

**Procedures of the Planning and Zoning Commission**  
**Adopted June 6, 2002**  
**Amended February 5, 2004**  
**Proposed changes made on January 28, 2008**  
**Amended July 02, 2009**

**Section 1 – Meetings**

**A. Regular Meetings**

1. Regular meetings of the Commission shall be held on the first Thursday of each month at 1:00 P.M. in the County Annex located at 75 West Cleveland, St. Johns, or as otherwise specified and approved by the Planning Commission.
2. When a meeting falls on a legal holiday the meeting shall be held as designated by the Commission.
3. If the Chairman declares that weather or other conditions make it hazardous for members to attend, all hearings and other matters previously advertised shall be conducted at the next regular meeting.
4. Regular Meetings, without further public notice, may be adjourned from day to day, from time to time, or from place to place, not beyond the time fixed for the next regular meeting until the business of the Commission is concluded.

**B. Special Meetings**

1. Special meetings of the Commission may be called by the chairperson.
2. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members are present at the special meeting or files a written waiver of notice.
4. The Planning Commission may hold such special meetings as it deems necessary and at such times and places as it may find convenient.
5. In addition, the Commission may adjourn its special meetings from time to time as it may find convenient or necessary.

**C. Open to the public**

All regular meetings, special meetings, hearings, records, and accounts shall be open to the public.

**D. Cancel a Meeting.**

If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the call of the Chair.

**E. Quorum and Method of Voting**

1. A majority of the membership of the Commission shall constitute a quorum.
2. The number of votes necessary to transact business shall be a majority of the members present after a quorum has been established.

3. Any member of the Commission may request a roll call vote; otherwise voting may be by roll call or voice vote at the Chairman's discretion.
4. A record of the vote shall be kept as a part on the minutes.
5. The order in which the names of the members are called shall be varied and rotated; except that the Chair shall always cast the last vote.
6. In the event there is a tie vote on any recommendation by the Commission to the Board of Supervisors, a tie vote shall require that the matter be sent on to the Board, noting that the vote was tied on the matter.
7. In the event there is a tie vote on any other matter before the Commission, such a tie vote shall result in a denial or rejection of the matter at hand.

## **Section 2 – Officers and Their Selection**

### **A. Officers**

The officers of the Planning Commission shall consist of a Chair and a Vice-chair.

### **B. Term of Office**

An officer shall serve for a term of one year.

### **C. Elections**

1. The election of officers shall take place at the first regular meeting in January of each calendar year.
2. The term of office of each officer shall run until the subsequent election.
3. If, for any reason, Planning Commission officers are not elected at the first meeting in January, the existing officers shall continue to serve until an election is held.

### **D. Vacancy**

1. Vacancies in office shall be filled immediately by regular election procedures.
2. The term of office will be until the next regularly scheduled election of officers.

### **E. Duties of Officers**

1. Chairperson. The Chair shall be an appointed voting member of the Commission and shall:
  - a. Open the meeting at the appointed time by taking the Chair and calling the meeting to order, having ascertained that a quorum is present.
  - b. Announce in proper sequence the business that comes before the Planning Commission or becomes in order in accordance with the prescribed order of business, agenda, or program, and with existing orders of the day.
  - c. Recognize members who are entitled to the floor.
  - d. State and put to vote all questions that legitimately come before the Planning Commission as motions or that otherwise arise in the course of proceedings and announce the result of each vote or, if a motion that is not in order is made, rule it out of order.

- e. Protect the Planning Commission from obviously frivolous or dilatory motions by refusing to recognize them.
  - f. Enforce the rules relating to debate and those relating to order and decorum within the Planning Commission.
  - g. Expedite business in every way compatible with the rights of members.
  - h. Decide all questions of order, subject to appeal unless, when in doubt, the Chair prefers initially to submit such a question to the Commission for decision.
  - i. Respond to inquiries of members relating to parliamentary procedure or factual information bearing on the business of the Planning Commission.
  - j. Authenticate by his or her signature, when necessary, all acts, orders, and proceedings of the Planning Commission.
  - k. Declare the meeting adjourned when the Planning Commission so votes or – where applicable – at the time prescribed in the program, or at any time in the event of a sudden emergency affecting the safety of those present.
  - l. Shall have full power to create subcommittees of one or more members.
2. Vice Chair. The Vice Chair, in the absence of the Chair, shall perform all the duties incumbent upon the Chair. The Chair and Vice Chair, both being absent, the members present may elect for the meeting a temporary Chair who shall have full powers of the Chair during the absence of the Chair and Vice Chair.
3. Secretary. The Secretary shall be the Planning Director or his/her designee and shall be responsible for:
- a. Keeping a written record of all business transacted by the Commission
  - b. Notifying all members of all meetings
  - c. Giving notice of all hearings and public meetings
  - d. Attending to the correspondence of the Commission
  - e. The publication of advertisements relating to public hearings
  - f. Keeping a file of all official records and reports of the Commission

