

**RULES OF PROCEDURE FOR THE
CITY OF SARASOTA
PLANNING BOARD/LOCAL PLANNING AGENCY**

I. GENERALLY

A. OFFICERS

1. Officers shall be selected and shall serve as provided for in Section 2-263 of the Sarasota City Code. The Chairperson and Vice-Chairperson shall be elected for a one-year term and may not serve consecutive terms in the same chairmanship position. The Board shall elect its Chairperson and Vice-Chairperson from members who have had prior service on the Board.
2. Vacancies in the Planning Board memberships shall be filled by appointment by the City Commission for the unexpired term of the member affected.
3. The City Manager shall appoint an employee of the City as Secretary for the Board.
4. The Chairperson, or in his absence, the Vice-Chairperson, shall preside at all meetings and hearings of the Board, decide all points of order and procedure and present the Report of the Planning Board to the City Commission.

B. MEETINGS, QUORUM AND REQUIRED VOTE

1. Meetings shall be held at the call of the Chairperson and at other times as the Board may determine. Special meetings shall not be held unless at least twenty-four (24) hours notice is given to each member.
2. A quorum for the transaction of business shall consist of three (3) members.
3. The votes of three (3) members of the Board shall be necessary to take official action provided, however, any motion pertaining to a procedural matter such as continuances and time limits for speakers shall require a majority vote. In the event any motion to approve, deny or recommend approval or denial of an application fails to achieve the votes of three (3) Board members,

then such application shall be automatically continued to the next regularly scheduled Board meeting or a special meeting scheduled for such purpose. No application shall be automatically continued more than once. At the Board meeting during which the continued application is considered, if any motion to approve, deny or recommend approval or denial of an application fails to achieve the votes of three (3) Board members, then such application shall be deemed denied.

4. The Board shall keep records of its proceedings, showing the vote of each member, including the Chairperson and Vice-Chairperson, or, if any member is absent or fails to vote, indicating such fact.

C. ATTENDANCE

1. Board members must attend all regular and special Board meetings as required by Section 2-264 of the Sarasota City Code. As provided for in Section 2-264 of the City Code, a Board member shall be automatically removed from Board membership at such time as the member's absences exceed twenty-five percent (25%) of all scheduled Board meetings, including workshop meetings, in a given year unless the Board, by a majority vote, plus one (1), waives an absence by finding that unusual circumstances exist which warrant a waiver. A Board member shall be considered not to have attended any meeting for which the member was not present for at least seventy-five percent (75%) of the time the meeting was in session.
2. Attendance of Board members at all meetings shall be taken by the Secretary to the Board, or his/her designee, and the reason for the absence of any Board member shall be recorded by the Secretary.

D. SCHEDULING PUBLIC HEARING

1. Planning Board agenda items which require publication of notice of hearing and which are reviewable by the Development Review Committee must have been reviewed by the Development Review Committee and a determination made that the matter has met all technical code requirements at least fifteen (15) days prior to the date of the Board meeting at which the item will be considered.

2. In the event new information is submitted by the Applicant after the Development Review Committee has made the technical code compliance determination, the consideration of the item by the Board will not take place until the Development Review Committee has completed a technical review to determine the completeness of the application based on the new information, said additional technical review may occur less than four (4) weeks prior to the date of the Board meeting at which the item will be considered. In the event that the matter has been advertised for public hearing, the Neighborhood and Development Services Department shall request that the Board continue the public hearing to enable City staff to complete its review of the application.

II. AGENDA AND ORDER OF BUSINESS

- A. The Neighborhood and Development Services Department shall prepare an agenda for each meeting held by the Board. Any Board member may add non-agendaed non-public hearing items to the agenda by notifying the Neighborhood and Development Services Department at least one (1) week prior to the date of the Board meeting. All other non-agendaed items shall be added to the agenda through Changes to the Orders of the Day. A majority vote of the Board members shall be required to add non-agendaed items to the agenda after the agenda has been finalized. The affirmative vote of three (3) Board members shall be required to take action on items added under Changes to the Orders of the Day. The preferred practice shall be that all items shall be on the published agenda.
- B. The business of the Board shall be considered in the following order, unless changed under Changes to the Orders of the Day.
 1. Call meeting to order and roll call.
 2. Changes to the Orders of the Day.
 3. Approval of minutes. {Currently this is after Citizens input. Should it be changed?}
 4. Reading of the Pledge of Conduct
 5. Public hearings.

- (a) Legislative [or Non-Quasi-Judicial] hearings;
 - (b) Quasi-Judicial hearings.
6. Citizen's input concerning City topics.
 7. Discussion on topics requiring Board consideration, but not requiring public hearing.
 8. Presentation of topics by Board Members.
 9. Presentation of topics by the City administration or legal counsel to the Board.
 10. Scheduling of special meetings.
 11. Adjournment.
- C. Copies of the Board agenda shall be placed at the rear of the City Commission Chambers for public inspection prior to each Board meeting. The agenda shall also be made available to the public by the Neighborhood and Development Services Department prior to each scheduled meeting.

III. RULES OF DEBATE

- A. The presiding officer shall follow Robert's Rules Of Order, Newly Revised (current edition). The presiding officer may move (after passing the gavel to his immediate right), second and debate motions, and shall not be deprived of any of the rights and privileges of other Board members by reason of his status as presiding officer.
- B. Board members desiring to speak shall address the Chairperson, and, upon recognition, speak to the question under debate, avoid personal remarks and indecorous language as determined by the presiding officer. There shall be no limit to the number of times a Board member may speak to the questions; however, a Board member may move the previous question at any time during debate.

IV. PERSONS ADDRESSING THE BOARD

No member of the public shall be permitted to enter into any discussion, either directly or through a member of the Board, without coming to the Board table and addressing the Board. Individual members of neighborhood associations,

condominium associations and other organizations with common interests are encouraged to appoint a single spokesperson [or alternatively, a small number of spokespersons] who can present the shared view of members of the association or organization in less time than would have to be allotted for all the various members of the group to speak in turn. When such appointment occurs, the designated spokesperson or persons may request more time for a presentation than would have been allowed if the spokesperson(s) was speaking only on his or her own behalf. The Planning Board may, in its discretion, approve, approve with modifications or deny such request by majority vote of the Board members present.

V. LEGISLATIVE MATTERS

- A. The following land development hearings will be conducted legislatively:
1. Amendments to the text of the Zoning Code (2002).
 2. Comprehensive Plan and Future Land Use Map amendments.
 3. Development agreements not accompanied by a quasi-judicial development approval.
 4. Street and right-of-way vacations.
 5. Comprehensive city-initiated rezonings affecting a large portion of the public.
- B. The City staff shall introduce the application. The City staff shall provide an analysis of the application, an analysis of the consistency of the application with the Comprehensive Plan if applicable to the particular application and the results of the review by Development Review Committee as to technical code compliance, if applicable. The City staff shall set forth any conditions which may be imposed, if applicable, in order to meet the requirements of applicable codes.
- C. The Applicant shall have fifteen (15) minutes to make a presentation prior to the opening of the public hearing and shall be afforded a five (5) minute rebuttal after the public hearing is closed. The Board may by a majority vote modify or waive these time restrictions.
- D. Other persons desiring to address the Board during public hearings shall follow the guidelines in Section

IV and shall have five (5) minutes each to speak to the application. The Board may by a majority vote modify or waive these time restrictions.

- E. Rebuttal by Applicant and City limited solely to matters raised by other persons who have previously spoken.

VI. QUASI-JUDICIAL PROCEDURAL RULES

A. PURPOSE

It is the intent of these procedural rules to provide an equitable and efficient procedure for the consideration by the Planning Board of quasi-judicial matters and to provide due process.

B. DEFINITIONS

Affected Person:

1. An owner, resident, or other occupant of real property located within five hundred (500) feet of the real property which is the subject of a quasi-judicial hearing, the owner's, resident's, or occupant's designated representative or a designated representative of the neighborhood association whose members consist of such owners, residents or occupants. Such distance shall be measured in a straight line from the nearest property boundary of the lots(s) which is the subject of a quasi-judicial hearing to the nearest property boundary of the lot owned or occupied by the affected person. The term "designated representative" shall mean a person who has written authorization to represent an owner, resident, occupant or neighborhood association. In the case of an owner, resident or occupant the authorization shall be signed by said owner, resident, or occupant. In the case of a neighborhood association, the authorization shall be signed by an officer or member of the board of directors of the neighborhood association; or
2. A person who will suffer a negative effect to a protected interest as a result of the quasi-judicial action sought by the applicant. Although the adversely affected interest may be shared in common with the other members of the community at large, the adversely affected interest shall exceed in degree the general

interest in community good that is shared by all persons. Examples of such impact may include negative traffic impact resulting from the proposed use with respect to surrounding uses and whether the physical appearance of the proposed use is compatible with the character of surrounding uses.

