

**CITY OF PUNTA GORDA, FLORIDA
PLANNING COMMISSION
BYLAWS**

1. CREATION; TERMS OF MEMBERS; CONDITIONS

The City Council shall have a Planning Commission consisting of seven (7) members and two (2) alternate members to serve in the absence of a commission member (or two (2) members) at a meeting. All members of the Commission shall be residents of Punta Gorda and shall serve without compensation but may be reimbursed for such travel, mileage and per diem as may be authorized by the City Council. Appointment shall be made by the City Council on the basis of experience or interest in the fields of planning and zoning and a stated availability to serve on the date(s) required. All appointments, including those for alternate members shall be made for a term of three (3) years during which appointees shall serve at the pleasure of the City Council, appointees to be eligible for two (2) additional terms. Appointments to fill vacancies shall be for the remainder of the unexpired term of office, such members to also be eligible for appointment for two (2) additional terms.

Members who fail to attend three (3) meetings in a twelve month period shall automatically forfeit appointment, and the City Council shall promptly fill each vacancy. Any member with extenuating circumstances shall present same to the City Clerk for consideration by City Council. Members are required to notify the City Clerk's Office in advance of the meeting of any absence. Chairmen shall also be subject to the same rule and shall notify the City Clerk's Office of intended absences from scheduled meetings.

2. OFFICERS

- A. Officers of the Planning Commission shall be Chairman and Vice Chairman to be elected from the membership thereof. Officers shall be elected by the Commission at the first regularly scheduled meeting in the month of February by a majority vote of those in attendance and shall serve for one (1) year, may be reelected for not more than three (3) consecutive terms or may be replaced by election.
- B. The Commission shall have a Recording Secretary, who shall be provided by the City of Punta Gorda, and who shall not be an appointed member of the Planning Commission.

3. FUNCTIONS AND DUTIES OF OFFICERS

- A. Chairman: The Chairman shall be the presiding officer at all meetings of the Planning Commission. He/she may call special meetings at his/her discretion, sign all documents of the Commission and may relinquish the Chair to the Vice Chairman or other specific member at his/her discretion. The Chairman may not make or second motions but shall vote on any and all motions to come before the Commission. The Chairman or designee shall also present all recommendations to the City Council.

- B. Vice Chairman: The Vice Chairman shall serve in the absence of the Chairman and, while so serving, shall have all the authority held by the Chairman.
- C. Recording Secretary: A Recording Secretary shall attend all meetings of the Planning Commission and shall keep an accurate record of the spirit and intent of statements made. All motions shall be recorded, and an accurate record of all reasons for motions or votes by members of the Commission shall be made. The minutes of each such meeting shall be printed and distributed to members of the Commission, the City Council and other appropriate persons at an early date. The original of the minutes shall be placed in a binder comprising an accumulating permanent record, such binder to be a part of the official records of the City of Punta Gorda.

4. MEETINGS

Regular meetings of the Planning Commission shall be held in the City Council Chambers, 326 West Marion Avenue, Punta Gorda, Florida, at 2:00 p.m., the fourth Monday of each month. Special meetings and/or workshops may be held at the call of the Chairman or, in his/her absence, the Vice Chairman. All meetings shall be open to the public. In the event that a quorum of the members is not present for a scheduled meeting, such meeting will be rescheduled as soon as possible consistent with notice requirements.

5. RECOMMENDATIONS

- A. The Planning Commission shall make recommendations to the City Council for:
 - 1. Amending, extending or adding to the Comprehensive Plan for the physical development of the City.
 - 2. Platting or subdividing land within the City.
 - 3. Adopting an official atlas of the City and for recommending or disapproving proposed changes in such atlas.
 - 4. Adopting and amending a zoning ordinance and recommending or disapproving proposed changes in such ordinance.
 - 5. Adopting plans for the clearance and rebuilding of slum districts and blighted areas within the City.
 - 6. Adopting a plan for the replanning, reconstruction or redevelopment of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or other disaster.
- B. The Planning Commission shall have the power to:
 - 1. Require information which shall be furnished within a reasonable time from the other departments of the City government in relation to its work.

2. Request additional assistance for special survey work of the City Manager, who may at his/her discretion assign to the Commission members or the staff of any administrative department or direct such department to make special studies requested by the Commission.
 3. In the performance of its function, enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.
- C. The Planning Commission further shall submit to the City Manager, not later than sixty (60) days prior to submission of the tentative budget, a list of recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year. The Commission shall also promote interest in and understanding of the Comprehensive Plan and of planning.

