

**LEGISLATIVE #**

**110667K**

**Exhibit G.**

**Roles and Rules of the Development Review Board.**

## Development Review Board Quasi-Judicial Board

### Function, powers and duties.

1. The Board shall review and act upon application for development approval pursuant to Chapter 30.
2. The Board may make recommendations to the City Plan Board on land development regulations either upon referral of the City Plan Board or upon its own initiation.

Note: The Board has the ability to make sure development comply with the land development code. The Board does not have the ability to allowed developments that do not comply with the land development code. The Board can not require a petitioner to do something that is not allowed by the code, nor can the Board force a petitioner to do something that is not in the code.

### **Sec. 30-157. Levels of review, rapid, minor, intermediate and major review.**

For purposes of the development review process, all development plans shall be designated by the city manager or designee as either rapid, minor, intermediate or major development according to the thresholds set forth in section 30-159. Before submitting a development plan for review, the developer, petitioner, applicant or property owner shall provide the city manager or designee with sufficient information to allow designation of the proposed development into one of the reviewing levels. The decision of the city manager or designee may be supported by written findings. The level of review will be determined based on the criteria in section 30-159.

### **Staff review**

Rapid  
Minor

### **DRB review**

Intermediate  
Major  
Subdivision Design Plat (advisory to the City Commission)

### **Sec. 30-161. Review process.**

- (a) *Review considerations.* The appropriate reviewing board or the development review coordinator shall review any minor plan, intermediate plan, major plan or any amendment to any previously approved plan based upon the competent and substantial evidence presented by the reviewing authority, the petitioner, property owners, who are entitled to notice, affected persons, as determined by the board,

below; or

- c. Refuse to issue a preliminary development order because the plan as presented fails to meet the requirements of this chapter, the comprehensive plan, or other federal, state or regional laws and regulations as applicable.

**Final Development Plans**

- (1) The department shall:
  - a. Issue a final development order complying with section 30-166, pertaining to contents of final development orders, below; or
  - b. Refuse to issue a final development order based on the failure of the development to comply with the conditions imposed by the preliminary development order, this chapter, the comprehensive plan, or other federal, state, or regional laws and regulations as applicable.

**Sec. 30-159. Criteria for determining level of review.**

Criteria for determining the level of review are as follows:

Rapid Review	Minor Review	Intermediate Review	Major Review
Resurfacing of existing impervious area which does not include new or additional spaces, layout modification and/or landscaping modifications.	Up to 15 new parking spaces (500 square feet each) or construction, reconfiguration or redesign of existing parking or equivalent paved area.	16--100 new parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area.	Over 100 parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area.
Expansion or redesigns of existing developments which will create up to 500 square feet of floor area, when submitted through the Building Division for a building permit. These may include decks, porches, patios, courts, pole barns and similar accessory structures	New construction, expansions or redesigns of existing development that will create up to 2,500 square feet of floor area and its required parking. Porches, pole barns, and canopies up to 2,500 square feet of building area. Any deck, patio, court and similar unenclosed or	New construction or expansion of existing development that will create from 2,501 to 50,000 square feet of additional floor area.	New construction or expansion of existing developments of over 50,001 square feet of additional floor area.

**RULES FOR THE CITY OF GAINESVILLE  
DEVELOPMENT REVIEW BOARD**

**ARTICLE I**

**Objectives**

The objectives and purposes of the Development Review Board of Gainesville, Alachua County, Florida, are those powers and duties delegated to the Development Review Board by the Charter Laws and Code of Ordinances for the City of Gainesville.

As stated in Section 30-352 of the Code of Ordinances, the City Development Review Board shall consist of seven members appointed by the City Commission. Each member shall be appointed for a term of three years and shall hold office until a successor has been appointed and qualifies. Vacancies shall be filled by appointment of the Commission for the unexpired term of any member whose term becomes vacant.

**ARTICLE II**

**Membership and Procedure**

Section 1            Number of Members--As stated in Section 30-352(B)(1) of the Code of Ordinances, the City Development Review Board shall consist of seven members appointed by the City Commission.

Section 2            Term--Each member shall be appointed for a term of three (3) years and shall hold office until a successor has been appointed and qualifies. A member may serve only two (2) consecutive terms. However, after a year has passed, a former member may request a reappointment. Members shall serve on only one (1) permanent Board/Committee at a time.

