

~~DRAFT August 21 March 14, 2018~~

Planning Commission City of Venice, Florida

Rules of Procedure

1. A majority of members of the Commission shall constitute a quorum.
2. All questions shall be resolved by the vote of a majority of the members present; provided that a quorum is present. Proxy votes are not permitted.
3. Election of Officers shall be held ~~annually by the end of March.~~
4. The regular meetings of the Commission shall be the first and third Tuesday of each month at 1:30 p.m., in the City Council Chambers at Venice City Hall. Special meetings may be called by the Chairman or two (2) members of the Commission with not less than ~~five (5)~~ days' notice, to all members as to time, place and agenda.
5. The Chairman shall preside at all meetings and shall have a vote on all matters coming before the Commission; in his absence the Vice Chairman shall preside.
6. Meetings shall be conducted in accordance with Robert's Rules of Order, Revised. If there is a conflict between Robert's Rules of Order, Revised, and these rules of procedure, these rules of procedure shall govern.
7. The Rules of Procedure may be amended by a majority vote of all the membership at any meeting following at least seven ~~(73)~~ days' written notice of the proposed amendment to all members.
8. With the exception of motions to approve or deny a petition which must be done by roll call, all votes shall be voice votes (unless a roll call is requested by any member). All roll call votes will be recorded in the minutes of the meeting.
9. ~~Notice of a meeting shall~~ be sent to each member at least seven ~~(73)~~ days prior to the meeting date. Such notices shall specify the date, place and time (local) where such meeting will be held. Planning and Zoning Department staff shall prepare an agenda packet ~~in consultation with direction provided by the Chairman, making same available to the newspapers and also sending a copy of same to each member of the Commission.~~
10. Petition files covering areas to be discussed at a public hearing shall be placed in the office of the City of Venice Planning and Zoning Department. ~~All associated documentation shall remain in the Petition files as part of the public record and shall be accessible by the public during normal business hours of City Hall. and remain there until the time of the public hearing when they shall be brought to the place of the public hearing.~~

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Deleted: , except those questions pertaining to changes and/or revisions of the Comprehensive Plan which questions shall be resolved upon the affirmative vote of not less than five (5) members of the Planning Commission, and amendments to the official zoning atlas which questions shall be resolved upon the affirmative vote of not less than four (4) members of the Planning Commission.

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Commented [JS2]: Need to discuss timeframes to address required due process and actual procedures.

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11. The minutes of the Commission constitute the official public record of the resolutions, transactions, findings and determinations of the Commission. All 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. The official minutes will set forth in complete detail the following information:

- a. All motions, resolutions, points of order, rulings and appeals, together with the names of members proposing and seconding same and the voting thereon.
- b. Summaries of all petitions, communications and reports to the Commission and the action taken thereon. When such petitions, communications and reports are in writing or are accompanied by documents pertinent thereto, the original of such petitions, communications, reports and documents shall be properly identified and recorded in the minutes thereof by reference and will become a part of the records of the Commission where practical and in compliance with public records retention law.
- c. All committees appointed, the direction given and duties assigned to such committees, and the names of members assigned thereto.
- d. All committee reports as approved by the Commission.
- e. All statements, comments and/or discussions by members or other persons appearing before the Commission when a member requests that same appear "in the minutes."

Statements, comments and/or discussions by members or persons appearing before the Commission will not be quoted in detail but will state the name of the speaker and that he spoke on, for or against the subject of consideration.

12. The minutes shall also include such other and additional information as recommended by Robert's Rules of Order, Revised.

13. The Chairman ~~with consultation from the~~ and the City Attorney shall determine the procedure to be utilized for the presentation of all applications and petitions including, but not limited to, the order of the presentation and the time limits imposed upon all participants.

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14. The following procedures shall apply to all quasi judicial proceedings:

- a. Sworn testimony is required. The Commission shall base its decision upon competent substantial evidence contained within the record.
- b. The applicant shall receive reasonable advance notice (not later than the posting of the meeting agenda packet) of any staff report or recommendations and be given a fair opportunity to rebut or respond to same during the public hearing/public session.

c. The applicant shall be given an opportunity to rebut or respond to statements or contentions made during the public hearing/public session.

d. ~~If the Planning Commission denies a petition, written notice shall be given to the applicant citing the applicable portions of ordinance, rule, statute, or other legal authority for the denial of the permit.~~

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e. ~~No petition shall be advertised for public hearing unless the property is properly zoned to allow that specific use; however, the Planning Commission may waive the rule upon a request, with appropriate reasons, from the applicant.~~

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Commented [JS3]: How does this apply to a rezoning request or a rezoning with concurrent site and development? Would prohibit certain applications from being made and I am not sure that should be the intent here.

f. Upon request, a person or entity may be granted Affected Person status, by the Planning Commission. For purposes of these Rules of Procedure, the defined term "Affected Person" shall mean a person or entity determined by the Planning Commission to be materially affected by a decision of the Planning Commission and who would have the right to appeal a quasi-judicial decision of the Planning Commission to the City Council.

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15. All written communications ~~to be included in meeting agenda packets for the Planning Commission must be~~ provided to the Planning and Zoning Department ~~for the Planning Commission~~ prior to ~~the close of business (12:00 P.M.4:00 P.M.) on the Wednesday Thursday~~ prior to each Tuesday Planning Commission meeting ~~or equivalent timeframe for meetings not held on Tuesday.~~ ~~shall be provided to the Commission members in advance for their review.~~ Individuals or entities providing written communications thereafter ~~may email their comments directly to Planning Commissioners and staff will provide a copy of such written communications as a handout at the meeting.~~ ~~to the Planning and Zoning Department will be provided with a recent roster containing Planning Commissioner's names and city issued e-mail addresses to provide the ability to present their views and/or written communications electronically.~~ Additionally, individuals or entities will be advised to personally appear at the meeting to present their views and/or written communications.

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Commented [JS5]: This has historically not been applied. Do we intend to maintain this language and start applying the procedure or modify?

16. Whenever the context in which words are used herein indicates that such is the intent, words in the singular number shall include the plural and vice versa and words in the masculine gender shall include the feminine and neuter genders and vice versa.

Duly presented and adopted this ~~twenty first day of August 2018~~ twenty first day of May, 2013.

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