

PLANNING COMMISSION BY-LAWS

CHAPTER I: IN GENERAL

- A. **Authority.** These By-Laws are authorized under the DeSoto County, Florida Code of Ordinances, Chapter 20, Land Development Regulations, Division 2, Planning Commission, Section 20-1252(8). These By-Laws supersede any other By-Laws for the conduct of hearings that the Planning Commission previously adopted. Nothing in these By-Laws supersede Ordinances adopted by the Board of County Commissioners concerning the Planning Commission and to the extent there is a conflict between any Ordinance and these By-Laws, the Ordinance shall prevail.
- B. **Purposes.** The purposes of these By-Laws is to establish a reasonable and consistent process for the DeSoto County Planning Commission to consider, hear, and act upon certain regulatory and administrative matters consistent with state law and the DeSoto County, Florida Code of Ordinances. The By-Laws are intended to:
1. Ensure fair and impartial treatment of each Applicant, Respondent, or Person who is interested in or may be aggrieved by an action;
 2. Promote the orderly and efficient conduct of public proceedings convened to decide matters before the Planning Commission; and
 3. Facilitate the operations of Planning Commission administrative matters; and to comply with applicable federal, state, and County laws.
- C. **Scope.** These By-Laws apply to the Planning Commission's conduct of hearings on any application for: comprehensive plan or comprehensive plan amendments; Land Development Regulations amendments; Official Zoning District Map or Official Zoning District Map amendment; special exception use; appeals from decisions of the Development Review Committee regarding determination of vested rights; and any other duties which the Board of County Commissioners may lawfully assign to it.

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- D. **Adoption and amendments.** The adoption or amendment of these By-Laws shall be by a majority vote of the entire DeSoto County Planning Commission, including the alternate members, provided that all members have received an advanced copy of the proposed By-Laws or amendment at least one week prior to the meeting at which such amendments are to be considered. These By-Laws were adopted at the <DATE> Planning Commission meeting.

CHAPTER II: PLANNING COMMISSION MEMBERSHIP

- A. **Member application.** Any person desiring to fill a vacancy on, and be appointed to, the Planning Commission shall apply to the Planning Commission Secretary by providing a written letter and resume. The letter shall clearly state:
1. Whether the Applicant holds any elective office or is employed by any municipal or County government;
 2. Whether the Applicant has been a resident of DeSoto County for at least the last two consecutive years;
 3. Whether the Applicant is a citizen of the United States of America;
 4. The Applicant's business, trade, or profession; and
 5. Why the Applicant desires to serve on the Planning Commission.
- B. **Officers.** The Planning Commission officers shall be appointed by a majority vote of the regular members and shall consist of a Chairperson and a Vice-Chairperson.
- C. **Elections of Officers.** The annual election of the Planning Commission officers shall be held at the first regular meeting in January and shall be the last item of business of such meeting. The new term shall begin at the next regular meeting of the Planning Commission following the first regular meeting in January each year. Officers may be re-elected for multiple terms. The order of election shall be the Chairperson and then the Vice-Chairperson.

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D. **Chairperson.** The duties of the Chairperson are generally as follows:

1. To open the session at the time at which the Planning Commission is to meet, by taking the chair and calling the members to order;
2. To announce the business before the Planning Commission in the order in which it is to be acted upon;
3. To recognize members entitled to the floor;
4. To state and to put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote;
5. To protect the Planning Commission from evidently frivolous or dilatory motions by refusing to recognize them;
6. To assist in the expediting of business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if the Chairperson thinks it advisable;
7. To restrain the members when engaged in debate, within the rules of order;
8. To enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the Planning Commission by any two members) unless when in doubt the Chairperson prefers to submit the question for the decision of the Planning Commission;
9. To inform the Planning Commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business;
10. To authenticate, by his signature, when necessary, all the acts, orders, and proceedings of the Planning Commission declaring its will and in all things obeying its commands.

E. **Vice-Chairperson.** The Vice-Chairperson shall act in the capacity of the Chairperson in his or her absence or if the Chairperson has a conflict of interest or is otherwise disqualified from acting as the presiding officer.

