

## **Planning & Zoning Board By-Laws**

### **Article I.      Purpose:**

**Section 1.** The Planning & Zoning Board ("Board") was created by the adoption of Ordinance No. 30-98. The Board shall have the powers and duties as set forth in Section 110-1202 of the City of Deltona Code of Ordinances and shall provide information and suggestions regarding topics that are provided to the Board by the City Commission. The Staff Liaison will present the recommendations to the City Commission on a quarterly basis or as needed. The Board shall not have the authority or take any action that will commit the expenditure of public funds, the use of City equipment or personnel and shall not make monetary or other commitments on behalf of the Board, the City Commission, or the City of Deltona.

### **Article II.      Staff Liaison:**

**Section 1.** The Board Liaison shall serve as the Staff Liaison to the City Commission. In the event the Staff Liaison is unavailable, the appointed designee will assume their responsibilities for the period of their absence.

**Section 2.** The Board Liaison shall provide a summary of the discussion(s) and recommendation(s) of the Board to the City Commission on a quarterly basis. The schedule of which City Commission Meeting the Board will present their quarterly report at is provided by the City Clerk's Office.

### **Article III.      Membership:**

**Section 1.** The Board shall consist of seven members. Each member shall serve a term of three years. Each city commissioner and the mayor shall appoint one member to the Board, said appointments to be ratified by a majority vote of the city commission. The initial terms of office shall be staggered. Two members shall serve for one year, two members shall serve for two years, and the remaining members shall serve for terms of three years. The members to serve initial terms of one and two years shall be determined by drawing lots by the city commission after making the initial appointments. Thereafter, all members shall be appointed for terms of three years. No Board member shall serve on the Board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the Board.

**Section 2.** All applicants to be considered for appointment to the Board shall complete a City of Deltona Citizen Board/Committee application form, which will be kept on file by the City Clerk.

**Section 3.** Each member of the Board shall reside within the City limits of the City of Deltona and shall serve his or her term without compensation.

**Section 4.** Any vacancy occurring during the term of a Board member shall be filled or replaced by appointment by their respective appointing member of the City Commission for the remainder of the vacancy term. The vacancy shall be filled within 30 days from the time it occurs.

**Article IV. Attendance:**

**Section 1.** Members' office may be declared vacant by reason of death, resignation, mental or physical incapacity, absenteeism as prescribed hereafter, or for conduct bringing discredit to the City of Deltona or the Board.

**Section 2.** So that the Board may responsibly carry out its duties, all members should make every effort to attend all meetings. If a member has three (3) consecutive unexcused absences, the Board shall terminate the individual's membership and the Staff Liaison shall advise the appointing Commissioner of the vacancy. The Staff Liaison will also advise the City Clerk of the vacancy. The City Clerk will advertise the opening and place the appointment of a new member on a Regular City Commission Meeting Agenda.

**Section 3.** Absences may be excused by notifying the Staff Liaison of the circumstances prior to the meeting.

**Article V. Officers and Duties:**

**Section 1.** The members of the Board shall elect a Chairperson and a Vice-Chairperson each December to serve for a period of one (1) year. If a Chairperson and a Vice-Chairperson position become vacant for any reason, a replacement shall be elected by a majority of the full Board at their next regularly scheduled Board meeting.

**Section 2.** The Chairperson shall perform the duties ordinarily performed by a Chairperson. All requests and communications shall be channeled through the Staff Liaison. Any and all correspondence by any Board member shall be directed to the Staff Liaison only and the Staff Liaison will forward the information to the City Commission or staff as necessary. Under no circumstances should a Board member be directly discussing Board business with staff or the City Commission. Members of the Board may not at any time represent themselves or mislead anyone that they are an employee of the City of Deltona.

**Section 3.** The Vice-Chairperson shall preside at any meeting in the absence of the Chairperson. If both the Chairperson and Vice-Chairperson are absent, the remaining members, if a quorum is present, shall elect a temporary presiding officer.

**Section 4.** The Chairperson, Vice-Chairperson or the temporary officer shall ensure that all members of the Board are aware of all applicable rules, laws, regulations, policies and procedures.

**Article VI. Quorum:**

**Section 1.** In order to have a Board meeting, a quorum must be present. The majority of the members must be present to constitute a quorum. A quorum consists of half the Board, plus one.

