

**LEGISLATIVE #**

**130106A**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**ORDINANCE NO. 130106**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code by eliminating term limits for board members serving on the Development Review Board, City Plan Board, Board of Adjustment, and Historic Preservation Board; by amending Section 30-353. – *City plan board*; by amending Section 30-354. – *Board of adjustment*; by amending Section 30-355. – *Historic preservation board*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, the Community Development Committee on January 14, 2013, discussed the City Commission referral regarding the elimination of term limits for quasi-judicial board members; and

**WHEREAS**, the City Commission on April 18, 2013, received input from the Community Development Committee and directed staff to initiate a petition to eliminate term limits for the Development Review Board, City Plan Board, Board of Adjustment and Historic Preservation Board; and

**WHEREAS**, The City Plan Board on June 27, 2013, discussed the issue and recommended approval of the petition; and

**WHEREAS**, at least ten (10) days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, the public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
2 CITY OF GAINESVILLE, FLORIDA:

3 Section 1. Subsection 30-353(a) of the Land Development Code is amended to read as  
4 follows. Except as amended herein, the remainder of Section 30-353 remains in full force and  
5 effect.

6 Sec. 30-353. - City plan board.

7 (a) Membership.

8 (1) The city plan board shall have seven regular members, representing a cross section of  
9 the city, appointed by the city commission. Regular members of the city plan board  
10 shall be and remain bona fide residents of the city. If at any time any member of the city  
11 plan board fails to be and remain a resident of the city the person shall be automatically  
12 disqualified and removed from the board.

13 (2) The city plan board shall have an additional member (hereinafter, the "school board  
14 representative") that represents and is appointed by the School Board of Alachua  
15 County. The duties of the school board representative are limited to attending city plan  
16 board meetings at which the city plan board considers comprehensive plan amendments  
17 and rezonings that would, if approved, increase residential density on the property that  
18 is the subject of the proposed plan amendment or rezoning. The school board  
19 representative shall be a non-voting member.

20 (3) Each member shall be appointed to a three-year term commencing on November 1 of  
21 the year appointed, ~~except that, initially, two regular members shall be appointed for~~  
22 ~~terms of one year, three regular members shall be appointed for terms of two years, and~~  
23 ~~two regular members shall be appointed for terms of three years.~~ Members may be  
24 reappointed for consecutive terms and may hold office after expiration of their term  
25 until a successor has been appointed and qualified. No person may serve more than two  
26 consecutive three-year terms. Persons disqualified by this provision may be reappointed  
27 after one year elapses after the expiration of the second term of service.

1 (4) When a regular member position becomes vacant before the end of the term, the city  
 2 commission shall appoint a substitute member to fill the vacancy for the duration of the  
 3 vacated term. When the school board representative position becomes vacant before the  
 4 end of the term, the School Board of Alachua County shall appoint a substitute member  
 5 to fill the vacancy for the duration of the vacated term. ~~A member whose term expires~~  
 6 ~~may continue to serve until a successor is appointed and qualified.~~

- 7 (5) Probationary period for regular members.
- 8 a. New appointees to the city plan board shall complete a 60-day probationary period  
 9 prior to commencement of the term of office. During this period appointees meet  
 10 the same attendance requirements as other board members, but shall not have the  
 11 power to vote or be counted for the purpose of constituting a quorum.
  - 12 b. Any appointee who fails to successfully complete the probationary period, except  
 13 as provided in subsection (a)(5)c. of this section, shall be automatically disqualified  
 14 for membership on the city plan board, upon the filing with the clerk of the  
 15 commission of appropriate proof that the appointee has failed to successfully  
 16 complete the probationary period.
  - 17 c. Exception. The city commission may waive the required probationary period for  
 18 any appointee to the city plan board upon good cause shown and entered in the  
 19 record of the minutes of the city commission.

20 **Section 2.** Subsection 30-354(a) of the Land Development Code is amended to read as  
 21 follows. Except as amended herein, the remainder of Section 30-354 remains in full force and  
 22 effect.

23 **Sec. 30-354. - Board of adjustment.**

24 (a) *Created.* The board of adjustment is hereby created and shall consist of five members  
 25 appointed by the city commission. ~~After the initial appointments, e~~Each member shall be  
 26 appointed to a three-year term commencing on November 1 of the year appointed.  
 27 Members may be reappointed for consecutive terms and may hold office after expiration  
 28 of their term until a successor has been appointed and qualified. ~~for up to two~~

1 ~~consecutive terms of three years each, and shall hold office until a successor has been~~  
 2 ~~appointed and qualified. Service on the board may not exceed six consecutive years;~~  
 3 ~~however, reappointment may occur after one year of absence from the board.~~ Vacancies  
 4 shall be filled for the unexpired term of any member whose office becomes vacant.  
 5 ~~Terms shall expire November 1 of the year the term expires.~~

6 **Section 3.** Subsection 30-355(c)(2) of the Land Development Code is amended to read  
 7 as follows. Except as amended herein, the remainder of Section 30-355 remains in full force and  
 8 effect.

9 **Sec. 30-355. - Historic preservation board.**

10 (c) *Composition; terms; vacancies.*

11 (2) ~~After initial appointment, all appointments shall be made for a term of three (3) years.~~  
 12 Each member shall be appointed to a three-year term. Members may be reappointed for  
 13 consecutive terms and may hold office after expiration of their term until a successor  
 14 has been appointed and qualified., ~~but service on the board may not exceed six (6)~~  
 15 ~~consecutive years. Reappointment may then occur after one (1) year of absence from~~  
 16 ~~the board.~~

17 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1  
 18 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the  
 19 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
 20 renumbered or relettered in order to accomplish such intention.

21 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
 22 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
 23 finding shall not affect the other provisions or applications of this ordinance that can be given  
 24 effect without the invalid or unconstitutional provision or application, and to this end the  
 25 provisions of this ordinance are declared severable.

26 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
 27 such conflict hereby repealed.

28 **Section 7.** This ordinance shall become effective immediately upon adoption.

1

2

3 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

4

5

6

7

8

\_\_\_\_\_  
EDWARD B. BRADY  
MAYOR

9 Attest:

Approved as to form and legality:

10

11

12

13

14 \_\_\_\_\_  
KURT M. LANNON  
15 CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
16 CITY ATTORNEY

16

17

18 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2013.

19

20 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2013.