

- b. Appointing or confirming Code Enforcement special masters as provided in Article VIII, Chapter 2 of the Sarasota County Code;
- c. Considering and adopting or rejecting proposed map amendments (rezoning), including the concurrent approval with a rezone petition of a variance from minimum yard requirements for an existing structure(s); and text amendments to or the repeal of these zoning regulations;
- d. Approval of a variance from the minimum street yard standard pursuant to Chapter 54, Article XXIII, Sections 54-721 through 54-724, Sarasota County Code;
- e. Considering and approving or denying requests for special exceptions;
- f. Establishing a schedule of fees and charges; and
- g. Act as the Land Development Regulation Commission pursuant to F.S. §§ 163.3164(22) and 163.3194(2).
(Ord. No. 2004-054, § 5, 10-27-2004)

2.2. Planning Commission.

2.2.1. *Establishment and Composition.* A Planning Commission is hereby reestablished, which shall consist of an odd number of not less than seven or more than nine members to be appointed by the Board of County Commissioners, each for a term of four years; provided, however, that not more than a minority of the terms of such Planning Commissioners shall expire in any one year. A representative shall be appointed by School Board of Sarasota County to sit on the Planning Commission as a nonvoting member.

2.2.2. *Qualifications of Members.* No voting member of the Planning Commission shall hold any elective office of or be employed by any municipality or county government in Sarasota County. Members of the Planning Commission appointed after October 27, 2003, shall be residents of the County for at least two years prior to the date of appointment. Members shall be appointed based on the Board's determination of the

type of skills, education or experience best suited to achieve the duties of the Planning Commission as set forth herein.

2.2.3. *Vacancies.* Vacancies in Planning Commission membership shall be filled by appointment by the Board of County Commissioners for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning Commission to notify the Chairman of the Board of County Commissioners within 30 days after any vacancy shall occur.

2.2.4. *Removal.* Members of the Planning Commission may be removed from office for cause by the affirmative votes of three members of the Board of County Commissioners. Where a member has filed to run as a candidate for any public office, their resignation shall be tendered as of the date of filing.

2.2.5. *Compensation.* Members of the Planning Commission shall receive no salaries or fees for service on the Commission but may receive actual and necessary expenses incurred in the performance of their duties of office.

2.2.6. *Proceedings.*

- a. *Officers and Voting.* The Planning Commission shall select a Chairman and a Vice Chairman from among its members and may create and fill such other offices as it may determine necessary.
- b. *Rules of Procedure.* The Planning Commission shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of Florida law, and these zoning regulations. Such rules of procedure shall be available in written form to persons appearing before the Commission and to the public.
- c. *Meetings.* Meetings shall be held according to the Planning Commission Rules of Procedure, at the call of the Chairman, or at such other times as the Planning Commission may determine. Meetings that are not regularly scheduled shall not be held without proper notice.

d. *Quorum; Minutes; Public Records.*

1. The Planning Commission shall keep records of its proceedings, showing the vote of each member (including the Chairman or Vice Chairman), or if absent or failing to vote indicating such fact. The Commission shall keep records of its official actions, all of which shall be a public record and filed in the Growth Management Business Center.
2. A quorum for the transaction of business shall consist of a majority of the membership, excluding the representative from the Sarasota County School Board.

- e. *Disqualification of Members.* If any member of the Planning Commission shall find that his or her private or personal interests are involved in the matter coming before the Commission, the member shall disqualify himself or herself from all participation in that matter and file a notice of conflict of interest as provided by Florida law. No voting member of the Planning Commission shall appear before the Planning Commission as agent or attorney for any person. No voting member of the Planning Commission shall appear before the Board of Zoning Appeals or Board of County Commissioners as agent or attorney for any person.

2.2.7. *Appropriations, Fees and Other Income.* The Board of County Commissioners shall make available to the Planning Commission such appropriations as it may see fit for expenses necessary in the conduct of Planning Commission duties. No public funds shall be expended or be caused to be expended by the Planning Commission without express approval of the Board of County Commissioners.

2.2.8. *Powers and Duties.*

- a. The powers and duties of the Planning Commission in general shall be:
 1. To acquire and maintain such information and materials as are necessary to understand past trends,

present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of man-made and natural physical features of the County, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the County;

2. To recommend to the Board of County Commissioners for adoption and from time to time recommend amendments and revisions to the Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen, and to act as the Local Planning Agency pursuant to F.S. § 163.3174;
3. To recommend principles and policies for guiding action affecting development in the County;
4. To recommend to the Board of County Commissioners the preparation of other planning-related materials or studies.
5. It is the intent of these zoning regulations that all map amendments (rezoning) and special exceptions shall be heard first by the Planning Commission and that the Planning Commission's report and recommendation on such matters shall be advisory only to the Board of County Commissioners.
6. It is the intent of these zoning regulations that all proposed text amendments shall be heard first by the Planning Commission, except as expressly directed by a vote of the Board of County Commissioners, and that the Planning Commission's re-

port and recommendations on such matters shall be advisory only to the Board of County Commissioners.

7. To keep the Board of County Commissioners and the public informed and advised on these matters; and
 8. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the comprehensive plan.
- b. All County employees shall, upon request by the Planning Commission Chair through the County Administrator and within a reasonable time, furnish to the Planning Commission such available records or information as may be required in its work. The Planning Commission may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized County agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning Commission.

2.3. Board of Zoning Appeals.

2.3.1. *Establishment and Composition.* A Board of Zoning Appeals is hereby reestablished, which shall consist of an uneven number of members, not less than five and not more than seven, to be appointed by the Board of County Commissioners, each for a term of three years; provided, however, that not more than a minority of the terms of such members shall expire in any one year. The members may serve a maximum of four three-year terms. After serving the four three-year terms, a request for a new appointment may be submitted to the Board of County Commissioners after a one-year absence.

2.3.2. *Qualifications of Members.* No member of the Board of Zoning Appeals shall hold any elective office or be employed by any municipality or county government in Sarasota County. New members of the Board shall be residents of Sarasota County for two years prior to the date of their appointment, and appointed from among persons

in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest.

2.3.3. *Vacancies.* Vacancies in Board of Zoning Appeals membership shall be filled by appointment of the Board of County Commissioners for the unexpired term of the member affected. It shall be the duty of the Chairman of the Board of Zoning Appeals to notify the Chairman of the Board of County Commissioners within 30 days after any vacancy shall occur.

2.3.4. *Removal.* Members of the Board of Zoning Appeals may be removed from office for cause by the affirmative votes of three members of the Board of County Commissioners. Where a member has filed to run as a candidate for any public office, their resignation shall be tendered as of the date of filing.

2.3.5. *Compensation.* Members of the Board of Zoning Appeals shall receive no salaries or fees for service on the Board but may receive actual and necessary expenses incurred in the performance of their duties of office.

2.3.6. *Proceedings.*

- a. *Officers and Voting.* The Board of Zoning Appeals shall select a Chairman and Vice Chairman from among its members and may create and fill such other offices as it may determine necessary. The Chairman shall serve a term of one year, and shall not serve consecutive terms. All regular members of the Board shall be entitled to vote in matters before the Board of Zoning Appeals.
- b. *Rules and Procedure.* The Board of Zoning Appeals shall adopt Rules of Procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of Florida law, and these zoning regulations. Such Rules of Procedure shall be available in a written form to persons appearing before the Board of Zoning Appeals and to the public.
- c. *Meetings.* Meetings shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may