**Section 2.** There must be an affirmative vote of a majority of voting members present in order for any action to be taken by the Board.

**Article VII. Meetings:**

**Section 1.** Meetings of the Board will be held as needed and directed by the City Commission, generally once per month depending on the topic(s) provided by the Commission for discussion. Meetings will be held at a location to be determined by the Staff Liaison.

**Section 2.** All meetings of the Board or any two (2) members thereof, are declared to be public meetings open to the public at all times, and may not be held unless due notice to the City and the public is given as required by Florida's Government-in-the-Sunshine Laws.

**Article VIII. Order of Business:**

**Section 1.** At all regular Board meetings, the following shall be the general order of business:

- 1) Call to order by the Chairperson
- 2) Roll call
- 3) Approval of minutes
- 4) Public Comments
- 5) Old business
- 6) New business
- 7) Member comments
- 8) Adjournment

**Section 2.** In order to provide an opportunity for discussion of business before the Board prior to a motion, it shall be the duty of the Chairperson to state the matter of business to the Board and to provide a period of discussion of the facts

relevant to the topic prior to entertaining a motion. After a motion is made and seconded, the Chairperson shall allow additional discussion by the Board members. Any member may call for a vote if additional discussion becomes repetitive or irrelevant to the motion.

**Article IX. Minutes:**

**Section 1.** The Staff Liaison or the appointed designee shall be responsible for preparing written minutes of all meetings and notices of such meetings in accordance with the Board Meeting Agenda Procedure as approved by the City Clerk. The "Draft" minutes, which should be marked "Draft", of each meeting shall be open for public inspection two (2) weeks following the meeting date on the City's Website. The "Approved" minutes which will replace the "Draft" minutes shall be properly recorded and open for public inspection the day following the date the minutes were approved by the Board, with the original signed minutes kept in the City Clerk's Office. The Staff Liaison or the appointed designee will be responsible for all public notifications.

**Section 2.** All communications by or on behalf of the Board or any Board member shall be made either in public at a Board meeting, through communications to the Staff Liaison, or through items placed in the minutes of the Board. Neither the Board, nor any Board member, shall purport to speak on behalf of the Board or as an official Board member through any other means of communication. This restriction shall not prevent any Board member from expressing his or her individual ideas or opinions relating to any matter, so long as such expression of ideas or opinions are expressed as that *individuals'* ideas or opinions, and not as the ideas or opinions of the Board, or the ideas or opinions of such individual *as a Board member*.

**Article X. Voting:**

**Section 1.** Any member of the Board having a personal or financial interest in any matter shall disclose such interest to the Board and shall complete and file with the City Clerk such Memorandum of Voting Conflict as required by law. No member present shall abstain from voting on any matter except as provided by Florida Statutes.

**Article XI. By-Laws:**

**Section 1.** The City Commission has final approval of all By-Laws or By-Law changes as recommended by the Staff Liaison, the appointed designee or the Board.

**Section 2.** Motions to amend or add to the By-Laws shall be made in writing to the Staff Liaison. It shall be up to the City Commission to determine whether any By-Law should be amended or added.

**Article XII. Sub-Committees:**

**Section 1.** If the Board would like to create a Sub-Committee, a request therefore would have to be submitted through the Staff Liaison to the City Commission for approval and justification.

**Section 2.** The Board shall select Sub-Committee Chairpersons from among its members to serve as Chairperson of each Sub-Committee, where applicable. The Sub-Committee Chairperson shall select volunteers, from among residents of the City, to serve on each Sub-Committee.

**Section 3.** All individuals considered for appointment to a Sub-Committee shall complete a City of Deltona Citizen Board/Committee application form, which will be kept on file by the City Clerk.

**Section 4.** Each Sub-Committee member's term shall expire one (1) year after the member is appointed or re-appointed.

**Section 5.** Each member of the Sub-Committee shall reside within the City limits of the City of Deltona. Every effort will be made to include representation from each Commission district on the Sub-Committee where possible.

**Section 6.** Each member shall serve his or her term without compensation.

**Section 7.** The Chairperson of each Sub-Committee shall ensure that all members of the Sub-Committee are aware of all applicable rules, laws, regulations, policies and procedures.

