

**RULES FOR CITY PLAN BOARD**  
*Approved by City Plan Board 12-02-04*

**ARTICLE I**

**Objectives**

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

**ARTICLE II**

**Membership**

**Section 1** Number of Members - As stated in Section 30-353 (a)(1) of the Codes of Ordinances, the City Plan Board shall consist of seven (7) regular members appointed by the City Commission.

**Section 2** As stated in Section 30-353 (a)(2) of the Code, the City Plan Board shall have an additional member (the "school board representative") that represents and is appointed by the School Board of Alachua County, and is a non-voting member.

**Section 3** Term - Each regular member shall be appointed for a term of three (3) years and shall hold office until a successor has been appointed and qualifies. A regular member may serve only two (2) consecutive three-year 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 4** Attendance - Any appointee to the City Plan Board (hereinafter the "board") shall be automatically removed from the board upon filing with the Clerk of the Commission, the attendance record that indicates:

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 (66.66%) percent for any six (6) month period. As used in this section, attendance means presence at the meeting no later than 15 minutes after the meeting is called to order as verified by the secretary on the attendance record.

**Section 5** Vacancies - Shall be filled by appointment of the City Commission for the unexpired term of any regular member whose term becomes vacant.

**ARTICLE III**

**Officers and Their Duties**

**Section 1** The officers of the City Plan Board shall consist of a Chair and Vice-Chair.

**Section 2** The Chair shall preside at all meetings and hearings of the board and shall have the duties normally conferred by parliamentary usage on such officers. The Chair shall have the privilege of discussing all matters before the board and voting thereon.

**Section 3** The Vice-Chair shall act for the Chair in the Chair's absence.

**Section 4** In the absence of the Chair and Vice-Chair, the quorum present shall select a Chair for the meeting.

#### ARTICLE IV

##### Election of Officers

**Section 1** Nomination of officers shall be made from the floor at the annual organization meeting that shall be held at a regular or special meeting in October of each year, and the elections shall follow immediately thereafter. The school board representative is not eligible to serve as an officer of the City Plan Board, and is not eligible to vote in the election of officers.

**Section 2** A candidate receiving a majority vote of the entire regular membership of the 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 maximum length a member may hold the office of Chair is limited to two (2) consecutive one-year terms. The Vice-Chair 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

##### Clerk/secretary of the City Plan Board

**Section 1** The Director of the Department of Community Development or designee shall act as Clerk/secretary of the City Plan Board (hereinafter the "Clerk"). The Clerk shall appoint a member of staff who shall serve as the secretary, recorder and custodian of all board records. 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 Clerk.

**Section 2** It is the duty of the Clerk to provide notice of each meeting to the Clerk of the Commission at least 48 hours (excluding Saturdays, Sundays and Holidays) prior to the meeting. The Clerk shall make, or cause to be made, the minutes of each meeting, and shall verify the attendance of board members at each meeting. The Clerk shall file the attendance record with the Clerk of the Commission as soon as practicable.



## ARTICLE VI

### Meetings

- Section 1** Meetings shall be held at least once per month, normally on the third Thursday of every month from 6:30 p.m. to 10:30 p.m., and at such additional times as deemed necessary for proper performance of its duties. If the board has not completed the agenda by 10:30 p.m. the board may vote to extend the meeting, or continue all unfinished business to the next earliest meeting that may be available. The meeting will be for the purpose of hearing all items of public business, holding public hearings on text changes to the comprehensive plan and to the land development code, land use changes, zoning changes, special use permits, development plans that require approval by the board, right-of-way vacations, and approval of all special items or other matters on which the board is required to act, including appeals of concurrency determinations and of presumptive vested rights decisions by the Community Development Director.
- Section 2** A majority of the regular membership of the board, which is four (4) members, shall constitute a quorum. A record of the vote shall be kept as a part of the minutes.
- Section 3** Special meetings may be called by the Chair. It shall be the duty of the Chair to call such a meeting when requested to do so by a majority vote of the regular members of the board. The notice of such a meeting 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, be they regular members or the school board representative, shall be notified in advance of such special meetings by the Clerk.
- Section 4** In order to be considered by the City Plan Board, applications shall be submitted to the Planning Division, Department of Community Development, in accord with the schedule adopted each year by the City Plan 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 VII

### Order of Business

The order of business at regular meetings shall be:

- (a) Roll call
- (b) Approval of agenda
- (c) Approval of minutes
- (d) Requests to address the board
- (e) Old business
- (f) New business
- (g) Board member comments, report of officers and committees
- (h) Adjournment

## ARTICLE VIII

### Discretionary Meetings

- Section 1** In addition to those required by law, the board may at its discretion hold public meetings when it decides that such meetings will be in the public interest.
- Section 2** Notice of such meetings shall be published in the official newspaper of the municipality or in a newspaper of general circulation.
- Section 3** The case before the board shall be presented in summary by staff or by a designated member of the board, and parties in interest shall have privileges of the floor. The Chair may limit the amount of debate when the occasion warrants.
- Section 4** A record shall be kept of those speaking before the board.

