

## **SARASOTA COUNTY PLANNING COMMISSION RULES OF PROCEDURE**

### **I. Purpose and Authority**

1. The Planning Commission shall act as the Local Planning Agency for the unincorporated area of Sarasota County, pursuant to Section 163.3174 of Florida Statutes.
2. The Planning Commission (hereinafter, the “Commission”) consists of nine (9) voting members appointed by the Board of County Commissioners, each for a term of four (4) years pursuant to Article 2.2.1 and Article 2.2.2 of the Zoning Ordinance. A representative shall be appointed by the School Board of Sarasota to sit on the Planning Commission as a non-voting member.
3. The Commission shall review amendments or additions to the Sarasota County Comprehensive Plan pursuant to Subsection 94-61 (h) of the Sarasota County Code.
4. The Commission shall review all proposed Zoning Ordinance Amendments, Zoning Atlas “map” amendments and special exception petitions. The Commission shall consider all testimony and report. All such matters shall be advisory only to the Board of County Commissioners pursuant to Zoning Ordinance Article 2.2.8.5.

### **II. Election of Officers**

1. At the first meeting in October of each year, the Commission shall appoint a Chair and a Vice Chair. The appointment of Chair and Vice Chair shall be based on the following:
  - a. The commissioner most senior with respect to continuous service on the Commission shall be appointed Chair, the second most senior with respect to continuous service on the Commission shall be appointed Vice Chair.
  - b. If the most senior member(s) with respect to continuous service on the Commission choose(s) to defer appointment(s), the Chair and/or Vice Chair appointment(s) shall go to the next most senior member(s) with respect to continuous service on the Commission.
  - c. No commissioner who has previously served as Chair or Vice Chair during their current continuous appointment(s) may be reappointed.
  - d. A minimum of one (1) year of service on the commission is required to be appointed chair or vice-chair.

If there is more than one commissioner who meets the above criteria for either Chair and/or Vice Chair, the Commission will vote to elect the Chair and/or Vice Chair by simple majority, from those who meet the above criteria.

If there is/are no commissioner(s) who meet(s) the above criteria, the Commission shall vote to elect the Chair and/or Vice Chair by simple majority.

2. The term for service for Chairman and Vice Chairman shall be one year commencing at the conclusion of the last regular meeting in October. Officers shall not hold consecutive terms in the same office. Appointments in an unexpired term shall not apply to the consecutive service limitation.

### III. Meetings of the Planning Commission

1. The regular meetings of the Commission shall be the first and third Thursday of each month at 6:30 p.m. at a place designated by the Planning and Development Services Business Center on behalf of the Chairman of the Planning Commission. The Chairman may call special meetings with reasonable notice to all members as to time and place.
2. Meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised 10<sup>th</sup> Edition, as may be revised, where there is no conflict with these Rules of Procedure and Processing Guidelines. Notwithstanding the foregoing, the Chairman may, absent objection from the Planning Commission, modify the rules during the conduct of the meeting to facilitate the requirements of due process.
3. In addition to his or her powers and duties as a Planning Commission member, the Chairman shall have certain additional powers and duties including, but not limited to, the following:
  - e. shall have a vote on all matters coming before the Commission;
  - f. call the Planning Commissioners into regular and special session;
  - g. sign resolutions, and documents as approved by the Planning Commission; and
  - h. shall be liaison with the Board of County Commissioners.
4. The Vice Chairman shall act in the absence of the Chairman. In the event that both the Chairman and the Vice Chairman are not present, the most recent Chairman in attendance shall preside over the meeting as the Chairman Pro Tem.
5. All Commission members are expected to attend all Commission meetings.
6. All questions shall be resolved by a majority vote.
7. A recording secretary to the Planning Commission shall record the minutes of each meeting. The Executive Director of the Planning and Development Services Business Center shall be responsible for all records, files, maps, plans, data and library pertaining to work of the Commission.
8. All votes shall be by either voice vote or by show of hands, at the Chairman's discretion, unless any member requests a roll call vote, and then each vote shall be recorded in the minutes. The Chairman shall place the last vote in any roll call vote.
9. The Sarasota County Planning and Development Services Business Center staff on behalf of the Chairman shall prepare an agenda prior to the meeting of the Planning Commission, making same available to the newspapers and also sending a copy of same to each member of the Commission.