**Article XIII. Dual Office Holding:**

**Section 1.** It is the policy of the City of Deltona that no citizen may, simultaneously, serve on more than one City Board, Committee or Sub-Committee. This policy does not apply to citizens serving on Sub-Committees, or Committees and Boards of a temporary nature, and does not apply to citizens serving on Sub-Committees of the actual board or committee on which such citizen serves.

**Section 2.** This policy limiting the number of Boards/Committees on which a citizen may serve shall apply prospectively only, and shall not affect the current term being served by citizens on any Board and/or Commission within the City of Deltona. (Commission Policy/Procedure: CC06-001)

**Article XIV. Sunset Provision:**

**Section 1.** The Board and Sub-Committees shall be sunset upon determination by the Deltona City Commission that the Board has served its purpose and is no longer needed for recommendations on related matters.

**RESOLUTION NO. 2011-34**

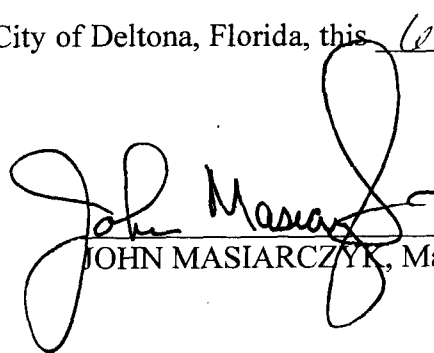
**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF DELTONA, FLORIDA, TO ADOPT THE BY-  
LAWS GOVERNING THE PLANNING AND ZONING  
BOARD AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Deltona Zoning Code of Ordinances 110-1201 provides that the City Commission adopt by-laws for the Planning and Zoning Board; and

**WHEREAS**, the Ordinance requires that the by-laws be adopted by resolution of the City Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA**, that the by-laws governing the City of Deltona Planning and Zoning Board, which are attached hereto, are hereby adopted.

**ADOPTED BY** the City Commission of the City of Deltona, Florida, this 6<sup>th</sup> day of September, 2011.

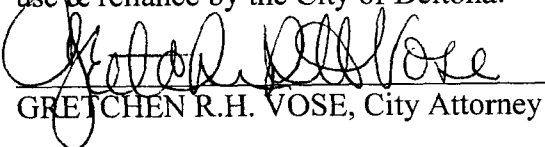
  
JOHN MASIARCZYK, Mayor

ATTEST:

  
JOYCE KENT, City Clerk

| NAME       | YES | NO |
|------------|-----|----|
| CARMOLINGO | ✓   |    |
| DENIZAC    | ✓   |    |
| HERZBERG   | ✓   |    |
| LOWRY      | ✓   |    |
| MASIARCZYK | ✓   |    |
| TREUSCH    | ✓   |    |
| ZISCHKAU   |     | ✓  |

Approved as to form and legality for  
use & reliance by the City of Deltona:

  
GRETCHEN R.H. VOSE, City Attorney

## ARTICLE XII. - PLANNING AND ZONING BOARD

### Sec. 110-1200. - Creation.

A planning and zoning board is hereby created, effective April 1, 1999. The planning and zoning board is the quasi-judicial board that serves as the local planning agency for the city as required by Florida Statute. It shall be referred to in this article as "the board." The jurisdiction of the board shall be throughout the area of the city. It shall have the following membership, powers, duties, responsibilities, and limitations.

- (a) *Membership, place of residence, terms of office.* The board shall have seven members appointed by the city commission. Each member shall serve for a term of three years. Each city commissioner and the mayor shall appoint one member to the board, said appointments to be ratified by a majority vote of the city commission. No board member shall serve on the board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the board.
- (b) *Alternate members.* The city commission shall appoint up to five alternate members. Each alternate member shall serve for a term of no more than three years. An active board member who is term limited as per section 110-1200(a) may not serve as an alternate member until eligible to serve as an active member. No attendance requirements are specified for alternate members. The alternate members may not take part in discussion, make motions or vote unless they are seated, filling in for a board member in their absence. Notwithstanding there being a quorum consistent with section 110-1201, each alternate will take turns filling in for an absent board member by rotation based on alphabetical order by last name. However, the intent is there will be as many board seats filled as possible not to exceed seven voting seats. If a board member has a conflict of interest concerning a particular case in front of the board then for that particular case an alternate may replace the board member. The board member with the conflict shall remove themselves from the dais and not speak on the matter and otherwise recuse themselves unless and until they resume their position as a regular member or if they are speaking as a directly affected party to an item being considered by the board.
- (c) *Removal from office, vacancies.* Board members shall serve at the pleasure of the city commission. If any regular voting member fails to attend two consecutive meetings, unexcused or three meetings (excused or not) out of 12 meetings per calendar year, the board shall automatically declare the member's office vacant. The board chairperson shall through the city clerk's office notify the city commission of any vacancies on the board.
- (d)

