

RESOLUTION NO. R-09-2020

RESOLUTION REGARDING THE ADOPTION OF BY-LAWS FOR THE CITY OF GREEN COVE SPRINGS PLANNING AND ZONING BOARD

WHEREAS, on August 7, 2019, Staff introduced the concept of by-laws to the Planning & Zoning Board as a way to orient new board members and ensure meetings are conducted in an efficient and orderly fashion; and

WHEREAS, Staff reviewed City of Jacksonville by-laws as well as common procedures for Planning and Zoning Boards as gathered by planning organizations and resources such as the American Planning Association (APA); and

WHEREAS, Staff prepared by-laws specific to the City of Green Cove Springs Planning and Zoning Board; and

WHEREAS, on June 23, 2020, the Board requested Staff make minor adjustments to the proposed by-laws and take them to the next City Council meeting for review and adoption.

NOW THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS HEREBY ADOPTS THE PLANNING & ZONING BOARD BY-LAWS AS FOLLOWS:

- Section 1.** The foregoing recitals are true and are incorporated herein.
- Section 2.** The City Council hereby adopts the Planning & Zoning Board By-Laws, attached as Exhibit A.
- Section 3.** This Resolution shall be effective immediately.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA IN REGULAR SESSION THIS 7TH DAY OF JULY 2020.

CITY OF GREEN COVE SPRINGS, FLORIDA



B. Van Royal, Mayor

ATTEST:



Erin West, City Clerk

APPROVED AS TO FORM:



L. J. Arnold, III, City Attorney

EXHIBIT A

Planning and Zoning Board Bylaws

- 1.0 **PURPOSE:** This document intends to provide an overview of the Planning and Zoning Board as it relates to membership, responsibilities, functions, and meetings.
- 2.0 **POWERS AND DUTIES:**
- 2.1 **Empowerment Clause:** Sections 101-126 through 101-129 of the Land Development Code outline the responsibilities, membership requirements, general functions and powers, as well as the policy for meetings.
 - 2.2 **Local Planning Agency:** The Board shall act as the Local Planning Agency required pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, sections 163.3161 through 163.3217, F.S.
 - 2.3 **Land Development Regulation Commission:** The Board shall act as the Land Development Regulation Commission required pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, sections 163.3161 through 163.3217, F.S.
 - 2.4 **Review and Make Recommendations:**
 - 2.4.1 To the City Council with respect to all rezonings, land use amendments, and site development applications as set forth in Section 6.01 of Article VI of the City Charter.
 - 2.5 **Final Action:**
 - 2.5.1 Hear and decide appeals, where it is alleged there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of this section as set forth in section 101-246 of the Land Development Regulations and other applicable sections.
 - 2.5.2 Hold a public hearing and take final action on requests for special exceptions as set forth in sections 101-351 and 352 of the Land Development Code.
 - 2.5.3 Hold a public hearing and take final action on requests for variances from the Land Development Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of Code will result in unnecessary hardship as set forth in sections 101-128, 101-159 and 101-351 of the Land Development Code.
- 3.0 **ORGANIZATION:**
- 3.1 **Appointment:** Candidates for appointment to the planning and zoning board shall be nominated by a council member by motion, and such nominee shall be approved by a majority of the members of the council and the name of the nominator shall be recorded in the minutes of the council meeting as set forth in City Charter.
 - 3.2 **Membership:** The Board shall consist of five members appointed by the City Council and a sixth nonvoting member appointed by the School Board as provided in 163.3174, F.S. Any City of Green Cove Springs resident of voting age shall be eligible for membership. Members of the Board shall hold no other city office as set forth in the City Charter.
 - 3.3 **Terms:** Members shall serve terms equal to the City Council member recommending their appointment. New members appointed by the City Council shall take their seats on the Board at the next regularly scheduled Board meeting as set forth in the City Charter.

- 3.4 **Resignation:** Any member may resign from the Board by tendering their resignation in writing to the Mayor and City Manager, with a copy to the Chair of the Board and Planning and Zoning Director.
- 3.5 **Removal:** A member may be removed by the City Council during the members term .
- 3.6 **Vacancies:** Vacancies occurring on boards shall be filled within sixty (60) days by the council in the same manner as initial appointments as set forth in the City Charter.
- 3.7 **By-Law Amendments:** By-laws can be amended by a majority vote by City Council.

