

PLANNING COMMISSION

BYLAWS

CITY OF JACKSONVILLE FLORIDA



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1.0 PURPOSE: These Bylaws are adopted by the Commission, to govern the performance of its duties in accordance with the requirements specified in the Jacksonville Ordinance Code and to inform the public of the nature of the Commission’s organization, operation and other matters.

2.0 POWERS AND DUTIES:

2.1 Empowerment Clause: Section 30.204, *Ordinance Code*, outlines the functions and responsibilities of the Commission. The functions and responsibilities fall into five general categories: (i) review and make recommendations; (ii) final actions; (iii) review and assign planning priorities; (iv) act as a coordinating agency; and (v) act as Local Planning Agency (LPA).

2.2 Review and Make Recommendations:

- (a) to the Council with respect to all rezonings, on proposed changes to the Zoning Code, and other land development regulations or amendments thereto;
- (b) regarding the adoption of amendments to the 2030 Comprehensive Plan, including all land use amendments and text changes;
- (c) on plans and programs developed by the Department (excluding project planning) prior to transmittal to the Mayor or an independent agency, as the case may be; and
- (d) on any other actions required by law.

2.3 Review and Assign Planning Priorities: Review and assign planning priorities as requested by the Department or required by law.

2.4 Coordinating Agency: Act as a coordinating agency for programs and activities of executive agencies and independent agencies affecting land use and area planning, when requested to do so by the Mayor or the Director.

2.5 Local Planning Agency: The Commission shall act as the Local Planning Agency required pursuant to section 163.3174, F. S.

2.6 Final Action:

- (a) hold public hearings for final action on requests for exceptions, variances, waivers, minor modifications, administrative deviations (when part of a concurrent application), Track II tower or antenna siting applications;

- (b) take final action on appeals from Administrative Deviation decisions;
- (c) take final action on appeals from Written Interpretations of the Director;
- (d) take final action on appeals of site plan approvals issued by the Department;
- (e) take final action on appeals of applications for waiver of architectural and aesthetic requirements denied by the Zoning Administrator; and
- (f) take final action on appeals of final orders of the Wireless Communications Coordinator relating to Track I tower siting applications and antenna placement applications.

3.0 ORGANIZATION:

- 3.1 Appointment and Confirmation:** All members to the Commission shall be appointed by the Mayor and confirmed by City Council.
- 3.2 Membership:** The Commission shall be comprised of nine members, and three alternates, appointed by the Mayor and confirmed by the Council. Six of the nine members shall be appointed from and reside in each of the designated City of Jacksonville Planning Districts. The three alternates and three members shall be appointed to represent Duval County at large. Failure to reside in these designated geographic districts shall automatically remove the person from membership. Additionally, a representative of the Duval County School District appointed by the Duval County School Board shall be included as a non-voting member of the Planning Commission. A representative of a military installation acting on behalf of all local military installations shall be included as an ex officio, non-voting member of the Planning Commission.
- 3.3 Terms:** Members shall be appointed for a three-year staggered term (except appointments to fill vacancies). The term shall run from October 1 through September 30. No member shall serve more than two consecutive full terms. Appointments made to fill unexpired terms and initial appointments for less than three years shall not be deemed to be full terms.
- 3.4 Resignation:** Any Commissioner may resign from the Commission by tendering their resignation in writing to the Office of the Mayor with a copy to the Chair of the Commission and the Director.
- 3.5 Removal:** A member may be removed by the Mayor during the member's term with the approval of City Council.

4.0 OFFICERS, ELECTION AND DUTIES:

- 4.1 Officers:** The officers of the Commission shall be the Chair, Vice-Chair and Secretary.
- 4.2 Selection:** At the first regular meeting in September, the Chair shall appoint three Commissioners to a Nominating Committee. The Nominating Committee shall meet to discuss a slate for Chair, Vice Chair and Secretary. The slate shall be presented to the Commission as a whole at the second regular meeting in September. All Nominating Committee meetings shall be noticed and conducted as Public Meetings in accordance with Section 6 of these Bylaws.
- 4.3 Election:** At the second regular meeting in September, the Nominating Committee shall report the names slated for the positions. At that time, the Chairman shall accept additional nominations for officers from the Commission. The Commission shall elect, by voice vote, the officers to serve for one year, or until their successors are elected. Participation of the public shall be at the discretion of the Chair.
- 4.4 Terms:** The term of office shall be for one year and shall begin at the close of the meeting at which the election is held. No member shall hold more than one office, and in no case shall the Chair be eligible to serve for more than two consecutive years. However, an officer may holdover until a successor is qualified and elected.
- 4.5 Duties of the Chair:** The Chair shall have the following duties: (i) preside at all Commission meetings; (ii) have discretion to control the order of business; (iii) sign orders, reports, or any other documents requiring the signature of a certifying officer of the Commission; (iv) appoint standing committees and any other committees as the Chair may deem necessary; (v) appoint members to the standing committees and designate chair and vice chair of those committees; (vi) serve as ex officio member to the standing committees; and (vii) appoint 2 members of the Commission to serve on the Tower Review Committee.
- 4.6 Duties of the Vice Chair:** The Vice Chair shall exercise all functions of the Chair upon the absence, disqualification, or disability of the Chair.
- 4.7 Duties of the Secretary:** The Secretary shall have the following duties: (i) sign as Secretary all orders on Exceptions, Variances, Waivers, Administrative Deviations (as applicable), Minor Modifications, or any other documents needing a second signature of a certifying officer; and (ii) exercise all functions of the Chair upon the absence, disqualification, or disability of the Chair and the Vice Chair.
- 4.8 Duties of the Succession Officer:** In the absence, disqualification or disability of the Chair, or at his direction, the Vice-Chair shall exercise all the functions of the Chair. The Secretary, in the absence of the Chair and Vice-Chair, shall act as Chair, and at such times he shall have the same powers and duties of the Chair. In the

