

**BY-LAWS FOR THE
PLANNING AND ZONING COMMISSION, LOCAL PLANNING AGENCY,
AND LAND DEVELOPMENT REGULATION COMMISSION
OF THE CITY OF MAITLAND, FLORIDA**

**ARTICLE I
OFFICERS**

SECTION A. Officers of the Commission.

The officers of the Commission shall consist of a Chairperson and Vice Chairperson elected by the Commission. All officers shall be eligible for re-election.

SECTION B. The Presiding Officer.

The Chairperson shall be the presiding officer (hereinafter: the "Presiding Officer") at meetings and hearings of the Commission and shall perform all duties as described by proper parliamentary procedure.

The Presiding Officer's general duties are:

1. To open and call the meeting to order;
2. To announce the business to be conducted;
3. To recognize members entitled to the floor or to recognize individuals seeking to address the Commission;
4. To state and put to a vote all questions which are regularly moved or necessarily arise in the course of proceedings;
5. To announce the result of the vote;
6. To move proceedings forward as much as shall be reasonable and appropriate by seeking to avoid redundant or repetitive presentations or remarks by individuals addressing the Commission;
7. To require order and sincerity in meetings;
8. To inform the group present as to a point of order or a practice pertinent to pending business;
9. To authenticate, by signature when necessary, all actions, orders, and proceedings of the Commission.
10. To administer oaths and compel the attendance of witnesses, when necessary; and
11. To establish time limits for presentations at the meetings, as deemed appropriate by the Presiding Officer.

The Presiding Officer shall conduct business only for the benefit of the Commission and shall reflect no personal prejudice in any matter.

SECTION C. Vice Chairperson.

The Vice Chairperson shall assist the Presiding Officer in any way possible subject to the Presiding Officer's request. Upon the absence of the Presiding Officer, the Vice Chairperson shall automatically act as the Presiding Officer of the Planning and Zoning Commission.

SECTION D. Executive Secretary and Administrative Assistant.

The City Manager shall designate a Department to generally assist the Commission and be responsible for carrying out the following duties:

1. Keep records and minutes of meetings and hearings of the Commission and transmit draft copies of all minutes to City Council within fifteen (15) days of such meeting;
2. Keep a record of the members and call this roll when required;
3. Notify officers and committees of their appointment and furnish committees with all papers necessary;
4. Record the number of votes for and against each question put to vote;
5. Indicate any absences or disqualifications from voting when a question is put to vote;
6. Arrange proper and legal notice of hearings;
7. Attend to correspondence of the Commission and such other duties as are normally carried out by a secretary or as authorized by the Presiding Officer of the Commission, as may be reasonably required by the Commission for the proper performance of its duties.

**ARTICLE II
NOMINATION AND ELECTION OF OFFICERS**

SECTION A. Nominations.

Nominations of officers shall be made from among the members at the annual organization meeting, which shall be held on the first regularly scheduled meeting in each calendar year.

SECTION B. Elections.

Election of officers shall take place immediately following nominations. Voting shall take place by roll call. A candidate receiving three votes of the membership at a meeting where there is a properly constituted quorum shall be declared elected and shall serve for a term of one (1) year or until his successor shall take office. Officers are eligible for re-election

SECTION C. Vacancies.

Upon a vacancy in the post of the Presiding Officer, the Vice Chairperson shall automatically succeed to the office of Presiding Officer for the remaining time period in the term of that office. Vacancies in unexpired terms of office shall be filled immediately by the regular election procedures set forth in Article III. Upon filling a vacancy, the individual so selected shall serve the remaining time period in the unexpired term in which the vacancy was filled.

**ARTICLE III
COMMITTEES**

The Chairperson shall be empowered to appoint such special committees as deemed necessary at any time or, on the majority vote of the members at any meeting, and shall appoint committees as they direct.

**ARTICLE IV
AMENDMENT**

By-Laws amendments may be proposed by the Commission to City Council at any meeting by a two-thirds vote, a quorum being present. Any amendments to the By-Laws shall be effective only with City Council approval.