### **Section 3 - Standing and Special Committees**

#### **A. Subcommittees**

- 1. Subcommittees shall be established as needed to conduct studies and prepare proposals for consideration by the full Planning Commission.
- 2. At its first meeting, the subcommittee shall select its own chair.
- 3. Within the bounds of the adopted work program, subcommittees may develop, as appropriate, detailed scope of work, review process, and time frame for carrying out their assigned tasks.
- 4. Work scope, schedule, and periodic progress reports shall be reported to the full Planning Commission for review.
- 5. Subcommittees shall avoid the appearance of representing the full Planning Commission or of giving commitment of the full Planning Commission.
- 6. Committees may be appointed by the Chair for purposes and terms approved by the Commission.

7. The Chair shall be an ex officio member of every committee.
8. The Director of Planning or his/her designee shall serve as an ex officio member of every committee.

#### **Section 4 – Quorum, Voting, Conflict of Interest**

##### **A. Quorum**

1. A simple majority (being five individuals) of the nine member commission shall constitute a quorum for the transaction of business.
2. The Commission can receive reports or petitions whenever a quorum is not present; however, a quorum must be present to take action on any reports or petitions received.

##### **B. Voting**

1. No action of the Commission may be taken without the affirmative vote of a simple majority of the appointed members.
2. Meeting minutes may be approved without a quorum of members who were in attendance at the subject meeting under the following conditions:
  - a. At least two members who were in attendance at the subject meeting attest that the minutes accurately reflects the activities of the subject meeting; and
  - b. A simple majority (being five individuals) of the nine member commission votes affirmatively to approve the minutes.

##### **C. Conflict of Interest**

1. If there is a desire of any Commission member to abstain from voting because of a conflict of interest, this view should be expressed as soon as the conflict becomes apparent and before any discussion is held on the business before the Commission.
2. He or she shall then step down and not enter into the discussion.
3. When a member has stepped down because of a conflict of interest, he or she shall not be counted as present for purposes of establishing a quorum during considerations undertaken while he or she is not sitting with the Commission.

#### **Section 5 – Absence of Members**

##### **A. Absences**

1. The Secretary shall keep a record of attendance and submit it to the Chair of the Planning Commission at the beginning of each month.
2. If a member knows he or she will be absent from a scheduled meeting, the member shall inform the Secretary or Chair in advance of the meeting.
3. The Chair will determine whether this is an excused absence.
4. Excused absences include those due to work-related commitments or illness
5. Members who do not inform the Chair or Secretary ahead of time will not have the absence excused, with the exception of emergencies, which may be excused by the Chair with or without notice.

6. In the event of a member being absent without excuse from three consecutive regular meetings, or being absent without excuse from 50% of all meetings (including committee) in any six-month period, the member's record shall be forwarded by the Chair to the Board of Supervisors for consideration of asking for the member's resignation.

## **Section 6 – Order of Business**

### **A. Order of Business**

1. The order of the business for a regular meeting shall be:
  - a. Call to order by Chairman
  - b. Roll call
  - c. Determination of a quorum
  - d. Public hearings, if any
  - e. Subdivision reviews, if any
  - f. Old business
  - g. New business
  - h. Adjournment
2. Parliamentary procedure in the Commission meetings shall be governed by Robert's Rules of Order.
3. The County Attorney shall serve as Parliamentarian.
4. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

## **Section 7 – Public Hearings**

### **A. General Rules**

1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
2. Notice of a hearing shall be given by one publication in a newspaper of general circulation in the County Seat at least fifteen (15) days prior specifying the time and place of the hearing at which persons affected may appear and present their views.
3. Applications for rezoning, conditional use permits or subdivisions will not be scheduled for the next Commission meeting if not received in the Community Development Department office at least thirty (30) days before the scheduled public hearing on the application, until after the public has spoken at the public hearing.
4. This is to allow sufficient time for the staff to prepare their report and the Commission time to become familiar with the applications, unless waived by a two-thirds vote of the members present and voting.
5. Once a public hearing for a change to the zoning map has been advertised, the Planning Commission will not consider a request by the applicant to delay, defer, or continue said hearing.
6. If required by the Chair, speakers shall register with the Development Staff prior to the start of the meeting on forms provided for citizen participation.

