

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE III. - BOARDS, COMMITTEES, COMMISSIONS
DIVISION 2. PLANNING COMMISSION

DIVISION 2. PLANNING COMMISSION¹

Sec. 2-76. Intent.

The intent of this division is to create a local government planning commission that shall serve in an advisory capacity to the board of commissioners. The planning commission shall consider all requests for amendments to the comprehensive plan, the land use plan map, amendments to the land development regulations and the official zoning map and other matters as may be specifically requested by the board of commissioners to be studied by the commission. The planning commission shall serve as the city's local planning agency and land development regulations commission as provided for in Florida Statutes ch. 163.

The local planning agency shall review all amendments to the land development code and the official zoning map.

(Code 1983, § 2-302; Ord. No. 974, § 1, 9-24-02; Ord. No. 1048, § 2, 7-12-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 1065, § 2, 11-22-05; Ord. No. 2021-04, § 1, 4-14-21)

Sec. 2-77. Organization.

- (a) The planning commission shall be appointed pursuant to the Charter upon the tally of votes cast by the board of commissioners. There shall be seven members. The term of office for each person appointed shall be staggered so that not more than three terms expire within any one year. Any planning commission member may be reappointed upon the tally of votes cast by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Qualifications of the members of the planning commission shall be as provided in the Charter and in this Code at the time of their appointment and throughout the term of office. Any member who is no longer qualified to be a member shall be automatically removed, and that vacancy filled as provided in this section.
- (c) Members of the planning commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.
- (d) The failure of any member of the planning commission to attend three consecutive meetings of the planning commission or failure to attend four meetings of the planning commission in any contiguous 12-month period shall be cause for removal. However, the board of commissioners may take into consideration the reason for such absences, and may excuse the member for a reason deemed valid by the board of commissioners.

¹Charter reference(s)—Planning commission, § 12.2.

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- (e) Appointments shall be made, consistent with the Charter section 12.2 and on the basis of demonstrated experience and qualifications in the subject matter from one or more of the following areas, whenever possible:
- Architecture or landscape architecture.
 - Civil engineering.
 - Real estate sales or land development.
 - Professional experience in natural or environmental sciences.
 - Professional urban planning.
- (f) The members of the planning commission shall, in October of each year, elect a chairman, first vice-chairman and a second vice-chairman from among its members who shall be voting members.
- (g) Members of the planning commission shall meet each month, as necessary. In addition, the planning commission, by request of the chairman, or the city staff, may schedule special meetings or workshops as needed, provided a quorum has indicated that they can attend such meeting. All meetings of the planning commission shall be public.
- (h) The presence of four or more members shall constitute a quorum.
- (i) Planning commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.

(Code 1983, § 2-303; Ord. No. 974, § 1, 9-24-02; Ord. No. 1028, § 1, 8-24-04; Ord. No. 2014-15, § 1, 12-9-14; Ord. No. 2017-05, § 1, 3-7-17; Ord. No. 2021-04, § 2, 4-14-21)

Charter reference(s)—Creation of planning commission, membership, terms and qualifications of members, § 12.2.

Sec. 2-78. Conduct of hearing.

- (a) *Application.* An application for a zoning change or land use change shall be submitted 30 days prior to the scheduled meeting.
- (b) *Application filing fee.* Application fees are listed in the fees and collection procedure manual.
- (c) *Notification.* When and at such time as an application is made, the application shall be filed with the community development department who shall post a ten-day notice, or meet the Florida Statutory requirements, whichever is greater, of the time and place when the local planning agency shall consider the subject matter on the application. At the time of posting, all property owners of record, on the tax roll of the year within which the case is being heard, within 300 feet in any direction of the property, which is the subject matter of the application, shall be notified and the notice shall be posted on the property itself setting forth the date, time and place of the hearing. Note: Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding of the application. For all other meetings and workshops not involving an application that must meet specified notification requirements, a minimum of three days' notice must be given.
- (d) *Public hearing.* At the hearing any interested person may be heard upon the subject matter. The procedures established in article I, division 2 shall govern the local planning agency's conduct of public hearings for a site specific rezoning, which is by definition a quasi-judicial matter.

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- (e) *Recommendations.* The planning commission or the local planning agency, by majority vote, shall submit its recommendation with respect to the application to the board of commissioners with the written reasons therefore.
 - (f) *Written records.* Minutes shall be kept of all hearings by the planning commission and the local planning agency, and all hearings shall be open to the public. The written record shall include the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, and recommendations of the planning commission and the local planning agency shall be made public record on file with the city clerk.