6. APPLICATIONS

Plans and other required documents for approval received by the Urban Design Division less than fifteen (15) days prior to the meeting date will be set over to the next meeting. Seven prints of each exhibit to be presented at the hearing shall be submitted at that time.

7. AGENDA

The agenda shall be prepared at least one week prior to the date of the meeting. The order of items on the agenda shall be at the discretion of the Urban Design Manager, due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chairman may, for reasons stated to all in attendance, vary from the order of the agenda. An item may be added to the agenda only by affirmative vote of a majority of the members present. An agenda item consisting of a proposed amendment to the comprehensive land use plan, zoning ordinance, zoning map, subdivision ordinance, other ordinance or special exception may be removed from the agenda only by a motion to recommend approval or denial. Other items may be removed by majority vote of those present and reasons therefore stated in the record.

8. MEETING PROCEDURE

The Chairman shall call each agenda item and briefly describe, or ask a member of the staff to briefly describe, the proposition before the Commission. The proponent or his/her agent will then be asked to present his/her case. The name and address of the proponent or his/her agent shall be entered into the record, as well as a summary of his/her presentation. At the conclusion of the proponent's presentation, the members of the Commission and staff shall have the opportunity to question the proponent. Any other supporting testimony will then be called for. Opposition may then be heard with the members of the Commission and staff having an opportunity to question any speaker. The proponent will then be given a short summary opportunity. All statements shall be directed to the Commission, and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed

first to the Chairman, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Commission feels that testimony has been sufficiently heard, a motion may be passed by simple majority to terminate testimony, after which the public in attendance may address the Commission only with the permission of the Chairman and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record.

9. MOTIONS

Following closing of testimony, a motion may be made to recommend approval or denial of the proposition to the governing body, to continue, or in the case of plans or preliminary plats, a motion to approve or deny may be made. A brief statement of reason for the motion should precede the making of the motion. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and brought to a vote. The Chairman shall not make nor second motions, but he/she has full voice and vote on all issues before the Board for decision.

Vote shall be by voice, by the raising of hands or by roll call, at the discretion of the Chairman. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended. If the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present. The Commission may continue a proposition for a period not to exceed two months from the date of first hearing, and one of three actions shall be taken within that period: (i) the proposal may be approved, (ii) the proposal may be denied or (iii) the applicant may be permitted to withdraw the proposal. In the latter case, the proposal may come before the Commission again only by reapplication, publication, etc., as required by ordinance for all such applications.

10. CONTINUANCE BY AN APPLICANT

- A. An applicant may continue his/her own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the applicable department secretary not less than eight days prior to the date of the hearing, whereupon that item will not be placed upon the agenda. Where notification by mail of adjacent property owners has taken place, as required by law, further notification of the same property owners by registered mail, return receipt requested, of the continuance and the new date of the hearing shall be required. This notification of continuance shall be mailed not less than five days prior to the date of the originally scheduled hearing.
- B. Any proposal not withdrawn prior to preparation of the agenda (eight days prior to the meeting) may be continued at the applicant's request only by affirmative vote of a majority of the members present at the meeting. In consideration of such a motion to allow continuance, the Commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the Commission may refuse to continue the proposal, proceed with the hearing

and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, such notification to be mailed not less than five days prior to the date of the new hearing. In addition, the Commission may direct staff to change the posting on the property and publish the new date in the appropriate newspaper.

11. APPLICANT NOT IN ATTENDANCE

In case an applicant or his/her agent is not in attendance when his/her item is called, that item shall be set over to the end of the agenda. At the time the item is again called, if the applicant is still not represented, the Commission may continue his/her case under procedure of Section 9-B, may approve or may deny the proposition as it sees fit.

12. QUORUM

A majority of the appointed members, shall constitute a quorum for the transaction of business and the conducting of hearings.

13. VOTING REQUIREMENTS; CONFLICT OF INTEREST

No member of the Planning Commission who is present at any meeting of the same at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act, and a vote shall be recorded or counted for each member present except when, with respect to any such member, there is or appears to be a possible conflict of interest. Conflict of interest is defined as any action by the Commission that would inure to the member's special private gain or loss or which the member knows would inure to the special private gain or loss of a relative or business associate of the member.

When there is or there appears to be a conflict of interest, the member shall so state for the record and shall not vote on the issue. Further, the member shall within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the Recording Secretary, who shall incorporate the memorandum in the minutes.

CITY OF PUNTA GORDA, FLORIDA

By _____
Mayor