*Officers.* The board shall elect a chairperson, vice-chairperson and a secretary from among its members. The terms of all board officers shall be one year, each having eligibility for re-election. At the first meeting of the board of each calendar year, the secretary shall call the board meeting to order and shall then call for nominations for the chairperson. Upon election of a chairperson, the secretary shall pass the gavel to the chair. The chairperson shall then call for nominations for vice-chairperson. Upon election of a vice-chairperson, the chair shall call for nominations for secretary.

- (e) *Employees, administrative services.* The board shall have no employees or contract vendors. The planning and development services department shall provide clerical and staff support by formatting and packaging board agendas, creating summary minutes of meetings, and maintaining board records. The planning and development services department shall also provide professional and technical assistance to the board consistent with its staffing and funding as approved by the city commission. The director of development services or his or her designee shall bring board reports and recommendations to the city commission in appropriate communications, the format and medium of which shall be determined by the city manager. Such communications shall include staff reports and recommendations, application materials, correspondence, and other relevant information as determined by the board, the director of development services, the city manager, or the city commission to be necessary to assist the city commission in its deliberations. The board shall not direct the staff to undertake any project, but may request reasonable staff assistance, and may report through the staff and city manager to the city commission any projects which the board deems worthwhile for commission consideration by a majority vote of the board's entire membership.
- (f) *Education.* Each board member and alternate members are required to engage in at least eight hours of continuing education per each year of service. Education includes but is not limited to the following: attendance at a seminars or conferences, either in person or on-line; engage in the study of literature regarding the duties and subject matters relevant to the role as a planning board member, such as reviewing legal journals regarding property rights jurisprudence, etc.; and presentations by city legal and/or planning staffs. The planning and development services department will make members and alternates aware of League of Cities or other training sessions offered and dates and locations and/or provide written materials concerning the role and duties of the board. New board members and alternates are encouraged to start continuing education activities within the first six months of their term. Staff will maintain a current record of all training/educational activities. The city will pay reasonable expenses for such training/education. Continuing education hours will be calculated as follows: 1) Read and study planning journals; case law; and other literature—two hours per session. 2) Attend a seminar or participate in a webinar—two hours per session. 3) Attend a legal staff presentation on Sunshine law; ethics, etc.—two hours per session.

(g) *Compensation, annual budget.* Each board member may be reimbursed for reasonable expenses incurred in connection with his or her duties on the board in accordance with reimbursement policies and amounts established by a resolution of the city commission. The city commission shall provide members of the board with professional liability insurance to cover potential claims of personal liability for damages as a result of their formal actions and decisions as members of the board. The city manager shall recommend the amounts of insurance coverage and potential insurance carriers to the city commission. The city commission shall provide an annual budget for training and education of board members; for printing of training materials and decision support materials; and for the purchase of books and publications that increase the board members' understanding of the board's functions and of the issues faced by the board. The amount budgeted for each purpose shall be determined by the city commission upon the receipt of the recommendations of the city manager. The city commission may also budget for public information and participation, and for other items that it deems appropriate to include in the board's budget.

(Ord. No. 03-99, § 1, 2-1-1999; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 04-2016, § 1(Exh. A), 4-4-2016; Ord. No. 02-2020, § 1, 6-15-2020)

#### Sec. 110-1201. - Rules of procedure.

The board shall meet at regular intervals once each month, and at such other times as it may deem necessary, for the transaction of its business. It shall follow the by-laws adopted by resolution of the city commission. Unless otherwise stated in the by-laws, and until such by-laws are adopted by the city commission, the board shall conduct its affairs in accordance with Robert's Rules of Order. Points of order shall not be raised in board meetings by members of the audience. The sheriff's office or, upon its creation, the city's police department shall provide a sergeant-at-arms to maintain order at board meetings upon the request of either the chairperson, or the director of development services. The board shall keep a properly indexed public record of its resolutions, transactions, findings and recommendations. The board may by resolution limit the number of applications of all types or of any type which it shall hear each month. A quorum shall be four members. No recommendations for approval of any application shall be made unless four members concur.

(Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

#### Sec. 110-1202. - Powers and duties.

(a) *Designation as the local planning agency.* The Board is hereby designated as the city's local planning agency (LPA), as required by the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 et seq., and F.S. § 163.3174. The Board shall have the general responsibility for adherence to the comprehensive planning program. The Board and

the comprehensive planning program shall comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and the board shall monitor and oversee the effectiveness and status of the comprehensive plan, and recommend to the city commission such changes in the comprehensive plan, as may from time to time. The board shall perform any other duties assigned by the city commission, and may prepare and recommend to the city commission any other proposals to implement the comprehensive plan.

- (b) *Designation as the planning and zoning board.* The board is hereby designated as the city's planning and zoning board in accordance with the provisions of the Local Government Comprehensive Planning and Land Development Regulations Act, F.S. § 163.3161, et seq., and F.S. § 163.3194. The board shall develop and recommend to the city commission land development regulations that implement the comprehensive plan and review land development regulations or amendments thereto for consistency with the adopted comprehensive plan.
- (c) *Applications and proposals requiring public hearings.* The planning and zoning board shall review all applications and proposals to be transmitted to the city commission for a vote on the following items:
  - (1) Plan amendments, including future land use map amendments;
  - (2) Zoning map changes;
  - (3) Changes to the Land Development Code or a proposed new Land Development Code, including subdivision regulations;
  - (4) Planned unit developments;
  - (5) Conditional uses;
  - (6) Zoning variances;
  - (7) Amendments to the approved capital improvements program or budget;
  - (8) The establishment of, or changes to established, community development districts;
  - (9) Changes to proposed architectural design standards; and
  - (10) Proposed development agreements created pursuant to the "Florida Local Government Development Agreement Act".

When reviewing applications and proposals requiring public hearings, the Board shall consider the following criteria, as applicable, per application and proposal:

- (1) Consistency with the city's comprehensive plan;
- (2) Consistency with adopted ordinances, relevant laws, and zoning regulations;
- (3) Land use compatibility, neighborhood character, community safety, land uses for function and aesthetics, and the physical ability to construct or alter a site;
- (4)

Impacts of the development on the natural environment including flora, fauna, and other natural resources;

- (5) Public facilities and services (i.e. water, sanitary sewer, parks, schools, fire, police, etc.); and
- (6) Transportation systems.

- (d) *Advisory recommendations to the city commission.* The board shall make a recommendation to the city commission by formal written approved motion of the board as to the conclusion of the board's review that an application or proposal should be considered by the city commission for approval, approval with specific conditions recommended by the board, or denial. The board's recommendation shall be transmitted to the city commission with all related information through the established city commission agenda process.
- (e) *Applications and proposals exempt from board review.* Planning and zoning board review shall not be required for amendments to city ordinances that are initiated by the staff or the city commission to correct grammar and spelling errors, change fees as set by the city commission, change the organization of the ordinances with no content changes, or change processing procedures when mandated by state statutes.

(Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 18-2013, § 1(Exh. A), 2-3-2014; Ord. No. 02-0220, § 1, 6-15-2020)

Sec. 110-1203. - Board review procedures.

- (a) *Application forms and processing procedures.* Applications shall be submitted on forms and processed in accordance with written administrative procedures created and published by the planning and development services department. All required attachments shall be included with each application, including, but not limited to, proof of ownership or permission of the owner to make the application, location maps, surveys, and site plans, as required. No application will be deemed complete until the required fees have been paid, including the estimated costs of the services of consultants to the city, if any such consultants are needed.
- (b) *Expiration of planning and zoning board recommendations.* Applicants may postpone city commission review of any application up to a maximum of one year following action by the planning and zoning board. Any applications not heard by the city commission within that period shall require re-submittal of the proposal, including the payment of all applicable fees and processing requirements as required for a new proposal. The review of a re-submitted proposal shall not be shortened in time, or otherwise abridged, in order that the staff and the board shall have adequate opportunity to determine whether or not there are any changes in the proposal or any changed conditions that may alter the review results.

(Ord. No. 19-2011, § 1(Exh. A), 11-7-2011; Ord. No. 02-2020, § 1, 6-15-2020)