(Code 1983, § 2-304; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 2014-15, § 2, 12-9-14; Ord. No. 2021-04, § 3, 4-14-21)

Sec. 2-79. Rules of procedure.

The planning commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-305; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05)

Sec. 2-80. Application for amendment; modification of zoning ordinances.

- (a) Any interested person or property owner in the city may file a written application to the local planning agency upon payment of the filing fee provided in the fees and collection procedure manual, for the purpose of amending, supplementing, changing, or modifying any rule, regulation, or other restriction provided in the zoning ordinances of the city, including a request to change the boundaries of the zoning district or districts of the city.
- (b) The applicant shall provide for reimbursement of all expenses incurred by the city, deemed necessary by the city manager or his/her designee, to review and process an amendment to the zoning code;

Expenses may include, but are not limited to any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the city for such costs. Failure by the applicant to make such reimbursement when due shall delay the release of a development permit until paid.

- (c) The local planning agency shall make a recommendation pertaining to the application, and the recommendation shall be transmitted to the board of commissioners. The board of commissioners may either accept or reject the recommendation of the local planning agency or take such further action, as it may deem proper in the matter. The procedures established in article I, division 2 shall govern the board of commissioners' conduct of public hearings for a site specific rezoning, which is by definition a quasi-judicial matter.

(Code 1983, § 2-306; Ord. No. 974, § 1, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05; Ord. No. 1072, § 1, 3-28-06)

Charter reference(s)—Amendments to zoning ordinance, §§ 12.7, 12.8.

Sec. 2-81. Amendment or modification of zoning regulations by board of commissioners; referral to local planning agency.

The board of commissioners may from time to time on its own motion repeal, amend, supplement, change or modify any zoning ordinance of the city, including the changing of boundaries of any zoning district or districts in the city, including the regulations and restrictions and such shall first be referred to the local planning agency for its recommendation and report back to the board of commissioners. If no recommendation is submitted by the local planning agency within a period of 60 days from the time of the request for its recommendation, the board of commissioners may act upon the matter and pass such ordinance as it may deem necessary to effect its desires.

(Code 1983, § 2-309; Ord. No. 974, § 2, 9-24-02; Ord. No. 1050, § 2, 8-9-05)

Editor's note(s)—Ord. No. 1050, § 2, adopted August 9, 2005, changed the title of § 2-81 from "Amendment or modification of zoning regulations by board of commissioners; referral to planning commission" to "Amendment or modification of zoning regulations by board of commissioners; referral to local planning agency."

Charter reference(s)—Comprehensive plan and land development amendments submitted to planning commission, § 12.4C.

Sec. 2-82. Authority to initiate amendments to zoning regulations and zoning boundaries.

The local planning agency, city board of commissioners, city staff, or property owners may, of its own initiative, make such recommendations and proposals as it may deem necessary pertaining to matters of repeal, amendment, supplement, change, or modification of any zoning ordinance, or the boundaries of any zoning district of the city, so long as all of the requirements of public notice and hearing are adhered to, as provided in this Code.

(Code 1983, § 2-310; Ord. No. 974, § 2, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05)

Editor's note(s)—Ord. No. 974, § 2, adopted September 24, 2002, changed the title of § 2-82 from "Authority to institute amendments to zoning regulations" to "Authority to initiate amendments to zoning regulations and zoning boundaries." See note at § 2-81.

Sec. 2-83. Conflict of interest provisions.

- (a) No member of the local planning agency shall communicate with another member of the local planning agency concerning their intent on any issue or potential issue which is or may be placed before them except at their scheduled meetings.
- (b) No member of the local planning agency shall communicate with any party, witness, representative of a party, or interceding person concerning any issues except at their scheduled meetings or as otherwise specified in article I, division 2 for ex-parte communications.
- (c) Failure on the part of a member of the local planning agency to comply with the provisions of this section shall constitute grounds for removal of such member from the local planning agency.

(Code 1983, § 2-312; Ord. No. 974, § 2, 9-24-02; Ord. No. 1044, § 3, 5-24-05; Ord. No. 1050, § 2, 8-9-05)

Editor's note(s)—See note at § 2-81.

State law reference(s)—Public meetings, Florida Statutes § 286.011; ex parte communications, Florida Statutes § 286.0115.

Secs. 2-84—2-100. Reserved.