**ARTICLE V
MEETINGS**

SECTION A. Time of Meetings.

Unless the Presiding Officer shall otherwise set the time, date, or location of a meeting, the regular meetings of the Commission shall be held on the first Thursday of each month and, if necessary, on the third Thursday of each month at 6:30- p.m. in the Maitland City Council Chambers. The meeting on the third Thursday may be a work session. The work session meetings need not be advertised in a "newspaper of general circulation" as that term is defined in the Florida Statutes. No vote shall be taken at a work session meeting. Unless the Commission at a duly called meeting has directed otherwise for any given meeting, the Executive Secretary, after consultation with the Presiding Officer, shall set the agenda for all meetings. All meetings shall be open to the public.

SECTION B. Quorum.

The Commission shall consider a quorum Present when a simple majority of the total membership of the Commission is in attendance.

SECTION C. Special Meetings.

Special meetings may be called by the Presiding Officer with forty-eight (48) hours written notice (i.e., notice posted at City Hall), provided a quorum can be assembled.

SECTION D. Transcription of Meetings.

All meetings of the Commission shall be public and shall be recorded.

ARTICLE VI

PROCEDURE

SECTION A. Meeting Format and Order of Business.

The order of business at regular meetings shall be as follows:

- ~~1. Call to Order~~
- ~~2. Pledge of Allegiance~~
- ~~3. Roll Call~~
- ~~4. Reading or Disposition of Minutes of Previous Meeting~~
- ~~5. Public Period for non-agenda items (up to 15 minutes with time limit of three minutes per person)~~
- ~~6. Public Hearings~~
- ~~7. Decisions~~
- ~~8. Recommendations~~
- ~~9. Staff Presentations or work sessions~~
- ~~10. Review of Council Action on Prior Items~~
- ~~11. Any Other Business the Commission Deems Advisable~~
- ~~12. Adjournment~~

I. Call to Order/Roll Call

II. Pledge of Allegiance

III. Approval of Minutes

IV. Public Period for Non-agenda items

V. Public Hearings/Recommendations

VI. Old Business

VII. New Business

VIII. Other Business the Commission Deems Advisable

IX. Adjournment

"Any Other Business the Commission Deems Advisable" shall be time period open to discussion and announcements by members of the Commission, City Community Development Division staff, and the Commission's Legal Counsel.

SECTION B. Rules of Procedure.

Unless otherwise set forth in these By-Laws, general parliamentary procedure as administered by the presiding officer. ~~the provisions of Roberts Rules of Order, most recent edition,~~ shall be the parliamentary rules of Procedure which shall guide all Commission meetings. Questions or statements made by members of the Commission. The General Public, permit applicants, or staff shall be directed to the Presiding Officer. The failure to follow the procedures set forth in these By-Laws shall not be a basis upon which any person or legal entity may seek an invalidation of any action taken by the Commission. The time periods for noted for speaking are subject to the discretion of the presiding officer.

SECTION C. Meeting Documentation.

All meeting documentation for a regularly scheduled Planning and Zoning Commission meeting or work session (~~i.e., 1st and 3rd Thursdays of the month~~) must be submitted to and received by the Community Development Department no later than close of business eight (8) days prior to the regularly scheduled meeting or work session. Meeting documentation includes any new, updated or revised; plan, study, report, illustration, development agreement, exhibit and other documentation required as part of the application submittal requirements. Failure to submit all required meeting documentation by the aforementioned deadline shall give the Planning and Zoning Commission cause to continue the item to the next available regularly scheduled meeting or work session, subject to notice requirements and scheduling.

Section D. Extend Time Periods for Public to Speak.

Time periods for speaking as provided herein may be extended upon the discretion of the Presiding Officer.

**ARTICLE VII
VOTING**

Each regular Commission member, including the Chairperson, shall have an equal vote in all matters.

**ARTICLE VIII
TRANSACTION OF BUSINESS**

SECTION A. Transcripts.

