

**Options Discussed by Community Development Committee
Regarding Board of Adjustment**

- At this time Neighborhood Planning staff has posted information on the neighborhood list-serve about current vacancies, in addition to the usual advertising to the Clerk's office. The City Commission should have three new appointments to make in October assuming there are enough applicants.
- Staff plans to hold an orientation session for new BOA members and would hold annual training.
- The City Commission could initiate a petition to amend the Land Development Code to establish term limits for BOA members.
- The City Commission could initiate a petition to amend the Land Development Code to establish preferred backgrounds (not required) such as urban planning, architecture, landscape architecture, engineering, law, development or construction.

The City Attorney's office recommends a preferred background be required for at least three of the five Board members due to the nature of matters considered by the BOA.

- The City Commission could initiate a petition so that administrative decisions are appealed through various administrative levels and then to the courts, and discussions of the BOA are appealed to the City Commission.
- BOA rules will be updated for consistency with the Land Development Code.
- A petition should also be initiated to eliminate some of the rarely used appeals to the BOA, such as any code enforcement related appeals under Chapter 13 or 16 of the City Code.
- The City Commission may wish to initiate a petition to amend the Land Development Code to eliminate the opportunity for reestablishment of nonconforming uses. If this is done, then once a nonconforming use had lapsed for nine months, the only uses allowed under current zoning will henceforth be allowed, with no right to request reestablishment of the previous nonconforming use.

CITY OF GAINESVILLE BOARD OF ADJUSTMENT

| Code Section | Type of Action Authorized | Specific Authority |
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| Appendix F | Appeals | Airport Hazard Zoning Regulations. Appeals from the permitted uses, restricted uses and prohibited uses in the noise overlay zone. May grant airport obstruction variance under certain criteria and conditions. (See s. 333.10, FS) |
| 6-242 | Airport Obstruction Variance Appeals | Appeals of the code enforcement official's decision or order of noncompliance (downtown minimum property standards). |
| 13-211 | Appeals | BoA performs duties of appeals boards on code enforcement officer's decision or order of noncompliance (Commercial Building Code). |
| 16-27 | Appeals | BoA performs duties of appeals boards for dangerous building, hazardous land, unsafe equipment, or absent or malfunctioning grease trap or grease interceptor violations. |
| 23-102 | Variances | BoA may grant variances from restrictions and provisions for construction and removal of driveways. |
| 26-140 | Appeals | BoA may grant or deny appeals to impound a vehicle and impose of costs. |
| 26-141 | Extension of Time | BoA may grant or deny petitions for extension of time on a hearing for impoundment of a vehicle and imposition of costs, stating its findings. |
| 30-58 | Appeals | BoA may hear appeals of home occupation permit revocation. |
| 30-85 | Special Exceptions | BoA may grant or deny petitions for a special exception for one mobile home as a principal structure to be used as a temporary dwelling on a conforming lot of record with certain conditions and requirements being met under the code. |
| 30-252 | Special Exceptions | BoA may grant or deny petitions to modify landscaping requirements for vehicular use areas; may grant commercial tree removal permits. |
| 30-303 | Special Permits | BoA may grant or deny a special permit for development of single-family lots, accessory structures, and drives. |
| 30-310 | Variances | BoA may grant or deny a variance to the landscape and tree management requirements based on demonstrated hardship. |
| 30-327 | Appeals | BoA may uphold or reverse decision of a CEO in determining unlawful or prohibited signs. |
| 3-346 | Reestablish nonconforming use | When a nonconforming use of a structure, or structure and premises in combination, is discontinued, vacant, abandoned or not used for nine consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located; provided, the board of adjustment may permit the reestablishment of the nonconforming use where it is determined by the board of adjustment after public hearing that the design, construction and character of the building is not suitable for uses permitted in the district in which such nonconforming use is situated. |

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| 30-354 | Administrative Review Appeals Special Exceptions Variances Appeal | Section of Code specifically regarding the Board of Adjustment. |
| s.553.775, FS | | Appeal of building inspector may be taken to the local board of appeals (if such board exists) after which the commission shall review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code. |