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- F. **Pro Tempore Chairperson.** If the Chairperson and Vice-Chairperson are not able to preside over a meeting or hearing and a quorum is present, a Pro Tempore to serve only at that meeting shall be elected by a majority of the members present.
- G. **Absences.** Planning Commission members shall attend all regular meeting unless excused from attending the meeting. The Planning Commission, by majority vote, may approve an excused absence for the following reasons:
1. A court order, subpoena, or business with a court which has the sole prerogative of setting the date of such business;
 2. Conflict with other scheduled business of the Planning Commission or conflicting business previously authorized by the Planning Commission;
 3. Death of family member;
 4. Illness of the Commission member and hospitalization of the member's immediate family;
 5. Unavoidable travel delays or cancellations; and
 6. Other extraordinary circumstances.
- Failure to attend a complete meeting shall count as an absence unless approved by unanimous vote of the Planning Commission.
- H. **Member resignation.** A member may resign from the Planning Commission by sending a letter of resignation to the Chairperson of the DeSoto County Board of County Commissioners and a copy of the letter to the Planning and Zoning Director.

CHAPTER III: PLANNING COMMISSION STAFF

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- A. **Office.** The Planning Commission office shall be located within the offices of the DeSoto County Development Department, Planning and Zoning Division. The Planning Commission records, including the meeting minutes, copies of all applications, the Comprehensive Plan, the Land Development Regulations, reports, notices, resolutions, transactions, correspondence, training materials, etc. shall be maintained at the offices of the Planning Commission and shall be of public record.
- B. **Staff.** The DeSoto County Development Department's Planning and Zoning Division staff shall serve as the staff serving the Planning Commission.
- C. **Secretary.** The Planning and Zoning Director, or his or her designee, shall appoint a Planning and Zoning Division employee to serve as the Planning Commission Secretary, who shall be responsible for recording, preparing a written summary of the meeting, and maintaining the approved and executed minutes. The minutes shall identify those members who are present, absent, or late; contain a brief synopsis of the meeting; and statement of conditions or recommendations made on any action. The minutes are not intended to be a verbatim record of the meeting but may include modifications for clarification purposes so long as the intent is not intentionally changed.

CHAPTER IV: PLANNING COMMISSION MEETINGS

- A. **Regular Meetings.** The Planning Commission shall hold its regular monthly meeting on the first Tuesday of each month at 5:30 p.m. The Planning Commission, by majority vote, may set a different date or time for a particular meeting.
- B. **Special Meetings.** Special meetings, such as training sessions, may be called by the Planning Commission Chairperson, Secretary, or by majority vote of the Planning Commission. A minimum 48-hour notice shall be provided to each member of a special meeting is held.

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- C. **Meeting Location.** Planning Commission meetings and hearings shall be held at the DeSoto County Administration Building, 201 East Oak Street, Board Room 103, Arcadia, Florida. The Chairperson, Secretary, or by majority vote of the Planning Commission, may designate any place within DeSoto County for a regular or special meeting. In selecting a meeting location, due consideration shall be given to space requirements and travel distances for those who will attend the meeting.
- D. **Agenda and Order of Business.** The Development Director or delegate shall prepare a written agenda for all regular and special meetings. The order of business shall be substantially in the following format:
1. Call To Order
 2. Pledge of Allegiance
 3. Roll Call
 4. Set or Amend the Agenda
 5. Public Forum for Non-Agenda Items
 6. Proof of Publication
 7. Planning Commission Meeting Minutes
 8. Development Director Comments
 9. Action Items
 - a. Comprehensive Plan amendments
 - b. Official Zoning District Map amendments
 - c. Special Exception Use amendments
 - d. Land Development Regulations amendments
 - e. Special projects and other matters
 10. Discussion Items
 11. Informational Items
 12. New Business
 13. Old Business
 14. Planning Commission Member Remarks
 15. Election of Officers (January meeting only)
 16. Adjournment

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- E. **Agenda items.** Any agenda items that a Planning Commission member desires to include on a meeting agenda shall be submitted to the Development Director no later than two weeks prior to the next scheduled meeting. This will allow time for inclusion on the agenda prior to submission for public notice. The Development Director, upon consultation with the County Attorney, shall place it on the Discussion Items portion of the agenda.
- F. **Rules of Debate.**
1. To the extent not provided by these By-Laws and to the extent that the reference does not conflict with the spirit of these By-Laws, the Planning Commission shall refer to Robert's Rules of Order, latest edition, for unresolved procedural questions.
 2. Planning Commission members desiring to speak shall address the Chairperson and, upon recognition, speak to the question under debate, avoid personal remarks and indecorous language as determined by the presiding officer. There shall be no limit to the number of times a Commission member may speak to the questions
- G. **Voting requirements.** An affirmative vote of the majority of the Planning Commission members present shall be required for the approval of any requested action or motion placed before the Planning Commission. A roll call vote shall be required unless the presiding officer determines that a voice vote is appropriate. All Planning Commission members present at a meeting shall vote on every motion placed on the floor unless there is a conflicts of interest.
- H. **Recess.** At any time after convening a public hearing, the Chairperson has the authority to recess the hearing for up to 15 minutes for purposes of properly administering the hearing.
- I. **Postponement, continuance, and adjournment.** By majority vote of the Planning Commission for good cause shown, a matter scheduled to be