4.0 **NEW MEMBERS**

- 4.1 **Orientation:** New members appointed to the Board shall receive an orientation, prior to attending their first meeting, by the director or designee so that they may be more effective members of the Board. Such orientation shall include the following:
 - 4.1.1 The zoning code and its requirements;
 - 4.1.2 The application process for citizens requesting exceptions, variance, administrative deviations, minor modifications, and waivers from the Zoning Code, and tower/antenna siting requests;
 - 4.1.3 The staff recommendation process;
 - 4.1.4 Procedures for making quasi-judicial decisions;
 - 4.1.5 Parliamentary Procedure;
 - 4.1.6 Vision and master plans as well as neighborhood action plans;
 - 4.1.7 City of Green Cove Springs Comprehensive Plan;
 - 4.1.8 Florida Sunshine Law as it applies to the Commission by these bylaws.

5.0 **OFFICERS, ELECTIONS AND DUTIES:**

- 5.1 **Officers:** Chair, Vice-Chair
- 5.2 **Election:** At the regular meeting in May of each year, the Board will elect a Chair and Vice-Chair to oversee the Board for the next year. The incumbent Vice-Chair may be elected to Chair, and the role of Vice-Chair may be filled on a rotating basis amongst the Board members such that the least recently elected member is elected to Vice-Chair. The election of members to these roles shall require a motion and a second, as well as a roll call vote in favor.
- 5.3 **Term:** The term of office shall be for one year and shall begin at the next regularly scheduled meeting.
- 5.4 **Duties of the Chair:** The Chair shall have the following duties: (i) preside at Board meetings; (ii) have discretion to control the order of business; (iii) sign documents requiring the signature of a certifying officer of the Board;
- 5.5 **Duties of the Vice-Chair:** The Vice-Chair shall exercise all functions of the Chair upon the absence, disqualification, or disability of the Chair.

6.0 **PROCEDURES:**

- 6.1 **Meetings:** Board meetings shall be held in Council Chambers on the 1st floor of City Hall and shall be open to the public. The Board shall meet on the 4th Tuesday of the month commencing at 5:00PM, except in the case of scheduling conflicts between City Council and the Board, in which case at a meeting preceding the conflicting date, the Board will make a motion to move the meeting to a new date and/or time for the meeting to occur.
- 6.2 **Special Meetings:** Special meetings of the Board may be called by the Chair.
- 6.3 **Notice of Meeting:** The public shall be given reasonable notice of Board meetings. The agenda shall be posted to the message board outside of City Hall's front entrance and the full

agenda packet will be available online or for viewing in the department by end of business the Thursday before the meeting. Meeting dates and times will also be posted on the City Calendar online. Notice for specific land use, zoning, and zoning related applications, and the hearings for the same shall be provided as set forth in the applicable provision(s) of the Land Development Code.

- 6.4 **Quorum:** A quorum shall be a majority of members of the Board. A quorum is required to take action on any item before the Board.
- 6.5 **Attendance:** Board members shall make every reasonable effort to attend all regular and special meetings of the Board. If a member is unable to attend a meeting of the Board, the member shall notify the Development Services Representative as soon as possible.
- 6.6 **Order of Business:** Business shall be ordinarily taken up at each regular meeting for consideration and disposition in the following order, subject to the discretion of the Chair:
(i) Call to Order, announcement of meeting rules; (ii) Verification of quorum through roll call; (iii) Approval of Minutes; (iv) Submittal of speaker cards; (v) Public hearings (most typically: rezonings, land use amendments, variances, special exceptions, zoning code changes); (vi) Board business (site development applications, Board discussion/comments, staff comments); (vii) Adjournment.