All minutes and records of proceedings, including findings and determinations, shall be filed with the official records of the City of Maitland. A transcript of the proceedings of the Commission's regular meetings may be requested by any member of the Commission or the general public, but any expenses incurred in the preparation of the transcript shall be the responsibility and obligation of the requesting party, if a member of the general public.

SECTION B. Record Voting.

The manner in which each member has voted (e.g. - "yea" or "nay") on all issues put to a vote, excluding procedural motions, shall be recorded in the minutes of the Commission. A member may supplement the minutes with a statement explaining the reason for voting in a certain manner. The statement may not exceed one hundred (100) words and must be filed with the Executive Secretary within five (5) business days (holidays excluded) after the meeting at which the member's vote was cast.

SECTION C. Recommendations to City Council; Final Action by Commission.

1. Whenever the Commission shall act on any proposal that must be adopted as an ordinance, the Commission shall not take final action on said proposal unless it is in the form of a written ordinance that can be transmitted to the City Council. This Section C.1 specifically refers to actions including but not limited to initial zoning classifications, rezonings, annexations, amendments to the City's Comprehensive Development Plan, and

amendments to or creation of any land development regulations. If the ordinance constitutes a development permit, all conditions of approval must be specifically set forth in the ordinance.

2. Whenever the Commission shall act on any proposal that must be adopted as a resolution, the Commission shall not take final action on said proposal unless the proposal is in the form of a written resolution that can be transmitted to the City Council. This Section C. 2 specifically refers only to actions including site plan approvals and permitted conditional uses. All conditions of approval must be specifically set forth in the resolution.

ARTICLE IX HEARINGS

SECTION A. Special Hearings.

In addition to those hearings required by law, the Commission may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest. Due notice of any special hearings shall be called as the Commission may deem appropriate.

SECTION B. Presentations of Applications to Commission at Public Hearings for a Development Permit or for Land Development Regulation.

The procedure for hearing applications for a development permit or for creation of or amendment to a Land Development Regulation, all subject to a public hearing before the Commission, shall be as follows:

1. The Presiding Officer shall open the public hearing.
2. A brief summary of the subject matter, including but not limited to the type of development permit or land development regulation sought, the name of the applicant, and if applicable, general characteristics of the proposed development, and location of the proposed development, shall be presented by a representative of the Community Development Department. As part of the summary, any letters or written comments received by the City regarding the development permit or land development regulation application shall be presented and made a part of the record.
3. An announcement shall be made that for the Commission to give consideration to any written statements, diagrams, maps, or other exhibits, a copy of the exhibits must be submitted to the Executive Secretary with a request to the Presiding Officer that the exhibits be appropriately marked by the Executive Secretary and made a part of the record of the public hearing. Additionally, an announcement shall be made that all individuals addressing the Commission must give their name, address, and who they are representing, if anyone other than themselves.
4. The applicant shall make a presentation to the Commission and the public.
5. The Commission members may question the applicant concerning the application.

6. Individuals in attendance at the public hearing, other than the applicant or the applicants' professional consultants will be heard and may offer suggestions or questions for the Commission to address concerning the application.
7. Rebuttal and summation may be presented by the applicant (limited to five minutes).
8. Upon completion of all input by the public and the applicant, the public hearing will be closed by the Presiding Officer. Members of the Commission will be called upon to make relevant comments as may be deemed appropriate by the individual members, including but not limited to requests of the applicant and staff to examine specific issues. The proposal will then be referred to the Development Review Committee for further action, if such action is required.

SECTION C. Hearings Regarding Proposals to Amend the Comprehensive Development Plan.