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heard may be postponed or continued, or a meeting of the Planning Commission may be adjourned prior to completion of all business provided that the County Attorney advises that the due process rights of an applicant, party, or affected person are not affected thereby and that consideration by the Board of County Commissioners will not be unduly delayed as a result of such postponement, continuance, or adjournment.

- J. **Notice of Decision.** A written notice containing the Planning Commission's decision shall be sent to the Applicant and originators of a request.

CHAPTER V: PLANNING COMMISSION CONDUCT

- A. **Public ethics policy.** To preserve public confidence in the fairness of the Planning Commission deliberations, recommendations, and decision, the Planning Commission should ensure that the public and interested Persons have the opportunity to know, and respond to, all information that the Planning Commission considers in making its recommendation or decisions. The Planning Commission also should ensure that all members have the same opportunity to know and consider any relevant evidence provided to any other Planning Commission member. The Planning Commission may take administrative notice of facts in common knowledge and matters falling within any member's experience and expertise, as disclosed by that member, in reaching a recommendation or decision.
- B. **Conflicts of interest.** When declaring a conflict, the Planning Commission member shall do all of the following:
1. Announce a conflict and state its general nature.
 2. If the County Attorney determines a conflict of interest exists, abstain from any discussion or votes relative to the matter that is the subject of the conflict.
 3. Remove himself or herself from the room in which the discussion takes place.

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C. **Outside communications.**

1. *Policy.* To preserve public confidence in the fairness of the Planning Commission and decisions, the Planning Commission shall ensure that the public and interested persons have the opportunity to know, and respond to, all information that the Planning Commission considers in making its recommendations and decisions. The Planning Commission also shall ensure that all members have the same opportunity to know and consider any relevant evidence provided to any other Planning Commission member. The Planning Commission may take administrative notice of facts in common knowledge and matters falling within any member's experience and expertise, as disclosed by that member, in making a recommendation or reaching a decision on a matter.

2. *Obligation to Avoid Improper Contacts.* When considering any matter decided under these Rules, the Planning Commission deals with Persons who are directly affected by its recommendations and decision (such as the Applicant and neighbors). Each of these interested Persons needs the assurance that other interested Persons will not have an unfair advantage in presenting their version of the relevant facts or concerns to the Planning Commission. To that end, the Planning Commission members should avoid communicating with Applicants or any other Persons about a pending Application except at the Planning Commission meetings or hearing when the Application is considered. The Development Director shall regularly publish a roster of pending Applications in appropriate detail to avoid violations of this Rule.

3. *Prohibitions.* Each Planning Commission member must not communicate with any other Person, including other Planning Commission members, about the merits or facts of any pending Application, except during the Commission meeting when the Application is being considered. Nothing in this section restricts any

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Planning Commission member from communicating with any Development Department staff or the County Attorney for the purposes of obtaining information or advice.

4. *Disclosure of Unsolicited Communications.* If a Planning Commission member receives unsolicited communications about a pending Application outside of a Commission meeting, the member must disclose and described the communication at the earliest opportunity during the Commission's consideration of the Application.

D. **Financial disclosure.** Florida State law requires that appointed members of the following boards annually file a statement of financial interest:

1. Planning or zoning board;
2. Board of adjustments or appeals;
3. Community redevelopment agency board; and
4. Other board having the power to recommend, create, or modify land planning or zoning within the political subdivision,

except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards annually file a statement of financial interest.

New Planning Commission members are required to file financial disclosure FORM 1 within 30-days of appointment. Thereafter, all Planning Commission members are required to file the financial disclosure form by July 1 of each year. The financial disclosure form shall be filed with the DeSoto County Supervisor of Elections and a copy of said filed form shall be provided to the Planning Commission Secretary.