

9. Consideration of an amendment to the by-laws for the Planning and Zoning Board.



## MEMORANDUM

<b>TO:</b>	<b>Honorable Mayor and Members of the City Council</b>
<b>FROM:</b>	<b>Suzanne Sherman, City Manager</b>
<b>THRU:</b>	<b>Lisa Frazier, Growth Management Director</b>
<b>DATE:</b>	<b>April 18, 2024</b>
<b>RE:</b>	<b>Consideration of an amendment to the by-laws for the Planning and Zoning Board.</b>

The Planning and Zoning Board By-Laws requires updating from time to time. The proposed amendment primarily modifies agenda titles of regular business meetings and adopts the speaker time limits currently practiced by City Council. The proposed language is attached in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format.

### **REQUESTING DEPARTMENTS:**

Growth Management

### **STAFF RECOMMENDATION:**

Motion to approve

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

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

**Motion** by Ms. Jordan, **Seconded** by Mr. McLeod to submit the Planning and Zoning Board By-Laws to the City Council for approval.

**Result:** Carried 5 to 1

**Aye:** Boerema, Jaffe, Jordan, McLeod, Warner

**Nay:** Olszewski

**Abstain:** None

### **ATTACHMENTS:**

1. P&Z By-Laws Amendment – 04-03-2024

## **City of Palm Bay, Florida**

### **PLANNING AND ZONING BOARD BY-LAWS**

#### **ARTICLE I PURPOSE AND INTENT**

**Section 1.** The purpose and intent of these by-laws is to set forth a uniform set of Rules-of-Procedure whereby the City of Palm Bay Planning and Zoning Board hereinafter referred to as “Planning and Zoning Board” may regulate the manner in which it elects officers, conducts meetings and otherwise carries out its functions.

#### **ARTICLE II GENERAL GOVERNING RULES**

**Section 1.** The Planning and Zoning Board shall be governed by the provisions of the City of Palm Bay Ordinance No. 81-28 and the Rules-of-Procedure set forth herein.

#### **ARTICLE III COMPOSITION**

##### **Section 1.** Membership

- A. The City Council shall appoint a seven (7) member Planning and Zoning Board. The members of the Board shall have been residents of the city for at least one (1) year, and shall be appointed on the basis of experience, knowledge>>, << and  
for interest in the area of local planning.
- B. Each Council seat shall appoint one (1) member. Subsequent appointments shall coincide with the Council seat and not the term of office of the Councilmember.
- C. The two (2) remaining members positions shall be considered at-large. The members shall be selected by using the City Council’s process for filling board positions.

##### **Section 2.** Appointments

- A. All appointments shall be made for a term of three (3) years.
- B. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of Office.
- C. The School Board shall determine the term of its appointee.

- D. Patrick Air Force Base, 45<sup>th</sup> Space Wing, shall determine the term of its appointee.

## ARTICLE IV OFFICERS

**Section 1.** The members of the Board shall elect a Chairperson>>Chair<< and Vice Chairperson>>Chair<< at their first meeting. The Chairperson>>Chair<< and Vice Chairperson>>Chair<< shall serve for a term of two (2) years. The Vice Chairperson>>Chair<< shall automatically succeed the Chairperson>>Chair<<.

### **Section 2.** Chairperson

- A. The Chairperson>>Chair<<, a voting member of the Board, shall serve as presiding officer at all meetings of the Planning and Zoning Board and shall conduct said meetings as specified herein. It shall be the duty of the Chairperson>>Chair<< to sign the minutes of proceeding meetings upon their approval at a public meeting.
- B. The Chairperson>>Chair<< shall transmit reports, plans and recommendations of the Board to the City Council and in general shall act as spokesman for the Board. The Chairperson>>Chair<< shall appoint from the Board membership any committees found necessary to investigate matters before the Board.
- C. When a vacancy occurs for the seat of the Chairperson>>Chair<<, the Vice Chairperson>>Chair<< shall automatically succeed the duties for the remainder of the unexpired term of the Chairperson>>Chair<<.

### **Section 3.** Vice Chairperson>>Chair<<

- A. The Vice Chairperson>>Chair<< shall serve as Acting Chairperson>>Chair<< in the absence of the Chairperson>>Chair<< and at such times shall have the same powers and duties as the Chairperson>>Chair<<.
- B. When a vacancy occurs for the seat of the Vice Chairperson>>Chair<<, the Board, by majority vote, shall appoint a new Vice Chairperson>>Chair<< for the remainder of the unexpired term of the Vice Chairperson>>Chair<<.

### **Section 4.** Secretary

- A. A member of the Growth Management Department staff shall serve as Secretary to the Planning and Zoning Board but shall not be a voting member of the Board. The duties of the office shall include the preparation and distribution of agenda, meeting notices, distribution of minutes, to establish and maintain files, books and member attendance records.

## ARTICLE V STANDING AND AD HOC COMMITTEES

**Section 1.** The Planning and Zoning Board shall have the power to establish committees on a permanent or "Ad Hoc" basis to study in-depth and make recommendations on projects or programs to be acted upon by the Board. Membership of the committees shall consist of one or more members from the Planning and Zoning Board, any interested residents of Palm Bay and any technical or professional person(s) deemed appropriate. Such committees shall be appointed by the Chairman.

