

Tab 2

**AMENDMENT TO P&Z BOARD QUORUM  
REQUIREMENTS**

Amending Article XII, Chapter 12.3, Planning and Zoning Board Rules of Procedure to change the quorum requirements from 4 to a majority of the P&Z Board.

**Zoning Code Amendment  
Staff Report  
Planning and Zoning Board Quorum Change  
February 17, 2011**

**Issue**

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.

**Background**

During consideration of CU 2010-06 for a video amusements/computer slots/game arcade use at 1035 Hasko Road on December 16, 2010, the Planning and Zoning Board discovered that Sec. 12.3 (b) - Officers; Rules of Procedure; Meetings; Compensation required the presence of the applicant at the Planning and Zoning meeting for the item to be considered.

*"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."*

**Current Code**

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

- (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) 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.

**Proposed Code Changes**

**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)*

### **Staff Recommendation**

Staff recommends **APPROVAL** of the proposed amendment to the Zoning Code to decrease the number of Planning and Zoning members which make up a quorum from 4 to 3 since the Board is now comprised of 5 members. Staff also recommends deletion of the language requiring the continuation of the meeting if the applicant is not present as unexpected situations arise from time to time. The Board may consider other language such as:

The applicant or the applicant's representative shall be present at the designated Planning and Zoning Board meeting to answer any questions the Board may have on the petition.

### **Planning & Zoning Board Recommendation**

Approval, Approval with Conditions or Denial