## ARTICLE IX

### Basis for Decisions

**Section 1**      **Zoning Changes** (per Section 30-347.3, Codes of Ordinances)

In reviewing and formulating recommendations to the City Commission on requested or proposed changes in the zoning of a property or properties, the City Plan Board shall consider and evaluate the changes in relation to all pertinent factors, including the following:

- (a) The character of the district and its peculiar suitability for particular uses.
- (b) Conservation of the value of buildings and encouraging the most appropriate use of land throughout the City.
- (c) The applicable portions of any current City plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, drainage and housing.
- (d) The needs of the City for land areas for specific purposes to serve population and economic activities.
- (e) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- (f) Consistency with the goals, objectives and policies of the comprehensive plan.
- (g) The facts, testimony and reports presented to the City Plan Board at public hearings.

**Section 2**      **Land Use Changes** (per Policy 4.1.3, Future Land Use Element, 2000 – 2010 Comprehensive Plan)

The City Plan Board will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:



- a. Overall compatibility of the proposal;
- b. Surrounding land uses;
- c. Environmental impacts and constraints;
- d. Whether the change promotes urban infill;
- e. Whether the best interests, community values or neighborhood support is achieved; and
- f. Consistency with other elements of the comprehensive plan.

In no case shall a change to the Future Land Use Plan or any other Policy in the Future Land Use Element indicate a presumption that the City Plan Board shall recommend a change of designation of land use for any other parcel.

### **Section 3 Special Use Permits (per Section 30-233, Codes of Ordinances)**

No special use permit shall be approved by the City Plan Board unless the following findings are made concerning the proposed special use:

- a. That the use or development complies with all required regulations and standards of this chapter and other applicable regulations.
- b. That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.
- c. That necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development.
- d. That the use or development is serviced by streets with adequate capacity to accommodate the traffic impacts of the proposed use.
- e. That screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.
- f. That the use or development conforms with the general plans of the city as embodied in the city comprehensive plan.
- g. That the proposed use or development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.

### **Section 4 Development Plan Review (per Section 30-161, Codes of Ordinances)**

The City Plan 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:

- a. Whether the plans meets submittal requirements of the Land Development Code including payment of fees and compliance with submittal schedules to ensure adequate notice and review.
- b. Whether the proposed development is consistent with the Comprehensive Plan, the Land Development Code, applicable special area plans and other applicable regulations.
- c. 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.

- d. Whether the proposed development complies with other applicable factors and criteria prescribed by the Comprehensive Plan, the Land Development Code, or other applicable law.

**ARTICLE X**

**City Plan Board Hearings**

**Section 1 Quasi-judicial hearings before the City Plan Board**

The quasi-judicial hearings (including but not limited to cases involving zoning changes, special use permits, and development plan review) by the board shall be either formal or informal quasi-judicial hearings and shall conform to Section 30-348, Code of Ordinances. A formal quasi-judicial hearing is a hearing where Petitioners and affected parties have the rights and responsibilities of a party as set forth below in Sections 3(B) - 3(D). An informal quasi-judicial hearing is a hearing where the petitioner and public may present testimony for or against a proposal before the board without the procedures of a formal quasi-judicial hearing. In all cases, quasi-judicial hearings shall be informal when the findings of the board are advisory only to the City Commission. (In such a case, a formal quasi-judicial hearing may occur in a subsequent hearing before the City Commission if properly requested per City Commission rules.)

**Section 2 Selection of formal or informal quasi-judicial hearing**

In cases where the finding of the board will be final (see Article XI, section 1), all persons entitled to actual written notice of a petition for a special use permit, pursuant to Chapter 30, Gainesville Codes of Ordinances, may request a formal quasi-judicial 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 quasi-judicial hearing, if and when applicable, 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, if and when applicable, shall set the petition for an informal quasi-judicial hearing, per Section 4, Informal Quasi-judicial and Administrative Actions.

**Section 3 Formal Quasi-judicial and Administrative Actions--**The following procedures will be observed in formal quasi-judicial and administrative actions that require a hearing before the City Plan Board.



(A) Order of Presentation; Time Limits

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

<u>Procedural Order</u>	<u>Time Limit (minutes)</u>
a) Swearing in	1
b) Disclosure of any <u>ex-parte</u> communications	1
*c) Staff presentation	10
*d) Petitioner presentation	20
*e) Affected party (if any) <i>for</i>	5 (per person)
*f) Affected party (if any) <i>against</i>	5 (per person)
*g) Rebuttal (petitioner/staff)	5
h) Close of presentation by petitioner, staff and affected parties	
i) Public hearing (comment period for other members of the public)	3-5 (per person)
j) Deliberation and vote of the board	3-5 (per board member)

\* (2) Witnesses may be presented during parts c-g of the presentation, and are subject to cross-examination by affected parties, staff or petitioner during parts c-g.

(3) Cross examination is limited to ten (10) minutes per witness.

(4) The time limits set forth above 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.

(B) Affected Party – Definition; 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 Codes of Ordinances.

(2) A 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 form with the Clerk in writing.

(C) Registration of Affected Parties

In order to participate in the formal portion of 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 Clerk at the proceeding.

(D) Representation of Affected Parties