7. The Chair shall verify that all such registration has been completed at the opening of the meeting.

### **B. Format for Public Hearings**

1. The Chair will make a brief statement identifying the matter to be heard and verify with the Planning Staff that all legal advertisement requirements have been met.
2. The applicant, if any, will give their presentation.
3. The Staff will make a brief report and present their recommendations.
4. The Chair will open the floor to the public.
5. Speakers wishing to address the Commission shall clearly state his or her name, city/community of residence, and they shall be allowed to speak for no more than five (5) minutes.
6. The Chair or a person designated by the Chair shall be responsible for enforcing said limit.
7. After the last citizen has addressed the Commission, the Chair will close the Public Hearing.
8. Thereafter, no further public comments shall be received.
9. The applicant, if any, will be allowed a brief rebuttal.
10. The Chair will open the floor for Planning Commission discussion.
11. During the course of the discussion the Commission will decide whether to take a vote, postpone a decision until a later date, or take any other action that would be legal.

## **Section 8 – Community Development Staff**

### **A. Community Development Staff**

1. Community Development Role
  - a. The professional-technician role in which staff planners representing the Community Development Department bring proposals to the Planning Commission, or comment on proposals before the Planning Commission, and make recommendations consistent with the County's adopted plans, ordinances, and standards and with accepted planning theory and practice.
  - b. The traditional staff role in which the staff planners provide research assistance to the Planning Commission and help its members in articulating their collective will.
  - c. Both of these roles involve research, fact-finding, and identification of alternatives, evaluation, and recommendations.
2. Differing recommendations
  - a. From time to time, these roles may lead to differing recommendations to the Board of Supervisors from the Planning Commission and Development Services Staff.
  - b. On such occasions, it shall be the responsibility of Staff to prepare a report to the Board of Supervisors which includes both the Planning Commission and the Community Development Staff recommendations.

- c. Further, it shall be the responsibility of Staff to advise the Planning Commission Chair that the Community Development Staff intends to present a separate recommendation to the Board of Supervisors so that the Chair or a representative may be in attendance to represent the Planning Commission.

## **Section 9 – Applications**

### **A. Submittal**

1. Applications will be accepted by the Planning Commission when properly filed with the Community Development Department.
2. Upon presentation to the Community Development Department, application materials will be examined to ensure they are complete and accurate before acceptance.
3. Staff will then prepare the staff report and schedule the application for the next regularly scheduled Commission meeting.
4. Once satisfied, the Planning Commission recommendation shall be forwarded to the Board of Supervisors.

## **Section 10 – Agenda**

### **A. Agenda**

1. An agenda shall be prepared by the Secretary and approved by the Chair for each regular meeting, consisting of at least the following order of business:
  - a. Call to Order
  - b. Public Communications – those registering to speak must turn in forms at this time.
  - c. Approval of Minutes
  - d. Calendar
  - e. New Business Items (Briefings; Work sessions; Hearings)
  - f. Other Business
  - g. Adjournment

## **Section 11 – Meeting Minutes**

### **A. Objectives of Minutes**

The objectives of the minutes shall

1. The objectives of minutes shall be to meet legal requirements to maintain a complete, factual record of motions, findings of fact and actions of the Planning Commission, as well as the usual details of time, place, type of meeting, members present, speakers, roll call votes and other pertinent information needed to describe what was accomplished at the meeting.
2. Provide a summary of what occurred for use by a Planning Commissioner who misses a meeting or for Planning Commissioners to refresh their memories as to what occurred.

3. Provide the Board of Supervisors with enough information to be able to follow what the Planning Commission is doing.
4. Provide the greatest level of detail for public hearing testimony and final actions taken by the Planning Commission; a moderate level of detail for post-hearing work sessions that are continued to a later meeting; and the least amount of detail for briefings and other work sessions.

### **B. Content of Minutes**

The contents of the minutes shall:

1. Include a concise, factual record of what was done, not what was said. If a Planning Commissioner would like a particular statement to be placed in the minutes, they should state that for the record.
2. Include a detailed summary of public hearing testimony, actions taken and findings of fact for actions.
3. Consist of a summary of only major points for post-hearing work sessions that are continued to another meeting (for use by Planning Commissioners who miss the meeting or want to refresh their memory as to what occurred in preparing for the follow-up work session).
4. Incorporate a very brief summary of briefings and final work session discussions.
5. Include from the staff presentations a summary of only new information that was not in the written staff report.
6. Include Planning Commission requests for information or questions of staff that require follow-up work, with a list of outstanding requests attached to each set of minutes for reference.
7. Reference documents that are cited by Planning Commissioners, rather than complete excerpts presented at the meeting.
8. Have motions be underlined, so that they stand out.
9. Factual errors, ambiguities, and misinterpretations should be corrected in draft minutes.

### **C. Commissioner Review**

1. Planning Commissioners should call staff in advance of a meeting if they have questions about the draft minutes, to allow time for staff to review the CD if necessary.

## **Section 12 – Amendments/Suspension of Rules**

These Rules of Procedure, or any part thereof, may be suspended on presentation of a motion to that effect which is carried by a two-thirds (2/3) vote of the members present and voting.

These Rules of Procedure may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days' prior notice.

These Rules of Procedure shall be included for discussion as the last item under New Business each January at the regular meeting.