absence of the Chair, Vice-Chair and Secretary, the Commissioner with the most seniority shall be the presiding officer at any meeting of the Commission.

5.0 COMMITTEES:

- 5.1 Appointment to Committees:** The Chair shall appoint the members to the standing Committees, and of such special and select committees as the Chair deems necessary. The Chair may designate the chair and vice chair of such special committees.
- 5.2 Standing Committees:** The Chair shall appoint the membership of the standing committees. Each committee shall consist of no less than 3 Commissioners. The standing committees are as follows:
 - (a)** The Nominating Committee shall meet prior to the second meeting in September to discuss and propose a slate of officers to be presented at the second meeting of the Commission in September.
- 5.3 Standing Committee Procedure:** The standing committees shall meet at such times as is necessary to conduct their business. Notice of the meetings shall be provided in accordance with Section 6 of these Bylaws.
- 5.4 Chair as Ex Officio Member:** The Chair shall be an ex officio member of each committee of which he or she is not a regular member.
- 5.5 Standing Committee Quorum:** A quorum of any standing committee shall consist of a majority of the regular members. In the event of absence or conflict by one of the standing committee members, the Chair shall be counted in determining whether a quorum is present and shall be entitled to vote.
- 5.6 Standing Committee Consideration and Report:** All standing committees shall report on every subject referred to them, and shall dispatch as expeditiously as reasonably possible all matters. The action of the standing committee shall be reported to the full Commission for discussion, debate, modification and or ratification.
- 5.7 Standing Committee Public Comments:** At the discretion of its chair, the standing committee may receive public comments.
- 5.8 Subcommittees:** A committee, by a majority vote, or the chair of the committee may appoint subcommittees from the committee's regular members to investigate, report and make recommendations on particular matters within the scope of the committee's duties for action by the committee. The action of a committee shall be presented to the full Commission for ratification. At the discretion of the Chair, the

Commission may hear comments from the general public and/or discuss actions taken by committees during such presentations for ratification.

6.0 PROCEDURES:

- 6.1 Meetings:** All Commission meetings shall be held in Council Chambers on the 1st floor of City Hall, unless this location is reserved by City Council, in which event, posted and mailed notices shall indicate the alternative location, and shall be open to the public. The Commission shall meet on the 1st and 3rd Thursday of the month commencing at 1:00 p.m., except for the first Thursday in July and the third Thursday in December, so that the Commission meetings are held on the Thursday that falls during the weeks that City Council's Standing Committees meet; and except that when a regular meeting day shall fall on a legal holiday observed by the City, or on an election day, or a date that coincides with the observances of a religious holiday, such regular meeting may be rescheduled at the direction of the Chair
- 6.2 Special Meetings:** Special Meeting of the Commission may be called by the Chair, presiding officer, or by vote of the majority of the Commission.
- 6.3 Notice of Meeting:** The public shall be given reasonable notice of all meetings of the Commission, standing committees or special committees. All notices shall be posted in the lobby of the Department and in the lobby of City Hall. Three days shall be reasonable notice for regular Commission or standing committee meetings, and 48 hours for special meetings. Notice for specific land use, zoning, and zoning related applications, and the hearings for same shall be provided as set forth in the applicable provision(s) of the *Ordinance Code*.
- 6.4 Quorum:** A quorum shall be a majority of the Commission. A quorum is required prior to taking final action. If at any time during the meeting the quorum is lost, such shall be stated in the minutes and no further final action may be taken by the Commission.
- 6.5 Attendance:** Commissioners shall make every reasonable effort to attend all regular and special meetings of the Commission. If any member fails, within a one year period, to attend three consecutive meetings or five meetings total of the Commission, excluding standing and subcommittee meetings, the Chairman shall notify the Mayor and request that the member be relieved of his or her duties. If a Commissioner is unable to attend a meeting of the Commission, the Commissioner shall notify the Recording Secretary as soon as possible.
- 6.6 Order of Business:** Business of the Commission shall be ordinarily taken up at each regular meeting for consideration and disposition in the following order, subject to the discretion of the Chair:

- Call to Order
- Verification of Quorum
- Pledge of Allegiance
- Submittal of Speakers' Cards
- Agenda Organization
- Exceptions, Variances, Administrative Deviations and Waivers
- Cellular Tower and Antenna Reviews
- Land Use Amendments, Companion Zonings & Neighborhood Studies
- Conventional Rezoning
- Minor Modifications and Administrative Deviation Appeals
- Planned Unit Developments
- Ordinances
- Old Business
- New Business
- Appeals Update
- Department Report / Information
- Adjournment

6.7 Meeting Recesses: The Chair shall halt the order of business approximately every two hours to allow a 15 minute break for the court reporter. In the event that any duly noticed meeting is not expected to end prior to 7:00 p.m., the Chair, at his or her discretion, may halt the order of business at or near 5:00 p.m. for up to one hour so that the Commission can break to eat or attend to personal business. During these scheduled breaks, Commission members shall not communicate with one another or members of the public on any pending quasi-judicial actions.

7.0 DEFERRALS:

7.1 Deferrals Generally: Deferred applications shall normally be heard at the next regularly scheduled meeting. If the deferral is until a time certain, other than the next regularly scheduled meeting, the date and time shall be set upon the concurrence of a majority of the Commissioners present. After an item has been deferred, it stands deferred and may not be considered for the remainder of the meeting at which it was deferred.

7.2 Mandatory Deferral: Under the following situations, consideration of an application *shall* be deferred:

- (a) No final Department Recommendation (hereinafter "Recommendation") as required by the Zoning Code has been received by the Commission;

- (b) No advisory opinion from the Environmental Quality Division has been received by the Department and referenced in the Recommendation, on an application for exception for a landfill, construction and demolition debris landfill, recycling facility, yard composting facility, transfer station, hazardous waste transfer station, borrow pit, lake or pond, sludge spreading process, or similar use;
- (c) No advisory opinion from the State Department of Children and Family Services, Day Care Licensure Division, or a successor agency, has been received by the Department and referenced in the Recommendation, on an application for exception for a child day care center;
- (d) Failure of the applicant to present proof of payment for publication of notice to the Department prior to the public hearing on that item. If such proof is not presented prior to the next regularly scheduled public hearing on that item, the application shall be withdrawn from further consideration by the Commission;
- (e) Lack of a concurrence of at least four (4) members of the Commission on an application for an exception, variance, waiver, administrative deviation, minor modification, Track II tower or antenna siting application or appeal from the decision of an Administrative Official;
- (f) Inability to reach a final determination by a majority vote on any application pending in front of the Commission, other than that of an exception, variance, waiver, administrative deviation, minor modification, Track II tower or antenna siting application or appeal from the decision of an Administrative Official;
- (g) The applicant has made a request for withdrawal to City Council on any item for which the Commission issues a recommendation to City Council;
- (h) Failure of the applicant to post signs and submit pictures and proof of the posted or reposted signs, and the accompanying notarized affidavit, for any rezoning or comprehensive plan amendment; and
- (i) Failure by the Department to provide all Commission members a copy of the Staff Report with their agenda packets by the Friday preceding the duly noticed scheduled meeting where the application is to be considered by the Commission shall result in an automatic deferral. The Department Director shall expressly notify the Chairpersons of the Commission and LUZ Committee of such a deferral at their respective agenda meetings. Such deferral shall be for one (1) cycle and the application will be considered at the next duly noticed scheduled

meeting of the Commission, unless additional deferral requests are made by the applicant or by a Council Member under Section 7.3 below.

7.3 Optional Discretionary Deferral:

- (a) The Chair may defer consideration of a matter at any time before the vote is taken on a motion for action, subject to the right of any Commissioner to appeal said deferment to the full Commission;
- (b) Any Commissioner may appeal from the decision of the Chair, in which event a majority vote of the Commissioners present shall conclusively determine the ruling appealed from. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided;
- (c) For all matters deferred at the discretion of the Chair, which have also been advertised for public hearing, the Chair may encourage speakers to hold their comments until the meeting at which the Commission shall take action. However, the Chair shall open the public hearing for those speakers who desire to speak at the advertised public hearing, and then continue the public hearing until the next Commission meeting or a Commission meeting of time and date certain;
- (d) Failure of the applicant to provide the Department with any modifications to an application including but not limited to a change in the legal description, the request made, or the site plan, in a copy-ready format at least seven (7) working days prior to the scheduled public hearing;
- (e) Failure of the applicant to post signs and submit pictures and proof of the posted signs, for any exception, variance, waiver, administrative deviation, minor modification or Track II tower siting applications; and
- (f) A request by any Council Member for deferral must be made to the Chair no later than noon the Monday preceding the duly noticed scheduled meeting where the application is to be considered by the Commission. The Council Member must provide the Chair with an explanation for the request to defer, the duration of the deferral, and information regarding any related actions that are to occur during the deferral period (e.g., meet with the applicant, conduct a community meeting, complete revisions to application, etc.). A decision by the Chair to honor the Council Member's request for deferral (or the Chair's denial of such request) may be overridden by the affirmative vote of two-thirds of the Planning Commission present. The maximum duration of such a request for deferral from a Council Member shall be two (2) cycles unless otherwise agreed upon by the applicant.