Section 3            Attendance--Any appointee of the City Commission to any Board, Commission, or Committee shall be automatically removed from any such Board, Commission, or Committee upon filing with the Clerk of the Commission, the attendance record that indicates:

- (1)            The board member has failed to attend four (4) or more consecutive meetings, or that the overall attendance record of the member is less than sixty-six and two-thirds (66 2/3%) percent for any six month period. As used in this section, attendance means presence at the meeting no later than fifteen minutes after the meeting is called to order as verified by the secretary on the attendance record.

Section 4            Vacancies--Shall be filled by appointment of the City Commission for the unexpired term of any member whose term becomes vacant.

### ARTICLE III

#### Officers and Their Duties

- Section 1 The officers of the Development Review Board shall consist of a Chairman, Vice-Chairman and Secretary/ Treasurer. The maximum length a member may hold a single office is limited to two (2) consecutive one-year terms.
- Section 2 The Chairman shall preside at all meetings and hearings of the Development Review Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the privilege of discussing all matters before the Board and voting thereon.
- Section 3 The Vice-Chairman shall act for the Chairman in the Chairman's absence.
- Section 4 It is the duty of the secretary to provide notice of each meeting to the clerk of the commission at least forty-eight hours (excluding Saturdays, Sundays and Holidays) prior to the meeting. The secretary shall make, or cause to be made, the minutes of each meeting, and shall verify the attendance of board members at each meeting. The secretary shall file the attendance record with the clerk of the commission as soon as practicable.
- Section 5 In the absence of the Chairman and Vice-Chairman, the quorum present shall select a Chairman for the meeting.

### ARTICLE IV

#### Election of Officers

- Section 1 Nomination of officers shall be made from the floor at the annual organization meeting which shall be held at a regular or special meeting in October of each year, and the elections shall follow immediately thereafter.
- Section 2 A candidate receiving a majority vote of the entire membership of the Development Review Board shall be declared elected and shall serve for one year at the pleasure of the Board or until a successor shall take office. The Chairman's term shall be limited to two years, and he/she shall not be eligible for election again until one year has elapsed. The Vice-Chairman shall be eligible for re-election without restriction.
- Section 3 Officers shall be seated immediately following their election.
- Section 4 Vacancies in office shall be filled immediately by regular election procedure.

## ARTICLE V

### Meetings

- Section 1 Meetings shall be held once per month, normally on the second Thursday of every month at 6:30 p.m., and at such additional times as deemed necessary for proper performance of its duties. The meeting will be for the purpose of hearing all items of public business and approval of all special items or other matters on which the Board is required to act.
- Section 2 A majority of the membership of the Board, four members, shall constitute a quorum, except that where vacancies, absences or voting conflicts require members to abstain from voting, result in only three members being eligible to vote, three members shall constitute a quorum. Voting may be by roll call. The roll call shall be in alphabetical order with the first name called rotating with each motion upon which a vote is called. In all cases, the Chairman shall vote last. A record of the roll call shall be kept as a part of the minutes.
- Section 3 Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the members of the Board. The notice of such a meeting shall be posted a minimum of 72 hours prior to the meeting. It shall specify the purpose of such a meeting and no other business may be considered except by unanimous consent of the Board. All members of the Board shall be notified in advance of such special meetings by the Clerk of the Development Review Board.
- Section 4 In order to be considered by the City Development Review Board, all requests for approval of site plans and approval of signs shall be submitted to the Planning Division, Department of Community Development, in accord with the schedule adopted each year by the City Development Review Board. All requests received after the deadlines for a receipt of such requests will be considered at the regular meeting of the following month.

## ARTICLE VI

### Order of Business

The order of business at regular meetings shall be:

- (a) Roll Call
- (b) Approval of Minutes of Previous Meeting
- (c) Requests to Address the Board
- (d) Communications
- (e) Old Business
- (f) New Business
- (g) Report of Officers and Committees
- (h) Adjournment

## ARTICLE VII

## Hearings

Section 1 Formal Quasi-judicial and Administrative Actions--The following procedures will be observed in formal quasi-judicial and administrative actions which require a hearing before the Development Review Board.

**(A) Order of Presentation; Time Limits**

- (1) The order of presentation, with corresponding time limits for each presentation, shall be as follows:

<u>Order</u>	<u>Maximum Time Limit</u> <u>(minutes)</u>
1) Introduction of the Petition	3
2) Applicant	20
3) Staff presentation	10
4) Affected Party (if any) for (per person)	10
5) Affected Party against (if any) against (per person)	10
6) Rebuttal (Applicant/Staff)	5
7) Close of the quasi-judicial proceeding	
8) Public hearing (per person)	5
9) Deliberation and vote of the board	

- (2) Cross examination is limited to ten (10) minutes per witness.
- (3) The time limits set above may be extended pursuant to the provisions of Section (J).

