

## Procedures and Regulations Committee Agenda Cover Memorandum

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Meeting Date: October 7, 2008

Item Title: Text amendment to Section 2.3 of the Zoning Ordinance regarding rules and procedures for the Zoning Board of Appeals, Zoning Case Number TA-07-01.

Action Requested:

- Approval
- X For discussion
- Feedback requested
- For your information

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Background:

The Committee last discussed the proposed text amendment to Section 2.3.D of the Zoning Ordinance, regarding rules and procedures for the Zoning Board of Appeals at its August 5, 2008, meeting. The item was also on the September 10, 2008, meeting, but no action was taken and it was continued to the October 7 meeting. This is to be a new section in the Zoning Ordinance to allow the Board to make its own rules and procedures.

At the August 5 meeting, the Committee discussed revisions proposed by Chairman Allegretti and Ann Tennes, Chairman of the Board. The Committee did not make a decision on exact language. Therefore, Chairman Allegretti agreed to meet again with Chairman Tennes to discuss possible language changes. Staff has not received any revisions since August 5.

Staff and the City Attorney continue to recommend keeping the original language. First, there is no authority currently granted in the Zoning Ordinance to the Board to make its own rules and procedures. Second, it will be difficult to determine the "prior and current practices and procedures" of the Board in order to determine what authority the Board actually has. This may lead to problems with the interpretation of the Ordinance. Third, the original language is consistent with similar language already in place for the Planning and Zoning Commission.

Original language that staff is recommending remain as proposed.

**To adopt rules, procedures and guidelines pertaining to the administration and interpretation of those sections of the Ordinance over which the Board is granted jurisdiction.**

Chairman Allegretti's proposed changes

**To adopt rules, procedures and guidelines pertaining to the administration and interpretation of those sections of the Ordinance over which the Board is granted jurisdiction. This is not meant to change the existing authority granted elsewhere in this Ordinance or to limit the prior and current practices and procedures exercised in the Zoning Board of Appeals.**

Recommendation:

Recommend City Council approval of the text amendment to the Zoning Ordinance, regarding Section 2.3.D, Zoning Case Number TA-07-01, as originally proposed.

Budget Implications:

Does Action Require an Expenditure of Funds:  Yes  No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:  Yes  No