10. The minutes of this Commission constitute the official public records of the resolutions, transactions, findings and determinations of the Commission. All recordings made of proceedings of the Commission, including regular meetings, special meetings and public hearings, are an integral and supplemental portion of the official minutes of the Commission. Typed summaries of such recordings will be made for inclusion in the official minutes book of the Commission and for distribution to members of the Commission. A tie vote shall go forward to the Board of County Commissioners without a recommendation.
11. No member of the Planning Commission may appear before the Board of County Commissioners for the purpose of giving a minority report on any subject on which the Planning Commission has already made a recommendation.
12. Presentation by petitioners shall be limited to twenty (20) minutes, with five (5) minutes rebuttal at closing. The public shall be limited to five (5) minutes per person. Members of the public may not relinquish their time to other speakers. The Chairman may make exceptions to the above stated time limits, at the request of the Planning and Development Services Business Center staff, petitioner or member of the public prior to the meeting. All speakers must complete a speaker card to be retained by the recording secretary. Notwithstanding the foregoing, the Chairman may, absent objection from the Planning Commission, modify the rules during the conduct of the meeting to facilitate the requirements of due process.
13. Upon the closing of the public hearing the Commission shall not hear rebuttals by proponents or opponents of petitions. Questions or comments of the County Attorney may be requested by members of the Planning Commission after the close of the public hearing without the need to reopen the hearing or allow further petitioner rebuttal.
14. The Planning Commission shall hold hearings on a maximum of ten (10) petitions each month. This rule may be waived by the Chairman, but only after showing that the strict enforcement of this rule would cause an undue hardship to a property owner.
  - a. A maximum of five (5) petitions shall be heard at public hearing on the first (1st) Thursday of each month. The staff report, the petitioner's presentation, the testimony of the public, and the petitioner's response to the staff report and the public testimony shall be heard prior to the close of the public hearing. The public hearing will then be closed and a Planning Commission recommendation will be made or the petition may be continued to the next available Planning Commission meeting date, or such other date as the Planning Commission may deem appropriate when a Planning Commission recommendation will be made.
  - b. A maximum of five (5) petitions shall be heard at public hearing on the third (3rd) Thursday of each month. The staff report, the petitioner's presentation, all public testimony and the petitioner's response to the staff report and the testimony of the public shall be heard prior to the close of the public hearing. The public hearing will then be closed and a Planning Commission recommendation will be made or the petition may be continued to the next available Planning Commission meeting date, or such other date as the Planning Commission may deem appropriate when a Planning Commission recommendation will be made.

- c. Continuances for public hearings shall be permitted as approved by the Planning Commission or as approved by the Chairman due to unforeseen circumstances in order to facilitate the requirements of due process. If a continuance is approved, the petition shall be rescheduled for the next available Planning Commission meeting date or such other meeting date the Planning Commission may deem appropriate.

#### IV. Neighborhood Workshop Requirements

Before an application for a rezoning, special exception, comprehensive plan amendment, critical area plan, or any other land use issue regarding specific property to come before the Planning Commission can be deemed complete by the Planning and Development Services Business Center, the petitioner shall be responsible for holding an advertised neighborhood workshop.

##### 1. Purpose

The purpose of the workshop shall be for the applicant to inform the neighboring residents of the nature of the proposed development, to solicit suggestions and concerns, and for rezoning petitions and special exceptions, to explain the concept plan.

##### 2. Time and Location

- a. The neighborhood workshop shall be held no earlier than 6:00 p.m. on weekdays or between 9:00 a.m. and 5:00 p.m. on the weekend.
- b. The workshop shall be held within two (2) miles of the subject parcel if the parcel is located within the Urban Service Boundary or within five (5) miles of the subject parcel if the parcel is located outside the Urban Service Boundary.
- c. The workshop shall be held within nine (9) months of the scheduled Planning Commission public hearing on said petition. Any additional neighborhood workshop(s) shall be held at least two (2) weeks prior to the advertisement of a Planning Commission public hearing for land use petitions.
- d. Waiver of the above rules regarding the place and time of the neighborhood workshop may be granted pursuant to Section 9 of these rules.

##### 3. Public Notification

- a. Notice of the neighborhood workshop shall be advertised in a newspaper of general circulation in the County at least one time at least seven (7) days prior to the neighborhood workshop.
- b. The advertisement shall state the requested zone district in the case of a rezone petition or the specific special exception use (as stated in the Zoning Ordinance) in the case of a special exception. For comprehensive plan amendments the advertisement shall state the current and the proposed future land use designation. For critical area plans the advertisement shall state the nature of the proposed amendment to the plan.
- c. The advertisement shall include a link to the County Website for more information on the proposed land use petition.

