

Planning and 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 Article XII of Chapter 110~~ of the City of Deltona Code of Ordinances, as may be amended, and shall provide information and suggestions regarding topics that are ~~provided~~ assigned 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~~ The Staff Liaison ~~is unavailable, the appointed designee will assume their responsibilities for the period of their absence may also provide services to the Board through a designee(s).~~

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 regular basis as deemed appropriate by the City Commission if deemed necessary to supplement the Board's official actions and recommendations as presented to the City Commission in the normal course of business. ~~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. The Board shall have up to five (5) alternate members appointed by the City Commission. No alternate member shall serve for a term more than three (3) years. 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. Each alternate will take turns filling in for an absent board member by rotation based on alphabetical order by last name.

Section 32. 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 34. Each member of the Board shall reside or own a business within the City limits of the City of Deltona and shall serve his or her term without compensation.

Section 54. 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 30-60 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 or two (2) 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, and Secretary each ~~December-March~~ 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.

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

99 **Section 3.** The Vice-Chairperson shall preside at any meeting in the
100 absence of the Chairperson. If both the Chairperson and Vice-Chairperson
101 are absent, the Secretary shall preside, if all three (3) officers are absent
102 the remaining members, if a quorum is present, shall elect a temporary
103 presiding officer.

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

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109 **Article VI. Quorum:**

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

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

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117 **Article VII. Meetings:**

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

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

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128 **Article VIII. Order of Business:**

129 **Section 1.** At all regular Board meetings, the following shall be the general
130 order of business:
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- 1) Call to Order by the Chairperson
- ~~2)~~ Roll Call
- ~~3)~~ Approval of Minutes & Agenda
- ~~2)4)~~ Presentations/Awards/Reports
- ~~3)5)~~ Public Forum~~Comments~~
- ~~4)6)~~ Old Business
- ~~7)~~ New Business
- ~~5)8)~~ Staff Comments
- ~~6)9)~~ Member Board/Committee Comments
- ~~7)10)~~ 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.

Section 3. 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/designee, or through official actions of the Board. No Board member shall purport to speak on behalf of the Board or as an official Board member unless during the conduct of official Board business of pursuant to authorization granted by the Board or the City Commission. 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 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 ~~or pursuant to deliberations by the Board at an official Meeting. It shall be up to the~~ The City Commission ~~shall have the sole and absolute discretion as to determine~~ whether any ~~provision of the~~ By-Laws 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~~s~~ serves. Similarly, tThis policy does not apply to the member designated to serve on thea Member of the Affordable Housing Advisory Committee (AHAC) pursuant to Florida Statutes., as the state requires a member of the Planning and Zoning Board to sit on the Committee.

~~**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.~~

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. In no event shall the Board sunset without provision for the designation of a successor entity to serve as the Local Planning Agency.