- (g) If the Chair receives a request for deferral by a Council Member for a particular application but receives objection to the deferral by another Council Member, the Chair shall give preference to the District Council Member who represents the District in which the subject property is located. If the subject property is located within two or more districts, the Chair shall give equal weight to each request but consider the totality of the circumstances to determine whether the deferral request is warranted. The Chair's decision may be overridden by the affirmative vote of two-thirds of the Planning Commission present.

7.4 Deferring or Reconvening Unfinished Business: If an application is heard at a public hearing, but was caused to be deferred due to lack of the required votes for final action, that item shall be heard at a public meeting with an opportunity for public input at the discretion of the Chair. The Chair may limit further public input to those members of the public that were unable to attend the prior public hearing on the issue.

7.5 Public Hearings Opening and Continuing: Any matters which have been noticed for public hearing shall be opened for public hearing. If the matter is deferred, the public hearing shall be continued.

8.0 VOTING: MANNER OF VOTING, CHANGE VOTE

8.1 Majority Action: Unless otherwise noted herein or required by Ordinance, Statute, or these bylaws, all actions of the Commission shall be by majority of the Commissioners present.

8.2 Final Action: An exception, variance, waiver, administrative deviation, minor modification, Track II tower or antenna siting application or appeal from the decision of an Administrative Official requires the concurrence of at least four members.

8.3 Abstention: No Commissioner shall vote on any question immediately concerning his or her pecuniary interest. In those cases, prior to the vote, Commissioners shall declare a conflict and abstain from voting on the matter. Within 15 days of the vote, the Commissioner shall file a statement with the Recording Secretary of the Planning Commission, who in turn shall incorporate same into the minutes of the meeting.

8.4 Voting Required: Each Commissioner shall vote on each question presented. Unless a Commissioner abstains as is provided for in Section 8.3, any Commissioner present who refrains from giving his or her vote when required to do so shall be deemed to have given a vote in the affirmative.

- 8.5 Manner of Voting:** Voting shall be by voice vote or a show of hands at the discretion of the Chair. There shall be an announcement of the results of the votes. No proxy vote shall be permitted.
- 8.6 Change of Vote:** No Commissioner shall change his or her vote after the vote has been counted and the vote announced unless: (i) the Commissioner desiring to change his vote announces immediately to the Chair his desire; (ii) the Chair announces to the Commission the Commissioner's desire to change his vote; (iii) the Commission may question and debate the reasoning for the vote change; (iv) a majority of the Commissioners present consent to the vote change; and (v) the procedure herein shall be followed prior to the commencement of the public hearing on the next item before the Commission.
- 8.7 Procedure for Reconsideration:** In order to reconsider an item, a motion must be: (i) made by a Commissioner who voted with the prevailing side (in the case of a tie vote, the motion must be made by a Commissioner who voted in opposition to the original motion); (ii) seconded by any member of the Commission; and (iii) passed by a majority of the Commission present.

9.0 APPEALS OF AN ADMINISTRATIVE DEVIATION DECISION:

- 9.1 Enabling Clause:** Pursuant to Section 656.109(j) - (n), *Ordinance Code* (see Appendix A), any affected party may appeal a written order granting or denying an administrative deviation. The provisions of this Section 9.0 shall not apply to administrative deviation applications which are processed by the Commission pursuant to Section 656.138 (Concurrent applications), *Ordinance Code*, which such applications shall be processed and if applicable, appealed, pursuant to Section 656.138, *Ordinance Code*.
- 9.2 Appeal Process:** An adversely affected person may appeal a written order by filing a Notice of Appeal of the Administrative Deviation Order form (see Appendix B) within 14 days of the execution of the written order.
- 9.3 Appeal Set for Hearing at Commission:** The Director shall set the matter for hearing before the Commission within 21 days of the notice of appeal, and shall notify the applicant and all persons who appeared at the public hearing or filed a written response to the application.
- 9.4 Appeal Fee:** The fee for appeals are outlined in Section 656.147, *Ordinance Code* (see Appendix A.)
- 9.5 Limitation of Appeal:** The Commission's review shall be limited to the consideration of whether the administrative deviation criteria were properly considered and applied by the Zoning Administrator to the facts presented at the

public hearing. Facts not previously presented at the administrative deviation public hearing, shall not be considered. Facts not previously presented at the administrative deviation public hearing may not be introduced or considered by the Commission at the appeal, and it is the role of the Zoning Administrator to object.

