

**RESOLUTION 2018-01**

**A RESOLUTION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION OF THE COUNTY OF VOLUSIA ADOPTING NEW BY-LAWS AND RULES OF PROCEDURE, AND REPEALING RESOLUTION NO. 2000-01; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Planning and Land Development Regulation Commission of the County of Volusia desires to update its By-Laws and Rules of Procedure to regulate the manner in which it would elect officers, conduct meetings, and otherwise carry out its designated functions; and

WHEREAS, the Planning and Land Development Regulation Commission of the County of Volusia wishes to repeal Resolution No. 2000-01.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION OF THE COUNTY OF VOLUSIA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS, THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA, THIS 15TH DAY OF FEBRUARY, 2018 AS FOLLOWS:

**SECTION I.** The By-Laws and Rules of Procedure of the Planning and Land Development Regulation Commission of the County of Volusia are appended hereto, by reference, made a part hereof, and are hereby adopted.

**SECTION II.** The Planning and Land Development Regulation Commission of the County of Volusia hereby repeals Resolution 2000-01.

**SECTION III.** That this Resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING.

ATTEST:

PLANNING AND LAND DEVELOPMENT  
REGULATION COMMISSION OF THE  
COUNTY OF VOLUSIA

  
\_\_\_\_\_  
Wanda Van Dam  
Secretary

  
\_\_\_\_\_  
Frank Severino II  
Chair

**COUNTY OF VOLUSIA  
PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION**

**BY-LAWS AND RULES OF PROCEDURE**

**ARTICLE I - PURPOSE AND INTENT**

It is the purpose and intent of these By-Laws to set forth a uniform set of rules of procedure whereby the Volusia County Planning and Land Development Regulation Commission (hereinafter referred to as the "Commission") may regulate the manner in which it elects officers, conducts meetings, and otherwise carries out its designated functions. It is further the intent of these Rules of Procedure to serve as a guideline in the conduct of the business and affairs pertaining to the Commission.

**ARTICLE II - GENERAL GOVERNING RULES**

The Commission shall be governed by the provisions of the Code of Ordinances, County of Volusia, Chapter 72, Article II, as amended (hereinafter referred to as the "Zoning Ordinance"), the Community Planning Act, Section 163.3164, *et.seq.*, Florida Statutes, and the Rules of Procedure set forth herein.

**ARTICLE III - DUTIES**

The Commission shall, among other things, assimilate existing plans, programs, and policies; statistical and other factual data; recognized planning principles and standards; citizen needs, desires, attitudes and any other information deemed necessary to formulate and recommend development goals, objectives and policies as part of a comprehensive planning program for Volusia County. Specifically, the Commission shall:

- A. Be responsible for the preparation of Comprehensive Plan amendments and make recommendations to the county council regarding said Plan amendments. During the preparation of plan amendments and prior to any recommendation to the county council, the Commission shall hold at least one (1) public hearing, with public notice, on the proposed plan amendment. The county council in cooperation with the Commission may designate any agency, committee, department, or person to prepare the comprehensive plan amendment, but final recommendation of the adoption of such plan amendment to the county council shall be the responsibility of the Commission.
- B. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the county council such changes in the Comprehensive Plan as may from time to time be required, including the periodic evaluation and appraisal of the Comprehensive Plan required by Section 163.3191, Florida Statutes.
- C. Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the county council as to the consistency of the proposal with the adopted Comprehensive Plan, or element or portion thereof.
- D. Review and recommend to the county council applications for amendments to the Zoning Ordinance as to the consistency of the proposal with the adopted Comprehensive Plan, or element or portion thereof, and special exception applications pursuant to the requirements of the Zoning Ordinance.

E. Hear and decide variance applications pursuant to the requirements of the Zoning Ordinance.

F. Perform any other functions, duties, and responsibilities assigned to the Commission by the county council or general or special law.

#### **ARTICLE IV - OFFICERS**

A. Chair. The Chair shall serve as the presiding officer at all meetings of the Commission and shall conduct said meetings as specified herein. It shall be the duty of the Chair to sign the minutes of the preceding meeting upon their approval by the Commission at a public meeting. It shall also be the duty of the Chair to sign such correspondence and other documents as required. The Chair shall be elected by a majority of the total membership of the Commission at the April meeting and the term of office shall be for one (1) year. The Chair shall transmit reports, plans, and recommendations of the Commission to the county council and, in general, shall act as spokesperson for the Commission. The Chair shall appoint from the Commission membership any committees found necessary to investigate matters before the Commission. In addition, the Chair, upon approval of the County Council, may appoint person(s) other than Commission members to investigate matters before the Commission.

B. Vice Chair. The Vice Chair shall be elected by the Commission from among its regular members in the same manner and for the same term as the Chair, and shall be eligible for re-election. The Vice Chair shall assume the powers and duties of the Chair in the absence or inability of the Chair to act, and shall serve as the Acting Chair in their absence. In the event of the absence or inability of the Chair or Vice Chair to act, the membership shall select one of the regular members present other than the Secretary to act as temporary chair for that meeting.