## ARTICLE VI MEETINGS

**Section 1.** Regular Meetings – Regular meetings of the Planning and Zoning Board shall be held on the first (1<sup>st</sup>) Wednesday of every month at 6:00 P.M. in the Palm Bay City Hall Council Chambers. An agenda shall be prepared by the Secretary of the Board **as directed by the Chairman** listing all matters which shall be taken up before the Board at any of its meetings. The agenda shall be prepared five (5) days prior to the regularly scheduled meeting **with the exception of plats submitted pursuant to the subdivision ordinance.**

**Section 2.** Special Meetings – Special meetings may be called at any time by the **Chairman >>Chair<<**. The Secretary, at the direction of the **Chairman >>Chair<<**, shall give at least five (5) days notice of the time and place of any such meeting to each member of the Board, the City Clerk, the media and all individuals presenting matters on the agenda at such meeting.

**Section 3.** Workshop Meetings – Workshop meetings may be called by the **Chairman >>Chair<<** as required for the purpose of enabling the Planning and Zoning Board to gather information and examine Proposals relating to the powers and duties with which the Board is charged. Said meetings shall be open to the public and members of the media, however, the Board is not compelled to hear any comments or questions from other than Board members, except when recognized by the **Chairman >>Chair<<**. In no event shall official action be taken by the Board at any workshop meeting.

**Section 4.** Continued Meetings – The Planning and Zoning Board may continue a Regular or Special Meeting if all business cannot be conducted on the advertised date; no further public notice shall be necessary for resuming such meetings provided the time, date and place of resumption is stated at the time of continuance, unless additional notice is required by law.

**Section 5.** Notice of Meetings – Board members and the local media shall be notified at least twenty-four (24) hours prior to any Workshop or Continued meeting unless the time and place of said meeting is announced at a regular meeting of the Board or unless additional notice is required by law.

**Section 6.** Cancellation of Meetings – Whenever there is no business or whenever a majority of the members notify the Secretary of inability to attend a meeting, the **Chairman >>Chair<<** may cancel the meeting by giving written or oral notice to all members not less

than twenty-four (24) hours prior to the time set for the meeting. Said notice shall be posted in a conspicuous place within or at the scheduled meeting place and the media shall be notified of the cancellation.

**Section 7.** Conduct of Meeting – All meetings shall be open to the public and shall be conducted according to a suitably adopted standard of parliamentary procedure.

The order of Business at a regular meeting shall be as follows >>as applicable<<:

~~Call to Order~~  
~~Roll Call~~  
~~Approval of Minutes~~  
~~Announcements~~  
~~Old Business~~  
~~New Business~~  
~~Other Business~~  
~~Adjournment~~

>>Call to Order  
Pledge of Allegiance  
Roll Call  
Election  
Adoption of Minutes  
Announcements  
Old/Unfinished Business  
New Business  
Other Business  
Adjournment<<

**Section 8.** Quorum – A quorum shall consist of at least four (4) members for the transaction of all business.

**Section 9.** Voting – A quorum is required and the vote of a majority of those members present shall be necessary to decide matters before the Board. No member shall vote by proxy on any matter before the Board. A tie vote on any motion shall constitute a failure of the motion.

**Section 10.** Public Comments – Individuals wishing to address agenda items can do so at the time the agenda item is being considered by the Board. The ~~Chairperson~~>>Chair<< will ask if there are any public comments prior to the Board taking action on an item.

Individuals who wish to address the Board shall provide their name, address, subject matter on which they wish to speak, and a means of contact, on a ~~sign-in sheet on the podium~~>>Speaker-Oath Card provided at the meeting. Time limits for Individuals to address the Board will comply with Ordinance 2021-25, Section 1<<.

**Section 11.** Attendance – Any member who fails to attend two of three successive meetings without cause and without prior approval of the **Chairman >>Chair<<** shall automatically forfeit his appointment. The **Chairman >>Chair<<** shall notify the City Council of any vacancy, at which time said vacancy shall be promptly filled. (Ordinance 81-28, Section 4c).

Members must attend at least fifty percent (50%) of each meeting in order to be counted present.

**Section 12.** Audiovisual Presentations by the Public – Members of the public wishing to use electronic media when addressing the Planning and Zoning Board must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting. Screening ensures that the material is in a format capable of broadcast or presentation over the audiovisual system and assures that the material is legally appropriate for broadcast over the audiovisual system and cable. Visual materials include any visual or textual items that are displayed through the audiovisual system irrespective of their specified format or media. This includes without limitation, photographs, audio and video presentations, charts, computer presentations, computer screen images, posters and flyers, whether in physical or electronic format.

## **ARTICLE VII STAFF**

The Planning and Zoning Board and duly authorized committees shall have access to the information and staff of all the departments of the city government on such a basis as these departments are able to render assistance and upon approval by the City Manager.

## **ARTICLE VIII AMENDMENTS**

These Rules of Procedure and By-Laws may be amended from time to time as deemed necessary by the Board and subject to final approval of the proposed amendment by the City Council.

Adopted: P&Z 03-18-19; RCM 04-04-19  
Revised: P&Z 08-05-20; RCM 08-20-20 (Includes Audiovisual Presentations by Public)  
Revised: P&Z 09-01-21; RCM 09-16-21  
Revised: P&Z 03-02-22; RCM 03-17-22