\* **Witnesses may be presented during part 2-6 of the presentation with cross-examination.**

**(B) Affected Party Defined; Determination**

- (1) An affected party is any person who is entitled to actual written notice of a petition before the Board, pursuant to Chapter 30, Gainesville Code of Ordinances.
- (2) An affected party who is not entitled to actual written notice but who believes that they have a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected party status by filing an application with the Board secretary in writing no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The Chair shall review the application and may call a special meeting to determine if the applicant can be deemed an affected party for purposes of that proceeding.



(C) **Registration of Affected Parties**

In order to participate in the quasi-judicial proceeding, all affected parties shall complete the form prescribed by the Board, stating their name and address and other pertinent information, and whether they support or oppose the proposal before the Board. The form shall be delivered to the Board's secretary at the proceeding.

(D) **Representation of Affected Parties**

Any affected party may be represented by an attorney. If an attorney represents an affected party or several affected parties, the attorney shall complete the form prescribed by the Board and identify the person or persons they represent and whether their client supports or opposes the petition before the Board. The form shall be delivered to the Board's secretary at the proceeding.

(E) **Commencement of the Hearing**

(1) The introduction of the case shall be presented by a member of City staff and include a brief description of the petition and the style of the petition before the Board. This introduction shall not be considered evidence in the proceeding, and the members of City staff presenting the introduction shall not be subject to cross-examination by any party to the proceeding.

(2) The Development Review Board Members shall disclose any ex-parte communications that may have occurred.

a. Written communications--If a board member receives a written ex-parte communication relating to a matter coming before the Board, the member should transmit the item to the Clerk of the Board for inclusion in the official records. These communications shall be made available to the parties as soon as practicable before the hearing.

b. Oral Communications--As soon as it becomes apparent that an inadvertent oral communication pertains to a matter coming before the Board, the Board member should explain to the person that the communication is improper, and that he or she is required to end the communication on that subject. At the time the item comes up for discussion at the Board meeting, the Board member should report any attempted "ex-parte" communication.

c. The petitioner and any affected party may examine each Board member about these communications, directed through the Board Chair.

3) The Petitioner, City staff, and all witnesses shall be collectively sworn by the Clerk of the Board or his or her designee, in the interest of time.

**(F) Irrelevant or Immaterial Testimony or Evidence Prohibited**

Testimony or other evidence which is irrelevant or immaterial to the issue to be decided by the Board is inadmissible. The Board shall make rulings on objections to the relevance and materiality of the examination. The chair, a party, staff, or a member of the Board may raise an objection to the possibly relevant and immaterial testimony or evidence.

**(G) Examination of Witnesses; Direct and Cross-Examination**

The examination of witnesses shall be conducted under oath by direct examination on matters which are relevant and material to the issue or issues before the Board. After the conclusion of direct examination, the witness may be cross-examined by another party, Board member or staff. The inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness being examined. No re-direct shall be allowed unless requested by a party stating the desired area of inquiry and that request is approved by the Board. If re-direct is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination. This provision shall not limit a Board member from questioning any person on matters relevant to the petition before the Board.

**(H) Repetition of Testimony or Evidence Prohibited**

During the presentation by the opponents or proponents of an issue before the Board, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.

**(I) Public Hearing**

After the quasi-judicial hearing is completed, those members of the public who were not a party to the quasi-judicial hearing may be permitted to speak up to five (5) minutes and present their testimony to the Board. No party, applicant, staff or witness shall be allowed to speak during the public hearing portion of the proceedings.

**(J) Extension of Time Limits**

The time limits set forth in Section (A) may be modified by the Board upon request of a party to the proceedings. Said request shall detail the additional time desired and the subjects to be discussed during the additional time, if granted. A request for an extension of time should be considered by the Board to assure all parties have a full and fair opportunity to participate without undue repetition and delay.

**(K) Continuances**

The Board may, in its discretion, at any time during the hearing, continue the hearing, and may request further information from any party.

**(L) Board Deliberation**

The Development Review Board shall then further deliberate the motion, if necessary, and reach a decision by voting on the motion. In reaching its decision the Board may only consider evidence presented at the hearing and base its decision on the competent, substantial evidence of record.

**(M) Board Oral Order**

The Development Review Board shall orally issue an order and state whether the petitioners' request is consistent with the City's rules, policies, or plans and other codes, as applicable.

