

ARTICLE XII. - PLANNING AND ZONING BOARD

Sec. 110-1200. - Creation.

A planning and zoning board is hereby created, effective April 1, 1999. It shall be referred to in this article as "the board." The jurisdiction of the board shall be throughout the area of the City of Deltona. 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. 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.
- (b) *Removal from office, vacancies.* If a member is absent for three consecutive meetings without being excused by the chairperson, said member shall forfeit his or her office and it shall be deemed vacant. Any vacancy occurring during the un-expired term of office of any member shall be filled by the city commission for the remainder of the term. The vacancy shall be filled within 30 days from the time it occurs. Any member of the board may be removed from office for cause by the city commission, upon written charges and after public hearing.
- (c) *Officers.* The board shall elect a chairperson, vice-chairperson and 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. The director of development services shall perform the secretary's duties in opening the meeting and calling for nominations for chairperson at the first meeting of the board following its establishment by the city commission.
- (d) *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.

- (e) *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)

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 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 land development regulations commission.* The Board is hereby designated as the city's land development regulations commission in accordance with the provisions of the Local

Government Comprehensive Planning and Land Development Regulations Act, Section 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;
 - (10) Proposed development agreements created pursuant to the "Florida Local Government Development Agreement Act";
 - (11) Proposed developments of regional impact (DRI); and
 - (12) Proposed final plat subdivisions containing more than 200 lots.

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)

Sec. 110-1203. - Board review procedures.

- (a) *Deadline for submission of applications.* Complete applications requiring planning and zoning board review must be submitted to the planning and development services department at least 20 working days prior to the board meeting at which the applications are to be heard. Complete applications submitted after this deadline shall be processed for consideration at the following board meeting. An application shall be considered complete if it meets all of the submission requirements established by the applicable ordinance, fees are paid, a fully executed city application form is included, and sufficient information is included in the application to enable the staff and the board to evaluate the application.
- (b) *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.
- (c) *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)