#### 4. Notices

The petitioner shall send notice of the neighborhood workshop by U.S. Mail ten (10) days in advance to all owners of property as follows:

- a. Outside the Urban Service Boundary. If the parcel is located in the area designated “Rural” or “Semi-Rural” on the Comprehensive Plan Future Land Use Map, notice shall then be given to all owners of property within fifteen hundred feet (1500 feet) of the boundary line of the property; however, that where the land is part of, or adjacent to land owned by the same person, the required notification area shall be measured from the boundaries of the entire ownership.
- b. Within the Urban Service Boundary. If the parcel is located within the Urban Service Boundary on the Comprehensive Plan Future Land Use Map, the petitioner shall mail notices to all owners of property within one thousand (1,000) feet of the boundary line of the property for petitions involving up to ten (10) acres and two thousand (2,000) feet for petitions involving ten (10) acres or more; however, that where the land is part of, or adjacent to land owned by the same person, the required notification area shall be measured from the boundaries of the entire ownership.
- c. If the parcel borders an area outside the Urban Service Boundary, designated “Rural” or “Semi-Rural” on the Comprehensive Plan Future Land Use Map, the Petitioner shall mail a notice as provided in (a) and (b), whichever is greater.
- d. When the Petitioner proposes a transmission tower, the Petitioner shall mail notice as provided in (a) and (b) above, or to all owners of property within a distance equal to eight (8) times the height of the proposed tower as measured from the base of the proposed tower location, whichever is greater.
- e. If any dwelling unit within the required notification area is within a property owners’ Association, the Property Owners’ Association must also be notified.
- f. For purposes of this provision, owners of adjacent or nearby properties within the distances set forth herein shall be deemed those whose names appear on the latest available ad valorem tax records maintained by Sarasota County.
- g. Notification provided in the case of a rezone petition shall also include all the permitted principal uses allowed in the requested zone district.
- h. Failure to provide written notice to adjacent property owners or Property Owners’ Association shall not constitute a jurisdictional or procedural defect provided that proper notice has been published in the newspaper.

#### 5. Workshop Presentation Materials

- a. Rezones and Special Exceptions
  - i. Proposed Development Concept Plan to include the maximum height and density allowed and all the elements of the list staff provides to Applicants at pre application meetings.

- ii. Project location within Sarasota County.
    - iii. Permitted uses allowed under the present and proposed zoning for the subject parcel.
    - iv. Dwelling units per acre of the present versus proposed land use change.
  - b. Critical Area and Comprehensive Plan Amendments
    - i. A geographical map with major street names as a means of identifying the general area.
    - ii. A narrative describing the reason for the amendment and stating the current and proposed future land use designations as well as the respective densities.
6. Items to be Discussed
  - a. Binding development concept plan versus non-binding development concept plan.
  - b. Current permitted uses versus proposed permitted uses.
  - c. Current permitted maximum height and density versus proposed height and density.
7. Written Summary of the Meeting

The developer shall record the attendance, make an audio recording, prepare a written summary of the meeting and mail or email the written summary to participants and County Planning Services staff. The written summary shall contain detailed information about the presentation and discussion including but not limited to the following:

  - a. The names of those individuals presenting the plans on behalf of the petitioner;
  - b. The information presented and discussed as required in Section 5; and
  - c. Each individual question or comment and the response, and if possible, the name of the citizen asking the question.
8. Materials to be Submitted

After the completion of a neighborhood meeting, the petitioner shall include an audio recording, a copy of the materials presented and/or distributed, a copy of the workshop ad, a sign up sheet from the workshop and a summary of the meeting.
9. Waiver of Distance and/or Time Requirements of Neighborhood Workshops
  - a. Waiver of the above rules regarding the place and time of the neighborhood workshop(s) may be considered by the Planning Commission in accordance with the rules outlined below.
  - b. A petitioner may request a waiver of the distance and/or time requirements specified above for the required neighborhood workshop by submitting a written request to the Planning and Development Business Center stating the reason for the request and

specifying the proposed location and/or time of the proposed neighborhood workshop. Such requests for waivers shall be included in the next available mailing of regular Planning Commission public hearing packet.

- c. The decision to permit or to deny the waiver request shall be at the sole discretion of a majority vote of the Planning Commission as the first item on the agenda of the meeting. The decision of the Planning Commission shall rely primarily upon the written submission of the applicant, however, the applicant may, at the discretion of the Planning Commission, be permitted to make a presentation in support of their request at the designated meeting.

#### V. Amendments to these Rules of Procedure

1. Amendment to these Rules of Procedure may be made at any regular or special meeting of the Commission, provided that the following conditions have been met:
  - a. The proposed change has been an item of business at a previous meeting;
  - b. The proposed change has been mailed to the membership ten (10) days prior to the meeting considering the proposed change;
  - c. The proposed change is not in conflict with state or local legislation which authorize the Planning Commission; and
  - d. The proposed change receives a favorable three-fifths (3/5) vote of the full membership of the Commission.