**(N) Board Written Order**

The order shall be reduced to writing and shall include findings of fact and conclusions of law and state whether the petition is granted or denied or granted with conditions. The order shall also specify any conditions, requirements or limitations on the approval of the petition. The written order shall be presented to the Board for approval at a special meeting or at the next regular meeting of the Board. The Chair of the Board and the Clerk of the Board shall execute the order as it is approved. Executed copies of the order shall be mailed to the petitioner and any affected party.

**(O) Effective Date; Retroactivity**

That the foregoing amendments to the Rules of the City of Gainesville Development Review Board shall take effect on November 1, 1995 and shall govern all proceedings commenced thereafter and apply retroactively to all proceedings then pending before the Board.

**Section 2      Informal Quasi-Judicial Hearings****(A) Hearings before the Development Review Board**

The quasi-judicial hearings before the Development Review Board (Board) shall be either formal or informal hearings. A formal quasi-judicial hearing is a hearing where applicants and affected parties have the rights and responsibilities of a party as set forth in Sections (B) - (D) of the rules of formal quasi-judicial procedure. An informal hearing is a hearing where the applicant and public may present testimony for or against a proposal before the Board without the procedures of a formal hearing.

**(B) Selection of Hearing**

All persons entitled to actual written notice of a petition before the Board, pursuant to Chapter 30, Gainesville Code of ordinances, shall request a hearing before the Board no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. Persons who are not entitled to actual written notice and claim they are an affected party must simultaneously file their request for a formal hearing and affected party status no

less than seven (7) days prior to the meeting when the petition is scheduled to be heard. Failure to timely file a written request for a formal hearing shall set the petition for an informal quasi-judicial hearing.

**(C) Informal Quasi-Judicial Hearing Procedure**

- (1) An informal hearing shall be presented to the Board in the following order:
  - a) Staff presentation
  - b) Applicant
  - c) Public hearing
  - d) Deliberation and vote of the Board
- (2) Cross-examination of the witnesses is waived by all persons engaged in an informal hearing. Cross-examination shall only be allowed in a timely requested formal quasi-judicial hearing. This provision shall not limit a Board member from questioning any person on matters relevant to the petition before the Board.
- (3) Any person may speak for or against a petition before the Board if they complete a registration card at the meeting as set forth in Section (C) of the rules of formal quasi-judicial procedure of these rules. The Board may limit the time of any portion of an informal hearing to avoid unnecessary repetition and delay.

**(D) Effective Date**

That the foregoing amendments to the rules of the City of Gainesville Development Review Board shall take effect on November 1, 1995 and shall govern all proceedings commenced thereafter and apply retroactively to all proceedings then pending before the Board.

**ARTICLE VIII**

**Basis for Recommendations**

The appropriate reviewing board or the development review coordinator shall review any minor plan, intermediate plan, major plan or any amendment to any previously approved plan based upon the competent and substantial evidence presented by the reviewing authority, the petitioner, property owners, who are entitled to notice, affected persons, as determined by the board, and other interested persons related to any of the following factors:

- 1) Whether the plans meet submittal requirements of the Land Development Code including payment of fees and compliance with submittal schedules to ensure adequate notice and review.

- 2) Whether the proposed development is consistent with the Comprehensive Plan, the Land Development Code, applicable special area plans and other applicable regulations.
- 3) Whether the proposed development meets the level of service standards adopted in the City of Gainesville comprehensive Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrence exemption, certificate of preliminary or final concurrency (as applicable at the particular development review stage), or certificate of conditional concurrency reservation.
- 4) Whether the proposed development complies with other applicable factors and criteria prescribed by the Comprehensive Plan, the Land Development Code, or other applicable law.

A portion of the review process shall permit any interested person to address the appropriate reviewing board or the development review coordinator at the proper time. The appropriate reviewing board or the development review coordinator shall determine what evidence is relevant to the decision and shall limit its review to that relevant evidence. Formal rules of evidence shall not apply.

## ARTICLE IX

### Section I

The Director of the Department of Community Development shall act as Clerk or Administrative Agent for the City Development Review Board. The Planning Division shall keep the minutes of all meetings, prepare agendas, provide notices for all meetings, arrange proper and legal notice of hearings, and attend to correspondence of the Board and to such other duties as are normally carried out by the secretary.

## ARTICLE X

These rules may be amended by a favorable vote of five members of the Development Review Board.

## ARTICLE XI

Parliamentary procedure in Development Review Board meetings shall be governed by Roberts' Rules of Order.