

# **Rules of Procedure for the Planning Board, Village of Wesley Chapel Adopted 02.22.2010, Rev. 07.26.2010; 08.16.2011; 06.23.2014**

## **Rule 1. Powers and Duties**

The duties and powers of Planning Board are as listed in Section 15.2 of the Village of Wesley Chapel Zoning Ordinance.

## **Rule 2. Appointment and Terms**

The appointment and terms of the Planning Board are as listed in the Village Council Rules of Procedure.

## **Rule 3. Election of Officers**

The appointment and terms of the Chairman are as listed in the Village Council Rules of Procedure.

A Vice-Chairman shall be elected by the regular Planning Board members and shall serve for a one (1) year term but may be elected by the Planning Board membership for successive terms to the same office. Annually, at the meeting of the Planning Board held in the month of July, a Vice-Chairman shall be elected. Each officer shall serve until relieved of his duties as herein provided.

The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Planning Board. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.

## **Rule 4 . Secretarial Services**

The Village Council shall arrange to have secretarial duties performed for the Planning Board. Said persons (hereafter referred to as the "Secretary"), subject to the direction of the Chairman, shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the Planning Board. These shall show the record of all important facts pertaining to each meeting, every resolution acted upon by the Planning Board, and all votes of members of the Planning Board upon any resolution or upon the final determination of any question, indicating the names of members absent. The Planning Board minutes and records shall be kept at the office of the Village Clerk.

## **Rule 5 . Rules of Conduct for Members**

Members of the Planning Board may be removed by the Village Council for cause, including violation of the rules stated below herein.

In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any member is absent for two (2) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of his absences and if such member fails to attend the next meeting, the Planning Board, by majority vote of the remaining members, may request that the position be vacated and also request that a replacement be made by the Village Council.

No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board which may result in a private benefit to themselves, their immediate relatives or their business interest. A member may be excused from voting on a particular issue under the following circumstances:

- a.** If the matter at hand involves the member's own official conduct; or
- b.** If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

For zoning map and text amendments, Section 12.1.4 of the Zoning Ordinance Specifically regulates voting by Planning Board members who may have a conflict of interest: A Planning Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

If a Planning Board member determines that he may have a conflict of interest on a particular issue, either according to these Rules of Procedure or according to Section 12.1.4 of the Zoning Ordinance, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining Planning Board members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he shall seat himself in the audience and not participate in any further discussion on said matter or (at his discretion) he shall remove himself from the meeting room during all deliberations pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

A challenge to the existence of a conflict of interest or a challenge of an

undisclosed conflict of interest may be filed by any interested party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Planning Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Planning Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Planning Board. The Planning Board shall hear all evidence. In order to find that a member does have a conflict of interest, a majority vote of the remaining members shall be required.

Prior to a Planning Board meeting, Planning Board members are ~~not~~ permitted to listen to comments regarding a pending case but shall refrain from responding with opinions or views; provided, however, that members may receive and/or seek general technical information pertaining to the case from the Secretary, Zoning Administrator, Subdivision Administrator, or Village Attorney prior to the Planning Board meeting at which the case is to be heard.

**Rule 6 . Meetings (rev. 08.16.2011; 06.23.2014)**

Regular meetings of the Planning Board shall be held each 4th Monday of the month at 7:00 p.m. at the Wesley Chapel Town Hall, provided that meetings may be held at any other convenient place in the Wesley Chapel area if directed by the Chairman in advance of the meeting. Each member shall be notified of each regular meeting and provided with all necessary materials at least thirteen (13) days in advance of the meeting by the Secretary or other person so designated by the Chairman.

Special meetings of the Planning Board shall be held on an as-needed basis at any convenient time and place in the Wesley Chapel area, as directed by the Chairman. Each member shall be notified of each special meeting and provided with all necessary materials at least forty eight (48) hours in advance of the meeting by the Secretary or other person so designated by the Chairman.

A quorum of the Planning Board shall be required to open any meeting and to conduct business. A quorum shall consist of at least three (3) Planning Board members.

**Rule 7 . Voting; Conduct of Meetings (rev. 06.23.2014)**

- a. Only unexcused Planning Board members, including alternates, present at a duly convened meeting shall be eligible to vote. Planning Board alternates are allowed to sit in place of an excused permanent member or an unexcused permanent member who is not present for the meeting at the time an agenda item is introduced by the Chairman for discussion, even if a quorum can be established by the remaining permanent members. The order by which Planning Board alternates shall be allowed to sit in place of a permanent member shall begin with those first appointed and then alternating in succession according to the chronological order of their appointment, based on attendance.

- b.** A vote may be taken on a matter once a motion has been made, seconded, and called for discussion.
- c.** The Chairman shall not be able to make or second a motion but may otherwise vote on all other issues.
- d.** Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by a duly made motion and second.
- e.** It is the duty of all Planning Board members present at a meeting to vote on all issues coming before the Planning Board unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having cast a “yea” vote.
- f.** All meetings shall be open to the public. The order of business at meetings shall generally be as follows:
  - (1) Open Meeting
  - (2) Determination of Quorum (need 3 present to make decisions and vote)
  - (3) Public Comment
  - (4) Approval of Agenda
  - (5) Approval of Minutes of Previous Meetings
  - (6) Unfinished Business
  - (7) New Business
  - (8) Other Business
  - (9) Adjournment

The Chairman shall have the authority to amend the order of business at any meeting.

- g.** Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a majority vote of the Planning Board.

**Rule 8. Staff**

The Zoning Administrator shall serve as staff to the Planning Board and shall provide technical assistance to the Planning Board as requested.

**Rule 9. Amendments to Zoning Text and Map**

Amendments to the Zoning Text and Maps shall follow the procedures listed in Article 12 of this Zoning Ordinance.

**Rule 10. Conditional Uses**

Application and ruling process for a Conditional Use permits shall follow the procedures listed in Article 6 of this Zoning Ordinance.