C. Secretary. The Secretary shall be elected by the Commission from among its regular members in the same manner and for the same term as the Chair, and shall be eligible for re-election. It shall be the duty of the Secretary to co-sign all the approved minutes and be responsible for the disposition of same. It shall also be the duty of the Secretary to receive any evidence or documents presented to the Commission at any Commission meeting and to sign or initial and date such documents or evidence. The preparation of agendas, preparation and sending out of meeting notices, preparation and distribution of minutes, and establishment and maintenance of files shall be accomplished by a recording secretary, who shall be a member of the staff of the Volusia County Growth and Resource Management Department.

#### **ARTICLE V – MEETINGS**

A. Regular Meetings. Regular meetings of the Commission should be held on the third Thursday of each month beginning at 9:00 A.M. Said meetings shall be held in the Thomas C. Kelly Administration Center, County Council Chambers, in DeLand, Florida. The Commission may adopt a regular annual meeting schedule at the time of the election of officers.

B. Special Meetings. Special meetings for the purpose of a public hearing or meeting may be called at any time by the Chair or at the direction of four (4) members of the Commission. The Chair shall instruct the Volusia County Growth and Resource Management Department to give, or cause to be given, at least five (5) days written notice of the time and place of any special meeting to each member of the Commission, the press and all individuals who request notice of such meetings. Special meetings may be held at locations other than at the Thomas C. Kelly Administration Center, County Council Chambers, in DeLand, Florida.

C. Workshop Meetings. Workshop meetings may be held as required for the purpose of enabling the Commission to gather information and discuss and examine matters relating to the powers, duties and functions of the Commission. Such workshops shall be conducted in accordance with applicable County Ordinance(s) and Florida Statutes as related to public meetings. Workshops may be held at locations other than at the Thomas C. Kelly Administration Center, County Council Chambers, in DeLand, Florida.

D. Continued Meetings. The Commission may continue a regular meeting, special meeting, or workshop if all business cannot be conducted on the advertised date. No further public notice shall be necessary for resuming such meeting provided the time, date and place of the resumption of said meeting are stated at the time of the continuance.

E. Cancellation of Meetings. Whenever there is no business for the Commission, or whenever a majority of the Commission members notify the Chair of their inability to attend a meeting, the Chair may dispense with the meeting by instructing the Volusia County Growth and Resource Management Department to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting. In addition, said notice of meeting cancellation shall be posted in a conspicuous place within or at the scheduled meeting chambers not less than twenty-four (24) hours prior to the time set for the meeting. The press shall be notified of the cancellation whenever possible.

F. Representation of Personal Interests. All Commission members shall be governed by the Code of Ethics as provided in applicable Florida Statutes.

G. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be generally as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Approval of Minutes.
5. Legal Comment.
6. Disclosure of Ex Parte Communications.
7. Public Hearings.
  - a. Items to Be Continued or Withdrawn.
  - b. New Business.
  - c. Old Business.
8. Other Public Items.
9. Staff Items.
10. Staff Comments.
11. Commission Comments.
12. Press and Citizen Comments.
13. Adjournment.

H. Quorum. A quorum shall consist of four (4) members present for the transaction of all business, except as otherwise specified herein. However, in the event a quorum is not present to conduct a public hearing, two (2) or more members of the Commission shall constitute a quorum for the sole purpose of calling the meeting to order and postponing the meeting to the next regularly scheduled meeting stating the place, date, and time of that meeting.

I. Voting. Any Commission member who is present and eligible to vote shall vote, except as otherwise provided in Section 112.3143, Florida Statutes. In order to make a favorable recommendation or final action, as the case may be, on a variance to the Zoning Ordinance, an affirmative vote of four (4) members of the Commission shall be necessary.

J. Motions. Except as provided in Section I above, motions on any matter shall be approved only upon a concurrence of a majority of the members present and eligible to vote, provided that a quorum is present. A tie vote shall be grounds for continuance to the next scheduled meeting.

K. Absences. If any member fails to attend three (3) meetings during any calendar year ending December 31, regardless of the reason, the member's seat shall be deemed vacant. Any voting member of the commission may be removed from office without cause by the county council. A board vacancy shall be filled upon nomination by the council member who shall have made the nomination to the vacated position or the successor to that council member. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

L. Robert's Rules of Order. *Robert's Rules of Order, Newly Revised* shall govern the conduct of all public meetings in all cases to which they are applicable and where they are not inconsistent with these By-Laws and any special rules the Commission may adopt from time to time.

#### **ARTICLE VI – STAFF**

The Commission shall have access to the information and staff of all the departments of the County government on such a basis as these departments are able to render assistance to the Commission, provided, however, the Volusia County Growth and Resource Management Department staff shall serve as the primary professional staff of the Commission.

#### **ARTICLE VII – AMENDMENT OF BY-LAWS**

These By-Laws may be amended or repealed at any regular or special meeting of the Commission, provided that the title of any such amendment shall be set forth in a notice of public meeting for that meeting at least ten (10) days prior to said meeting.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]**

ADOPTED BY THE VOLUSIA COUNTY PLANNING AND LAND DEVELOPMENT  
REGULATION COMMISSION THIS 15TH DAY OF FEBRUARY, 2018, AT DELAND, FLORIDA,  
AND SHALL BECOME EFFECTIVE IMMEDIATELY.

PLANNING AND LAND DEVELOPMENT  
REGULATION COMMISSION OF THE  
COUNTY OF VOLUSIA

ATTEST:

  
for Wanda Van Dam  
Secretary

  
Frank Severino II  
Chair