planning and zoning board and shall be responsible for keeping the records of the board's actions, providing necessary background material, keeping a record of attendance, keeping a record of all official findings and determinations of the board, showing the vote of the members on each question requiring a vote or if absent or abstaining from voting, indicating such fact. The official actions of the planning and zoning board shall be a public record.
- (c) *Meetings.* The planning and zoning board shall meet on an as-needed basis. The board shall not transact any business at any regular or special meeting unless a quorum of three (3) members is present and every official action taken and every decision rendered by the board shall be approved by a majority of members present. If necessary, the board may continue or table any petition or case before it, provided such case be heard at a subsequent meeting not later than sixty (60) days after the meeting at which it was tabled.
- (d) *Compensation.* Members of the planning and zoning board shall receive no salaries.

Section 3. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or

applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. **Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	February 7, 2011
PUBLICATION DATE	February 11, 2011
SECOND READING	February 28, 2011

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 28th day of February, 2011.

CITY OF PALMETTO, FLORIDA, BY AND
THROUGH THE CITY COMMISSION OF THE
CITY OF PALMETTO

By: _____
Shirley Groover Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk

**STRIKE THROUGH DOCUMENT OF
PROPOSED CHANGES TO SEC. 12.3, APPENDIX B,
CITY OF PALMETTO CODE OF ORDINANCES
PLANNING AND ZONING BOARD**

Sec. 12.3. - Officers; rules of procedure; meetings; compensation.

(a)

Officers. The planning and zoning board shall elect a chair and a vice-chair from among its members. They shall serve for one-year terms.

(b)

Rules of procedure. The planning and zoning board shall adopt such additional rules as are necessary to conduct its affairs and in keeping with the provisions of this zoning code. The zoning administrator shall be the secretary to the planning and zoning board and shall be responsible for keeping the records of the board's actions, providing necessary background material, keeping a record of attendance, keeping a record of all official findings and determinations of the board, showing the vote of the members on each question requiring a vote or if absent or abstaining from voting, indicating such fact. The official actions of the planning and zoning board shall be a public record.

~~Applicant or an applicant's representative shall be present at the designated planning and zoning board meeting. If no one is present at the meeting, the item shall be continued to the next scheduled meeting.~~

(c)

Meetings. The planning and zoning board shall meet on an as-needed basis. The board shall not transact any business at any regular or special meeting unless a quorum of four (4 ~~3~~) members is present and every official action taken and every decision rendered by the board shall be approved by a majority of members present. If necessary, the board may continue or table any petition or case before it, provided such case be heard at a subsequent meeting not later than sixty (60) days after the meeting at which it was tabled.

(d)

Compensation. Members of the planning and zoning board shall receive no salaries.

(Ord. No. 04-828, § 3, 12-6-04; Ord. No. 06-899, § 2, 8-21-06)