7.0 VOTING:

- 7.1 **Majority Action:** Unless otherwise noted herein or required by Ordinance or Statute, all actions of the Board shall be by majority of the members present.
- 7.2 **Abstention:** No member shall vote on any question when there is or appears to be a conflict of interest as set forth in Chapter 286 of the Florida Statutes. In those cases, prior to the vote, the member shall declare a conflict and abstain from voting on the matter. Within 15 days of the vote, the member shall file a statement with the clerk, who in turn shall incorporate the same into the minutes of the meeting.
- 7.3 **Voting Required:** Each member shall vote on each question presented unless officially abstaining.
- 7.4 **Manner of Voting:** All substantive items on the agenda shall be decided by roll call vote. Administrative items, such as the approval of minutes, shall be by voice vote. There shall be an announcement of the results of the votes by the Chairman or Clerk. No proxy vote shall be permitted.

8.0 CODE OF CONDUCT:

- 8.1 **Compliance with Laws:** The Board shall be governed by the State of Florida's Sunshine Law, public records and ethics laws, as specified in the provisions of Chapters 112 (Part 3), 119, and 286, Florida Statutes. All members shall thoroughly familiarize themselves with the provisions of these laws as they now exist or as they may be amended from time to time.
- 8.2 **Ex Parte Communications on Quasi-Judicial Items:**
- 8.2.1 Oral or written communications occurring outside the public meeting or hearing regarding any quasi-judicial matter before the Board, between members are prohibited.
- 8.2.2 Oral or written communications occurring outside the public meeting or hearing regarding any quasi-judicial matter before the Board, between members of the public and a board member are discouraged and if they do occur, the member shall state on the record prior to or during the hearing of the item the substance of the communication and the identity of the person(s) involved. If the communication

occurs in writing, a copy of the document shall also be placed in the file of that item. All such disclosures become a part of the record before final action on the matter.

- 8.3 **Government in the Sunshine:** The Board and all meetings, whether formal or informal, are subject to the Sunshine Law codified in Chapter 286, Florida Statutes. A gathering of two or more members to discuss an item that may foreseeably come before the Board must be properly noticed.
- 8.4 **Quasi-Judicial Matters:** Members shall not make remarks or otherwise indicate to the public that they have made a final decision on any quasi-judicial matter before the Board until all those desiring to speak have been heard and considered and all competent and substantial evidence has been introduced.
- 8.4.1 In quasi-judicial proceedings, cross examination shall be allowed if requested; and,
- 8.4.2 In quasi-judicial proceedings for final actions, all persons making presentations or remarks at the public hearing before the Board must be under oath. This may be done *en masse*, or individually as each person approaches the podium.

9.0 RULES OF ORDER:

- 9.1 **Authority of the Chair:** The Chair has broad authority over all matters regarding the conduct of meetings. The Chair shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Board while permitting the orderly and timely completion of Board business. As a general protocol, the Chair of the meeting should introduce the agenda topic, provide for a staff presentation and questions from the Board member, and call for discussion among the members. The Chair should generally provide for each Board member to offer a comment prior to weighing in on an issue. The Chair should ensure that all members have an opportunity to speak. The Chair should also expedite the discussion in a timely manner and summarize the recommendation or direction from the Board as appropriate.
- 9.2 **Decorum in Discussion:** Discussion should be limited to the subject matter at hand. Personal bias should be avoided. Only one person should speak at a time. If the Chair poses a general question to the Board, members who would like to respond should raise their hand and wait to be recognized by the Chair. Board members may engage directly with staff or with audience members at the podium if asking or answering a direct question.
- 9.3 **Decorum of the Board:** The Chair shall call any Board member who transgresses the rules of order back to order.
- 9.4 **Decorum and Displays from the Public:** Any person, not a Board member, making personal, impertinent, or slanderous remarks or who shall become boisterous while the Board is in session, shall forthwith be barred from further audience before the Board by the presiding officer at their discretion.
- 9.5 **Keeping Business Moving:** The Chair should ensure that the business of the Board continues to move forward in a reasonable amount of time. At times, Boards can get weighed down with details on proposals or requests, which can needlessly delay action. The Chair should summarize facts presented by the Board and move items forward to a vote once relevant testimony has been expressed.
- 9.6 **Opening and Closing the Public Hearing:** Items which require a public hearing should be handled as follows:
- 9.6.1 Chair introduces the item.
- 9.6.2 Staff makes a presentation on the item.