1. The Presiding Officer shall open the public hearing.
2. A summary of the proposal to amend the Comprehensive Development Plan shall be presented by the Community Development Division. The summary shall include but not be limited to the nature of the proposal, the manner in which it will affect the Comprehensive Development Plan, the report of the Development Review Committee, and the action needed to be taken by the Commission. As part of the summary, any letters or written comments received by the City regarding the proposal to amend the Comprehensive Development Plan shall be presented and made a part of the record.
3. An announcement shall be made that for the Commission to give consideration to any written statements, diagrams, maps, or other exhibits, a copy of the exhibits must be submitted to the Executive Secretary with a request to the Presiding Officer that the exhibits be appropriately marked by the Executive Secretary and made a part of the record of the public hearing. Additionally, an announcement shall be made that all individuals addressing the Commission must give their name, address, and who they are representing, if anyone other than themselves.
4. The Comprehensive Development Plan amendment applicant shall make a presentation to the Commission and the public.
5. The Commission members may question the applicant concerning the proposed amendment.
6. Individuals in attendance at the public hearing, other than the applicant or the applicant's professional consultants will be heard and may offer suggestions or questions for the Commission to address concerning the application.
7. Rebuttal and summation may be presented by the applicant (limited to five minutes).
8. Upon completion of all input by the public and the applicant, the public hearing will be closed by the Presiding Officer. Members of the Commission will be called upon to make any relevant comments as may be deemed appropriate by the individual members. The Presiding Officer will seek a motion for final disposition of the application for amendment to the Comprehensive Development Plan.

SECTION D. Formal Action Meetings

The procedure for taking formal action on a development permit or for an amendment to a land development regulation, or for an amendment to the Comprehensive Development Plan, shall be as follows:

1. The Presiding Officer shall open the meeting.
2. A staff representative will provide a summary and overview of the staff report.
3. The applicant may comment on the staff report, such comments to be limited to five (5) minutes. Written correspondence will be allowed, so long as such correspondence has been received by the Community Development Department at least forty-eight (48) hours prior to the meeting time.
4. Individuals in attendance, other than the applicant or the applicant's professional consultants, will be heard and shall address all questions to the Chair, with a time limit of ~~one~~ three (3) minutes for each individual. An announcement shall be made that all individuals addressing the Commission must give their name, address, and who they are representing, if anyone other than themselves.
5. Rebuttal and summation may be presented by the applicant, with a time limit of ~~two~~ five (5) minutes.
6. Commission members will then take the application under consideration for formal action.

SECTION F. Contents of Minutes.

The Executive Secretary shall keep minutes on presentations before the Commission. The record shall include the name, address, and who the speaker represented, if anyone, and a very brief synopsis of the speaker's statement to the Commission. The official copy of the minutes on file at City Hall and posted on the City's website and shall also include all written statements, exhibits, letters, and other exhibits submitted at hearings and made a part of the record. The minutes shall include the name of the Commission member making all motions, the name of the Commission member seconding all motions, a roll call vote for all non-procedural motions, and at least a final vote tally for all procedural motions.

ARTICLE X DEFINITIONS

SECTION A. General Definitions.

The following definitions shall apply to all sections of these By-Laws:

1. "Commission" shall mean and refer to the Planning and Zoning Commission, the Local Planning Agency, and the Land Development Regulation Commission, individually or collectively.

2. "Comprehensive Development Plan" shall mean and refer to the Comprehensive Plan adopted by the City Pursuant to Chapter 163, Florida Statutes, as set forth in Section 12-15, City Code, and as the same may be amended from time to time.
3. "Development Permit" shall mean and refer to any development order for a zoning or rezoning, site plan review, permitted conditional use, subdivision approval, or plat approval.
4. "Development Review Committee" shall mean and refer to the technical staff committee of the City provided for in Section 4.7-13, City Code, as the same may be amended from time to time.
5. "Land Development Regulation" shall mean and refer to an ordinance to be considered for enactment by the City Council of the City of Maitland that regulates any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulation controlling the development of land.

I HEREBY CERTIFY that these By-Laws were duly adopted as the By-Laws of the City of Maitland Planning and Zoning Commission, Local Planning Agency, and Land Development Regulation Commission, and that these By-Laws were properly adopted at a meeting of the aforementioned Commission held on the _____ day of _____, 2017.

 Michael Wilde
 Presiding Officer

ATTEST:

 Executive Secretary

 Date

Ratified by Maitland City Council:

By: _____
 A. Dale McDonald, Mayor

Attest: _____
 Maria Waldrop, City Clerk

 Date