9.6 Order of Consideration: In general, an appeal from an administrative deviation order shall be taken up and considered by the Commission in the following order:

- Statement of background by staff
- Statement of the Appellant
- Statement of Witnesses of Appellant
- Statement of Proponent of the Zoning Administrator's position
- Statement of Witnesses of Proponent of the Zoning Administrator's position
- Statement of Zoning Administrator
- Questions by Commissioners
- Discussion among Commissioners
- Motion to uphold or overturn the decision of the administrative official, accompanied by the recital of the finding, or absence, of reasonable construction of the evidence by the Chief or Director.
- Second on the Motion required.
- Voting by voice vote, simple majority required

9.7 Final Written Decision: If the Commission determines that the criteria were properly applied, the Department shall issue a letter within 5 days of the Commission's determination confirming the decision. If the Commission determines that the criteria were not properly applied, the Commission shall remand the matter back to the Zoning Administrator for proper review. The Commission may suggest additional findings or give directions to the Zoning Administrator in order to assist the Zoning Administrator in effectively reconsidering the matter. The Zoning Administrator shall issue a written decision within ten days of the Commission's remand. A copy of the written decision subsequent to the remand shall be transmitted to all persons who were notified of the appeal. The written decision subsequent to the remand shall be considered the final decision of the City.

10. APPEAL OF WRITTEN INTERPRETATION OF THE DIRECTOR AND OTHER MISCELLANEOUS APPEALS:

10.1 Enabling Clause: Pursuant to Section 656.135, *Ordinance Code* (see Appendix A), the Commission shall hear and decide appeals in which an affected party may appeal a Written Interpretation of the Director.

10.2 Appeal Process: An adversely affected person may appeal a Written Interpretation by filing a Notice of Appeal of the Written Interpretation Form (see Appendix B) within 14 days of the issuance of the written interpretation.

- 10.3 Appeal Set for Hearing at Commission:** The Director shall set the matter for hearing before the Commission within 45 days of the date of the notice of appeal, unless otherwise extended by agreement of the Director and the appellant.
- 10.4 Appeal Fee:** The fee for appeals are outlined in Section 656.147, *Ordinance Code* (See Appendix A.)
- 10.5 Limitation of Appeal:** The hearing before the Commission shall be limited to the oral argument of the Director and the appellant and/ or their respective attorneys or other designated individuals. The sole issue to be determined is whether the Director's interpretation is "clearly erroneous" as defined by Florida law.
- 10.6 Final Written Decision:** The Commission shall issue a written decision concerning the appeal as required by Section 656.135, *Ordinance Code*, and in accordance with Section 656.136, *Ordinance Code*.
- 10.7 Miscellaneous Appeals:** Appeals of site plan approvals issued by the Department pursuant to Section 656.404(h), *Ordinance Code*, and appeals of architectural and aesthetic requirement applications denied by the Zoning Administrator pursuant to Section 656.436, *Ordinance Code*, and appeals of decisions of the Wireless Communications Coordinator issued relating to Track I tower siting application(s) pursuant to Section 656.1505(c), *Ordinance Code*, or applicable side-mount / rooftop wireless antenna placement applications pursuant to Section 656.1510(a), *Ordinance Code*, shall be taken up in accordance with the applicable provisions of the Ordinance Code and shall be filed on the applicable appeal forms (see Appendix B) and shall be considered at a public hearing in accordance with applicable provisions of the Jacksonville Ordinance Code (see Appendix A).

11.0 CODE OF CONDUCT:

- 11.1 Compliance with Laws:** The Commission 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 Commissioners shall thoroughly familiarize themselves with the provisions of these laws as they now exist or as they may be amended from time to time.
- 11.2 Ex Parte Communications on Quasi-Judicial Items:** Oral or written communications occurring outside the public meeting or hearing regarding any quasi-judicial matter before the Commission, between Commissioners are prohibited. Oral or written communications occurring outside the public meeting or hearing regarding any quasi-judicial matter before the Commission, between members of the public and a Commissioner are strongly discouraged. Only presentations made at the Commission shall be considered in the decision on such subject item. Should such a

communication occur between a Commissioner and a member of the public, the Commissioner involved 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 shall become a part of the record before final action on the matter.

11.3 Government in the Sunshine: The Commission, 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 Commissioners to discuss an item that may foreseeably come before the Commission must be properly noticed in accordance with Section 6 of these Bylaws.

11.4 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 Commission until all those desiring to speak have been heard and considered and all competent and substantial evidence has been introduced.

(a) In quasi-judicial proceedings, cross examination shall be allowed if requested; and,

(b) In quasi-judicial proceedings for final actions, all persons making presentations or remarks at the public hearing before the Commission must be under oath. This may be done *en masse*, or individually as each person approaches the podium.

11.5 Decorum and Displays from the Public: Any person, not a Commissioner, making personal, impertinent or slanderous remarks or who shall become boisterous while the Commission is in session, shall forthwith be barred from further audience before the Commission by the presiding officer in his/her discretion. No demonstrations of approval or disapproval from the audience shall be permitted, and if such demonstrations are made, the audience shall be cleared from the Council Chambers.