3. A person who meets the affected person criteria set forth in sections 1 and 2 above, and who may personally present evidence, the sworn testimony of witnesses, relevant exhibits and cross-examine witnesses at the public hearing.

Board: means the Planning Board.

City Clerk: the duly appointed City Auditor and Clerk of the City of Sarasota or his/her deputy or designee.

Days: means working days, unless otherwise indicated, excluding Saturdays, Sundays and legal holidays.

Person: Any individual, partnership, firm, association including neighborhood association, public or private corporation, trust, joint venture, estate, cooperative, political subdivision or other instrumentality of this state, or other entity.

Applicant: a person seeking any determination or approval under, or permits required by, the Zoning Code.

C. QUASI-JUDICIAL MATTER

For the purposes of these rules, the following matters, regardless of whether the final determination is made by the City Commission or the Planning Board, shall be conducted quasi-judicially:

1. Site plans.
2. Development Agreements if accompanied by a quasi-judicial development approval.
3. Major and minor conditional uses.
4. Site specific rezonings.
5. "G" zone waivers.
6. Off-site or shared parking agreements.
7. Subdivisions/plats.

8. Adjustments decided by the Planning Board
9. Appeals from Administrative Interpretations

D. GENERALLY

1. The Applicant shall appear in person or by an authorized agent or by an attorney.
2. Withdrawal of Application: If the Applicant should elect to withdraw the application prior to the commencement of the hearing thereon, the Applicant shall give written notification to the City Auditor and Clerk with a copy of said notice to the Neighborhood and Development Services Department.
3. Time Limits for Presentations: Based upon the complexity of the subject of the quasi-judicial hearing and the number of applications to be scheduled for a particular Board meeting, the Chairperson, or in his absence, the Vice-Chairperson with the concurrence of a majority of the Board members may establish time limits for the presentations, including time for rebuttal.
4. Qualifications of City Staff: City staff members and any consultants retained by the City regarding the application shall place on record a written statement of their qualifications by filing the same with the City Auditor and Clerk.
5. Time Allotment: In the event an Applicant or other person, believes that the time allotted is insufficient, a request for additional time may be made of the Board. The amount of additional time granted shall be within the sole discretion of the Board, after giving consideration to the nature of the application and the facts and circumstances involved.
6. Continuances: The Board may continue the public hearing on its own initiative, upon finding that any testimony, documentary evidence, or other evidence presented at the quasi-judicial hearing justifies allowing time for additional research or review for the benefit of the Board to assist in an appropriate resolution of the matter being presented. At any time that the Board determines the scheduling or timing of the matter pending before the Board warrants a continuance to

another date or time, the Board shall order such continuance. A majority vote of the Board shall be required in order to continue the quasi-judicial matter.

7. Notices of Hearing: All notices pertaining to quasi-judicial matters given by the Office of the City Auditor and Clerk shall, in addition to the requirements of the Florida Statutes and the Zoning Code, advise the public as to the procedures which will be followed, pursuant to these Rules, to qualify as an Affected Person, including the requirement that a Request for Affected Person Status form must be filed with the Office of the City Auditor and Clerk at least five (5) working days prior to the quasi-judicial hearing.

E. ORDER OF PRESENTATION

1. Opening Remarks and Preliminary Remarks:

- a. The Board's attorney explains the quasi-judicial process, including the role of Affected Persons and citizens and the procedure for rebuttal and asking questions.
 - b. The Board shall make a determination on all requests to qualify as an Affected Person.
 - c. The Chairperson announces time limits applicable for presentations, including rebuttal.
2. Disclosure of ex-parte communications to Board members, if any, which shall be made a part of the record. Board members may make supplemental remarks for the record concerning factual matters which are not already contained in the record, in recognition of the fact that Board members may have personal knowledge pertaining to the physical characteristics of a site, its surroundings, and other circumstances relevant to the matter being heard.
 3. The Secretary to the Board, or his or her designee, shall swear the witnesses.
 4. A Board member can question witnesses at any stage of the proceeding, after recognition by the Chairperson.

5. Opening of Public Hearing:

The Chairperson announces the quasi-judicial matter is now open for the purpose of receiving oral or documentary evidence for the record and describes the agenda item.

6. Presentation of Case in Chief -- Applicant:

a. Witnesses and documentary evidence may be presented on behalf of Applicant.

7. Presentation of Case in Chief -- City:

a. The City's staff shall provide an analysis of the application, an analysis of the consistency of the application with the Comprehensive Plan, results of the review by the Development Review Committee as to technical code compliance and any conditions which may be imposed in order to meet the requirements of the applicable codes.

b. In addition to City's staff, witnesses and documentary evidence may be presented on behalf of the City.

8. Presentation of Case in Chief - Affected Persons:

a. Witnesses and documentary evidence may be presented on behalf of Affected Persons.

9. Presentation of Case in Chief -- Other Persons:

a. Other persons may make their presentations. Citizens may provide fact-based testimony within their personal knowledge.

10. Rebuttal:

Rebuttal by Applicant, Affected Persons and City limited solely to matters raised by other persons and witnesses may be questioned who have previously spoken.

11. Closing of Public Hearing:

The chair announces that the quasi-judicial matter is now closed for the purpose of receiving oral or documentary evidence for the record.

12. Absent Board member:

Any member of the Board who was absent from a prior meeting at which the quasi-judicial matter was heard but is participating in the final decision shall review the record, including the minutes of the prior proceeding and shall acknowledge the review, on the record, prior to the Board taking a vote.

13. Decision:

- a. The Board shall make an appropriate motion to find the application either consistent or inconsistent with the Sarasota City Plan.
- b. The Board shall make an appropriate motion to find applications for site plan approval consistent or inconsistent with the Sarasota City Code, Zoning Code standards for review and tree protection.
- c. The Board shall make an appropriate motion to approve, approve with conditions, or deny the quasi-judicial action. In the event the motion is a recommendation to the City Commission, the motion shall include a recommendation of approval, approval with conditions or denial.
- d. After a motion has been proposed, seconded and formally stated, the Board shall deliberate on the evidence presented at the hearing.
- e. Prior to rendering a final decision, the Board may continue the matter to a future meeting in order to afford the Board sufficient time to review the record prior to voting on the matter.
- f. Upon completion of deliberation, the Board shall vote thereon by roll call vote.

VII. RECORD

The record maintained by the City Auditor and Clerk shall consist of:

- A. The application, site plan, if any, and all accompanying documents submitted by the Applicant;
- B. City staff reports and agenda packet of Board;
- C. The following codes of the City of Sarasota:
 - Zoning Code of the City of Sarasota (2002 Ed.), as adopted by Ordinance No. 02-4357 on April 29, 2002; [Code became effective June 28, 2002.]
 - Sarasota City Code;
 - Comprehensive Plan of the City of Sarasota (also known as the Sarasota City Plan);
 - The amended and restated "Community Redevelopment Plan a/k/a The City of Sarasota Downtown Master Plan 2020" prepared by Duany Plater-Zyberk and Company dated October 25, 2000, as adopted by the City Commission by Resolution No. 01R-1336 on January 22, 2001;
 - Engineering Design Criteria Manual (2002 Ed.), as adopted by Ordinance No. 02-4368 on March 18, 2002;
 - The Florida Building Code adopted pursuant to Chapter 553, Florida Statutes, as amended, and any local amendments thereto;
 - The Standard Housing Code, 1997 Ed., and the City of Sarasota local amendments thereto;
 - The Standard Unsafe Building Abatement Code, 1985 Ed., and the City of Sarasota local amendments thereto;
 - The City of Sarasota Commercial Business and Industrial Building Minimum Standards Code of 1992. There are no local amendments on that.
- D. All correspondence on file with the City Auditor and Clerk prior to the public hearing including written communication to members of the Board and city staff, if any;

- E. Resumes and/or statements of qualifications of City staff, City consultants, and expert witnesses previously filed with the City Auditor and Clerk;
- F. All exhibits and documentary evidence submitted for the record by persons during the presentation of the evidence of the person during the quasi-judicial hearing.
- G. All comments, exhibits and documentary evidence previously entered into the record at a prior Board meeting on the quasi-judicial matter.
- H. The audio tape recording, minutes and transcripts, if any, of the public hearing(s) before the Board.

VIII. ADOPTION, ALTERATION OR SUSPENSION OF THESE RULES

These Rules of Procedure shall be adopted, amended or rescinded by a majority vote of the entire Board with previous notice or by a two-thirds (2/3) vote of the entire Board without previous notice. A two-thirds (2/3) vote of the Board members present is required to suspend or waive any of these Rules of Procedure, unless otherwise provided herein.

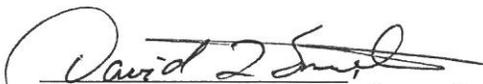
IX. PRIOR RULES

Upon adoption, these rules shall supersede all prior rules adopted by the Board. All such prior rules shall be repealed.

ADOPTED this 13th day of Jan, 2010.

ATTEST:


Chairperson
City of Sarasota Planning Board


Secretary to the Board