



## CITY COMMISSION STAFF REPORT

**DEPARTMENT:** Commission

**SUBJECT:** Discussion and possible action to designate Planning and Zoning Board as a recommendation board with a quasi-judicial format on Land Use Items and update related codes. – **Commissioner Katzman**

**RECOMMENDATION:**

Commissioner Katzman requests discussion and possible action to designate Planning and Zoning Board as a recommendation board with a quasi-judicial format on Land Use Items and update related codes.

**BACKGROUND OF ITEM:**

Below is a list of petitions that are significant enough for consideration on having representation from the City Attorney's Office present at P&Z meetings:

- Comprehensive Plan / Land Use Plan Amendment
- Conditional Use
- Variance (except for Minor Residential Variance)
- Residential Site Plan greater than 10 acres
- Non-residential Site Plan greater than 2 acres

In regards to Cost Recovery and the use of the City Attorney currently states:

Sec. 2-242 Cost Recovery for City Attorney and outside consultant review.

- A. Applications subject to cost recovery for costs for City Attorney and outside consultant review. The following types of applications authorized under Chapter 22, "Planning and Public Facilities", Chapter 23, "Zoning Districts", Chapter 24, "Subdivision and Site Plan Review," and Chapter 25, "Development Standards," shall be subject to the requirements of this section: comprehensive plan amendments, rezonings, variances, plats, and plat amendments, appeals of administrative decisions, land development regulation amendments, and conditional uses. The cost recovery charges required by this section shall not apply to applications that are initiated by the City.
- B. Charges for additional review by the City Attorney and outside consultants. Where Community Development Director determines that an application subject to this section requires review by the City Attorney, which is anticipated to require in excess of a period of one (1) hour, or requires review by an outside consultant hired by the City, the

applicant shall pay a cost recovery deposit prior to further processing and review of the application. Persons who file any applications for which cost recovery is applicable and which necessitates additional review by the City Attorney or an outside consultant as provided for in this subsection shall pay, prior to or at the time that the application is filed, an initial cost recovery deposit which shall be credited toward the actual charges of the City Attorney or outside consultant which are incurred as the review proceeds. The amount of the initial cost recovery deposit for an application which is subject to this subsection shall be determined by the Community Development Director and shall be commensurate with the anticipated costs of review by the City Attorney and necessary outside consultant

**ANALYSIS:**

N/A

**STRATEGIC PLAN:**

N/A

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

N/A

**ATTACHMENTS:**

None

Workflow History			
User	Task	Action	Date/Time
Allen, Tedra	NEW ITEM: Not Yet Routed	*COMPLETE: Forwar...	02/06/23 02:08 PM
Horowitz, Jacob	Assigned to Attorney	COMPLETE: Forwar...	02/17/23 02:05 PM
Napoli, Joseph	Assigned to City Manager	COMPLETE: Forwar...	02/17/23 02:06 PM
Allen, Tedra	Assigned to City Clerk	APPROVE ITEM: En...	02/17/23 03:19 PM
Allen, Tedra	END WORKFLOW - APPROV...		02/17/23 03:40 PM