12.0 CONSIDERATION FOR EXCEPTIONS, VARIANCES, WAIVERS AND ADMINISTRATIVE DEVIATIONS:

12.1 Exceptions: Exceptions shall be granted in accordance with Section 656.131(c), *Ordinance Code* (see Appendix A).

12.2 Variances: Variances shall be granted in accordance with Section 656.132(a), *Ordinance Code* (see Appendix A).

12.3 Waivers: Waivers shall be granted in accordance with Section 656.133, *Ordinance Code* (see Appendix A).

- 12.4 Administrative Deviations:** Administrative Deviations shall be granted in accordance with Section 656.109, *Ordinance Code* (see Appendix A) if such application is a part of a concurrent application processed pursuant to Section 656.138, *Ordinance Code*.
- 12.5 Request for Waiver of Time Limit:** Waiver of time limits shall be granted in accordance with the Section 656.136(e), *Ordinance Code* (see Appendix A).
- 12.6 Consideration by the Commission of the Request for Waiver of Time Limit:** The applicant shall notify the Department of the intent to request a waiver of time limit. The Department shall furnish the Commission with the Department's original report and a copy of the minutes from which the application was denied. The Applicant must show:
- (a) a substantial change in the application;
 - (b) personal hardship or economic detriment if waiver of time is not granted; or
 - (c) new or additional information (provided to the Commission) to warrant the granting of the waiver.
- 12.7 Super Majority Vote Required:** The decision to waive the time limit shall be by voice vote and shall require the affirmative vote of two-thirds of the membership of the Commission in order to grant the waiver.
- 12.8 Withdrawal of Application:** Pursuant to Section 656.139, *Ordinance Code* (see Appendix A), no application may be withdrawn by the applicant at any time after the fees have been paid. However, the Commission may withdraw an application upon an affirmative vote and provided that the following conditions are met:
- (a) The applicant or agent must submit a letter requesting a withdrawal of the application to the Chair of the Commission. The letter must clearly outline the reasons why withdrawal is being requested;
 - (b) The applicant or agent presents the case for withdrawal before the Commission on the date of the originally scheduled public hearing; and
 - (c) Any opposition to allowing withdrawal of said application shall be heard prior to the Commission making a decision to withdraw.
- 12.9 Modification of Application:** Any modification to the application by the applicant, including but not limited to a change in the legal description, the request made, or the site plan, must be presented in a copy-ready format to the Department seven (7) working days prior to the scheduled public hearing. If an applicant wishes to modify the application within seven working days of the hearing, the applicant must make a

written request of deferral to the Chair, outlining the reasons why the application should be deferred (see *Optional Deferrals*, above). Exceptions, variances, waivers, and administrative deviations may be modified by the Commission in the form of any conditions, safeguards and/or limitations deemed appropriate by the Commission.

12.10 Return of Fees: No fees shall be returned unless a recommendation has been made by the Department and the refund of fees has been deemed appropriate by the Commission.

13.0 PUBLIC MEETINGS AND PUBLIC HEARINGS:

13.1 Public Hearing Defined: A public hearing is an extraordinary procedure used only to gain information not otherwise obtainable or to hear both sides of a controversy or to argue the merits of a matter. The privilege of the floor is granted to the general public and members thereof may address the Commission on the subject for which the public hearing is called.

13.2 Public Hearing Required: The following items require a public hearing: (i) application for exception, variance, waiver or administrative deviation pursuant to Sections 656.137 and 656.138, *Ordinance Code*; (ii) application for minor modification pursuant to Section 656.341(f)(2), *Ordinance Code*; (iii) application for Track II tower siting pursuant to Section 656.1506, *Ordinance Code*; (iv) application for wireless antenna placement pursuant to Section 656.1510(c), *Ordinance Code*; (v) application for and recommendations on 2030 Comprehensive Plan amendments pursuant to Section 163.3174, F.S.; (vi) preparation of 2030 Comprehensive Plan Evaluation and Appraisal Report(s) (EAR) pursuant to sections 163.3191 and 3181, F.S.; (vii) evaluation of annual cost estimates and assigning priorities for the Capital Improvement Program pursuant to Section 122.604, *Ordinance Code*, if applicable; (viii) application for density/intensity bonuses pursuant to Section 656.1402, *Ordinance Code*, if applicable; (ix) appeal of a Written Interpretation of the Director pursuant to Section 656.109(b) and Section 656.135, *Ordinance Code*; (x) appeal of decision of Zoning Administrator on an Administrative Deviation application pursuant to Section 656.109(j), *Ordinance Code*; (xi) appeal of a site plan approval issued by the Department pursuant to Section 656.404, *Ordinance Code*; (xii) appeal of decision of the Zoning Administrator on a request for waiver of architectural and aesthetic requirements pursuant to Section 656.436, *Ordinance Code*; and, (xiii) appeal of a final order of the Wireless Communications Coordinator on a wireless antenna placement application pursuant to Section 656.1510(a), *Ordinance Code*.