- 9.6.3 Board asks questions about the staff presentation.
- 9.6.4 Chair opens the public hearing.
- 9.6.5 The applicant makes a presentation.
- 9.6.6 Chair recognizes members of the public to speak.
- 9.6.7 If no members of the public step forward for comment **OR** after all public comments have been heard, the Chair may close the public hearing.
- 9.6.8 Once the public comment period is closed, the only persons that should be able to speak are those on the Board. The Board may also ask specific questions of the applicant if necessary, following the public comment period.
- 9.7 **Preventing Arguments:** The Chair should prevent to the best of his or her ability any arguments or criticisms between Board members and the public or amongst Board members themselves. Dialogue between the Board, the public, and the applicant should be primarily for fact gathering purposes.
- 9.8 **Board Decisions:** Board decisions should be made in the public's best interest as well as in accordance with the Land Development Code and applicable state laws.

10.0 MOTIONS: It will be common for members in the course of business to make motions. Unless otherwise indicated: (1) a motion, call, or point can be made by any member; (2) all motions require a second and a roll call vote.

- 10.1 **Call to Order:** An action of the Chair to bring the members, staff, and/or the audience into order.
- 10.2 **Motion to Amend the Order of the Agenda:** An action of any member who may move, for very specific reasons other than inconvenience or unpreparedness, to alter the order but not the content of the agenda.
- 10.3 **Motion to Approve the Minutes:** Action to approve the minutes of the previous meeting.
- 10.4 **Motion to Open the Public Hearing:** An action to take public testimony on a specific agenda item. Neither a second nor roll call vote are required. During the public hearing, members may not make substantive motions.
- 10.5 **Motion to Close the Public Hearing:** An action when all public testimony has concluded. Neither a second nor roll call vote are required. The Board may return to deliberation amongst themselves.
- 10.6 **Call to Entertain a Motion:** An action of the Chair, after broad discussion, deliberation, and any public comment, to invite (but not make) a motion.
- 10.7 **Motion to Approve, Approve with Conditions, or Disapprove:** A substantive motion to take final action or recommend. The motion requires recitation of reasons in support of the motion, which both the mover and seconder must concur in. A tie vote equals a defeat of the motion. If a motion to disapprove is defeated, a converse motion to approve should be made. If the motion to approve with conditions includes only conditions set forth in the staff report, the mover only need indicate that the conditions are outlined in the staff report. If the motion to approve with conditions includes conditions determined by the Board during discussion, the conditions not outlined in the staff report must be voiced as part of the motion. After a motion of this nature has been made, the Chair should call for any further discussion or debate prior to calling for the vote.
- 10.8 **Motion to Amend the Previous Motion:** An action to amend a motion after it has been moved and seconded but while it is still within its period of debate. If the amendment is compatible with the previous motion and the mover and seconder agree, the amendment may be incorporated directly into the previous motion. If not, it must be debated first.

- 10.9 Motion to Recess:** An action of the Chair at the Chair's discretion, typically due to a meeting exceeding normal time limits, to allow for a brief break.
- 10.10 Motion to Defer to a Specific Time:** An action to defer an application to a specific time, typically the next regularly scheduled meeting.
- 10.11 Motion to Adjourn:** An action to end the meeting. If called by the Chair, neither a second nor a roll call vote are required.
- 10.12 Motion to Adopt or Reject:** An action to incorporate, alter, or eliminate policies which guide the Board.
- 10.13 Action to Rule Out of Order:** To ensure order, the Chair may rule individuals out of order when comments are irrelevant to the item under discussion, comments are repetitive, the time to speak has expired, or the comments are disruptive.
- 10.14 Motion to Appeal the Ruling of the Chair:** An action by a member to challenge the action of the Chair, to ensure proper procedures are followed.
- 10.15 A Point of Order:** An action of any member to ensure proper order is followed as related to an immediate concern rather than a larger procedural issue.
- 10.16 A Point of Information:** A right of a member to request information or clarification.
- 10.17 A Point of Personal Privilege:** A right of a member to express a matter of concern, such as a conflict of interest.