13.3 Order of Business for Public Hearings on Exceptions, Variances, Waivers, Administrative Deviations, Minor Modifications and Tower / Antenna Siting Applications; Subject to the Discretion of the Chair:

- Request for Speaker Cards regarding the public hearing
- Public Hearing Opened

- Applicant Presentation
- Applicant's witnesses presentation
- Other Proponents of Applicant
- Opponents of application presentation
- Applicant rebuttal
- Questions by Commissioners
- Public Hearing closed
- Motion for conditions, safeguards and limitations deemed appropriate by the Commission
- Recital of findings of fact to be placed in the final order
- Motion for action on the Exception, Variance, Waiver, Administrative Deviation, Minor Modification or Tower / Antenna Siting Application.

13.4 Public Meetings Defined: All meetings of the Commission are public meetings unless specifically called as a public hearing. In public meetings of the Commission and its committees, the public may, at the pleasure of the Chair, address the Commission or committee. The Commission, at the discretion of the Chair may receive comments from the public on matters in front of the Commission for which there is no public hearing. Certain matters on which the Commission reviews and or makes recommendations as outlined in Section 2.2 above, do not require public hearing and comments from the public are solely at the discretion of the Commission in those such cases.

13.5 Speaker Request Cards; Time Limits; and Testimony Subject Matter Limitation: A member of the public shall indicate their desire to address the Commission or committee by filling out a Speaker Request Card. Each speaker recognized by the Chair shall be limited to a three (3) minute presentation. If possible, a representative of each group or faction on an issue should address the Commission or committee rather than all the members of the group. Whenever the Commission is reviewing and making recommendations to the Council on matters such as (i) amendments to the Zoning Code; (ii) rezonings and/or Planned Unit Developments; or (iii) amendments to the Comprehensive Plan, the Commission shall limit testimony on such matters to the technical information necessary for a proper planning decision. Members of the public wishing to address the Commission, either as an applicant or as citizens either for or against the application, shall proceed to the place assigned for speaking, give his name and address in an audible tone of voice for the records and shall adhere to a three minute time limitation, unless granted additional time by the majority of the Commission present. The Rules of Decorum for the Commission meetings shall be made available upon request.

14.0 ADMINISTRATION:

14.1 Enabling Clause: Section 30.202, *Ordinance Code*, states that the Director shall furnish the Commission with all necessary administrative support.

14.2 Recording Secretary / Records Custodian: The Department shall designate a Recording Secretary / Records Custodian for the Commission, the "Recording Secretary". The Recording Secretary shall be responsible for (i) arranging and noticing the meeting of the Commission and notifying all Commissioners and City Council members of same; (ii) recording all meetings on audio tape, reducing to writing the minutes of meetings; (iii) maintaining the record of the Commission's official action; (iv) maintaining all Commission records, correspondence and equipment, and making available public documents of the Commission business upon reasonable request; (v) coordinating the compilation and dissemination of the Commission Agenda and Notebooks; and (vi) coordinating the compiling, filing and dissemination of all Commission final orders.

14.3 Minutes and Record: Written minutes shall contain, along with general information (such as time, date and place) the number of the application, the findings and conclusions included in the motion, conditions on the motion, passage of the conditions, and the vote on the motion.

In the event a decision of the Commission is appealed, the Department shall cause a verbatim transcript to be made of that item. A majority of the members in attendance at the time of the appealed decision must approve the transcript. If time is of the essence, this approval may be given at a special meeting.

14.4 Planners: The Department shall (i) prepare a written report of recommendation(s) for each application for exception, variance, waiver, administrative deviation, minor modification, tower or antenna siting application, rezoning application, Comprehensive Plan amendment (text or map changes), or Zoning Code amendments; and (ii) provide a summary oral report of recommendations at the public meeting for each such application for exception, variance, waiver, administrative deviation, minor modification, tower or antenna siting application, rezoning application, Comprehensive Plan amendment (text or map changes) or Zoning Code amendments.

14.5 Office of General Counsel: The General Counsel shall assign a representative to the Planning Commission who shall act as legal advisor to the Commission on matters concerning the Zoning Code, City Charter and other applicable laws which affect the Commission. Further, the Assistant General Counsel shall prepare orders, including corrective orders, for exceptions, variances, administrative deviations, waivers, minor modifications, tower or antenna siting applications appeals from decisions of the Chief, Zoning Administrator or Director, waivers of time limit and rehearings based on actions of the Commission.

15.0 RECONSIDERATION OF APPEALS FROM THE DECISION OF AN ADMINISTRATIVE OFFICIAL:

15.1 Finding Required: Any action of the Commission regarding appeals from the decision of an Administrative Official may be reconsidered by the Commission in the

event there has been an allegation that the Commission's action was based on: (i) inaccurate, erroneous or misleading information; (ii) a misrepresentation of the facts; or (iii) other misconduct. However, a determination must first be made by the Commission that its decision was based on the alleged inaccurate, erroneous or misleading information, or misrepresentation of the facts, or other misconduct.

15.2 Reconsideration Request Must be in Writing: Any request for reconsideration must be made in writing and contain sworn-to allegations, with specific references as to what information, heard by the Commission, was inaccurate, erroneous or misleading, or that a misrepresentation of the facts or other misconduct occurred.

15.3 Time for Consideration: Request for reconsideration must be in proper form and shall be made five (5) working days prior to the next regularly scheduled meeting following the vote on the item in controversy. The request must be addressed to the "Chair of the Planning Commission, attention: Recording Secretary." The Commission shall consider all proper requests at the next regularly scheduled meeting following the vote on the item in controversy.

15.4 Procedure for Reconsideration: In order to reconsider an item, a motion must be: (i) made by a Commissioner who voted with the prevailing side (in the case of a tie vote, the motion must be made by a Commissioner who voted in opposition to the original motion); (ii) seconded by any member of the Commission; and (iii) passed by a majority of the Commission present.

16.0 REHEARINGS:

16.1 Rehearing Consideration: The Commission shall consider requests for rehearings from final decisions (see Section 2.6 of these Bylaws) when it is alleged there has been a procedural error in the conduct of the public hearing; provided, however, that the Office of General Counsel shall advise that a procedural error has occurred, and provided further that the Commission determines that such procedural error is consequential enough to have significant potential for changing the final decision upon rehearing.

16.2 Rehearing Procedure: A request for rehearing shall be filed in the office of the Department within fourteen (14) days from the meeting in which the final decision was made. The rehearing shall be noticed in the manner of a public hearing. Additionally, all persons who appeared before the Commission shall be notified by the Department of the time, date, place and purpose of such rehearing.

16.3 Remand Rehearing: Where a final decision of the Commission has been appealed to a court, the Commission shall rehear an application which has been remanded back to it for rehearing or other action with any requirement or need of vote by the Commission. All persons who appeared before the Commission shall be notified by the Department of the time, date, place and purpose of the rehearing.

17.0 CONSTRUCTION, SUSPENSION AND AMENDMENT OF BYLAWS:

17.1 Parliamentary Authority: Robert's Rules of Order, so far as they are applicable and are not in conflict with these Bylaws, City Ordinances, or the Charter of the City, shall govern the proceedings of this Commission. The representative from the Office of General Counsel shall advise the presiding officer with respect to parliamentary procedure and the proper application of these Bylaws to the business of the Commission.

17.2 Interpretation of Bylaws: It shall be the duty of the presiding officer to interpret all Bylaws. When used in these Bylaws, unless the text otherwise indicates:

- (a) the singular includes the plural; and
- (b) the masculine includes the feminine.

17.3 Suspension of Bylaws: Any Bylaw may be temporarily suspended, by a vote of two-thirds of all the Commissioners unless such suspension would conflict with provisions of the laws of Florida, the Charter or ordinances of the City. The Bylaws shall not be suspended to amend any Bylaw or part thereof.

17.4 Amendment of Bylaws: These Bylaws may be amended at any regular meeting by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting.

18.0 NEW MEMBER ORIENTATION:

New members appointed to the Commission 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 Commission. Such orientation should include exposure to the following:

- * the Zoning Code and its requirements;
- * the application process for citizens requesting exceptions, variances, administrative deviations, minor modifications and waivers from the Zoning Code, and tower / antenna siting requests;
- * the Department staff recommendation process;
- * procedures for making quasi-judicial decisions;
- * parliamentary procedure;
- * vision and master plans and neighborhood action plans
- * City of Jacksonville 2030 Comprehensive Plan;

- * Florida's "Sunshine Law," as it applies to the Commission; and
- * these Bylaws.

ADOPTED and APPROVED this 12th day of May, 2011.

_____/ S /_____
Chair of the Planning Commission

_____/ S /_____
Secretary of the Planning Commission

Form Approved:

_____/ S /_____
Assistant General Counsel

Glossary

<i>Administrative Official -</i>	As relates to the Department, its Director, Chief of Comprehensive Planning, Zoning Administrator and the Wireless Communications Coordinator.
<i>Chief -</i>	Chief of the Comprehensive Planning Division of the Department.
<i>Director -</i>	Director of the Department
<i>Department -</i>	Planning and Development Department
<i>Recommendation -</i>	Written or oral recommendation from the Department on an application.
<i>Commission -</i>	Planning Commission of the City of Jacksonville, Florida.

APPENDIX A

Pertinent Provisions of City of Jacksonville Ordinance Code Relating to Planning Commission

APPENDIX B

Application and Appeal Forms

Please Note that instructions for and various different types of applications can be found on the City of Jacksonville web site by navigating to: www.coj.net / Departments / Planning and Development / Applications: