



## CHAPTER 9

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### BOARDS AND COMMISSIONS

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**9.01.00 REQUIREMENTS FOR ALL BOARDS AND COMMISSIONS****9.01.01 Appointment, Term of Office, and General Membership Requirements**

- A. All members and alternate members shall be appointed by the City Commission.
- B. Each Board shall have the opportunity to review each applicant's resume and make a recommendation on the appointment.
- C. All members shall reside within the City Limits.
- D. Elected officials and employees of the City shall not be eligible to serve on City boards or commissions, unless otherwise provided herein.
- E. Each member serves at the pleasure of the City Commission.
- F. The term of office for all regular board or commission members shall be three (3) years.
- G. A member of a Board who is seeking re-appointment shall continue to be a voting member for two (2) months to allow for the finalization of the re-appointment by the City Commission.

**9.01.02 Attendance**

Each appointed member shall attend all regular and called meetings.

**9.01.03 Officers and Committees**

- A. Each board or commission shall have a chairperson and a vice-chairperson.
- B. The chairperson and vice-chairperson shall serve one (1) year terms. Officers shall not serve more than two (2) consecutive terms.
- C. A board or commission may create whatever committees it deems necessary to carry out its purposes. The chairperson of the board or commission shall appoint the membership of each committee from the members of that board or commission.

**9.01.04 Removal and Vacancies**

- A. When a position on a board or commission becomes vacant before the end of the term, an alternate member shall fill the vacancy.
- B. When no alternate member is available to fill a vacancy, the City Commission shall appoint a member to fill the vacancy for the duration of the term.
- C. When the unexpired term is two (2) months or less, the City Commission may appoint a new member to fill the unexpired term and the following full term.
- D. A member who moves outside the City or no longer meets eligibility requirements for membership shall be removed immediately.  
Any member who has three (3) unexcused absences at the board's regular meetings in one (1) calendar year shall be subject to removal. An excused absence shall be granted if the board member notifies City Staff at least 24 hours in advance of the regularly scheduled board meeting or the board member is absent due to illness, family or work-related emergency, mandated court appearance, or observance of a religious holiday.

**9.01.05 Public Meetings, Hearings, and Records**

- A. All meetings and hearings of boards or commissions shall be open to the public.
- B. Each board or commission shall keep minutes of its proceedings, indicating the attendance of each member and the decision of each member on every question. The minutes shall be signed by the chairperson and filed with the City Clerk.
- C. A record shall be made of all resolutions, transactions, findings, recommendations, and decisions, which record shall be a public record on file in the office of the City Clerk.

#### 9.01.06 Quorum and Voting

- A. For the purpose of transacting business at any meeting or hearing, a majority of the board or commission members shall constitute a quorum.
- B. Approval of actions, other than variances, before the board or commission requires an affirmative vote of a majority of the members. Approval of a variance requires an affirmative vote of four (4) members of the HDC or the Board of Adjustment.
- C. An alternate shall be seated in the following situations:
  1. When a regular member is absent;
  2. When a regular member abstains from a vote; or
  3. When a regular member is disqualified from a vote as provided for in Section 9.01.12.

#### 9.01.07 By-laws

- A. Each board or commission shall enact by-laws to govern its operation and procedures.
- B. By-laws shall not conflict with the requirements of this LDC. In the event of any conflict between the provisions of this LDC and the by-laws, the provisions of this LDC shall control.
- C. The following topics may be included in the by-laws:
  1. The designation of officers;
  2. The specific duties of officers;
  3. The creation of committees;
  4. Code of conduct;
  5. Voting procedures;
  6. Scheduling of meetings;
  7. Order of business; and
  8. Preparation of minutes.

#### 9.01.08 Parliamentary Authority

All meetings shall be conducted in accordance with parliamentary procedure as set forth and explained in the latest revised edition of Robert's Rules of Order, which shall serve as the official rules of procedure.

#### 9.01.09 Legal Representation

The City Commission may appoint legal counsel to represent a board or commission.

#### 9.01.10 Compensation

Members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

#### 9.01.11 Funding

The City Commission may appropriate funds at its discretion for expenses necessary in the conduct of the duties of appointed boards and commissions.

#### 9.01.12 Conflict of Interest

- A. A member shall abstain from voting on a particular issue, or may be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  1. The member has a direct financial interest in the outcome of the matter at issue;
  2. The matter at issue involves the member's own official conduct;
  3. Participation in the matter violates the member's code of professional responsibility;

4. The member has such close personal ties to a person involved with the issue that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
  5. Other applicable law.
- B. If a member owns a property within the area entitled to receive mailed notice of the hearing, that board member may voluntarily abstain from voting if the board member believes that the proximity of the project will interfere with his or her ability to be a decision maker in the case.
  - C. An abstaining or disqualified member of a board or commission shall not be counted for purposes of forming a quorum.
  - D. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the board or commission, physically joining the audience, and making full disclosure of his status and position at the time of addressing the board or commission.
  - E. A member who votes on a matter shall not address the City Commission on that matter.

#### **9.01.13 General Powers**

A board or commission may request information from any official, staff member, or department of the City, which is necessary in order to carry out specific roles and responsibilities.

### **9.02.00 PLANNING ADVISORY BOARD**

#### **9.02.01 Establishment**

There is hereby created a Planning Advisory Board, with the roles and responsibilities as set forth herein.

#### **9.02.02 Membership and Terms of Office**

- A. There shall be seven (7) regular members and two (2) alternate members.
- B. Terms shall be staggered such that no more than three (3) terms expire simultaneously.
  1. All appointments shall be for the full term of three (3) years.
  2. When an alternative member is appointed to fill a vacancy created by the departure of a regular member, the term shall be the remaining unexpired term of the alternate member.
- C. Any interested and eligible citizen as provided for in this section may be appointed to the board, but those with experience or interest in the field of planning and zoning or historic preservation shall receive special consideration.
- D. In addition to the above members, one (1) nonvoting member shall be appointed from the Nassau County School Board. This member shall be the person appointed by the School Board to attend those meetings at which the Planning Advisory Board considers rezoning of land or an amendment to the comprehensive plan that, if approved, will increase the residential density on property that is the subject of an application.

#### **9.02.03 Roles and Responsibilities**

The Planning Advisory Board shall have the roles and responsibilities described below.

- A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, F.S. As the LPA, the Planning Advisory Board shall:
  1. Make recommendations to the City Commission regarding adoption of a comprehensive plan;
  2. Monitor and oversee the effectiveness and status of the comprehensive plan, including periodic evaluations as required by the *Florida Statutes*;

3. Make recommendations to the City Commission regarding amendment of its adopted comprehensive plan; and
4. Carry out such other duties as may be specified in Chapter 163, Part II, F.S.
- B. To provide advice and recommendations to the City Commission regarding growth, land use, long-range planning, and redevelopment following disasters.
- C. To hear, consider, and make recommendations to the City Commission regarding applications to:
  1. Amend the Zoning Map (also called “rezoning”);
  2. Amend the text of the LDC;
  3. Create a subdivision (preliminary subdivision plats); and
  4. Amend the comprehensive plan.
5. To hear and decide applications for a site plan for a Planned Unit Development.
- D. In carrying out its duties, the Planning Advisory Board may:
  1. Establish such committees as may be necessary to gather facts, analyze findings, and make recommendations to the Planning Advisory Board as a whole;
  2. Acquire and maintain such information and materials as are necessary for an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
  3. Make or cause to be made any necessary special studies on the location, conditions, and adequacy of facilities in the City; and
  4. Periodically evaluate the comprehensive plan and LDC and propose amendments to the City Commission.

### 9.03.00 HISTORIC DISTRICT COUNCIL

#### 9.03.01 Historic District Council created and established

##### A. Establishment

There is hereby established the Historic District Council (HDC). The HDC is intended to be the City's primary agency responsible for furthering historic preservation within the City.

##### B. Membership

1. There shall be five (5) regular members of the HDC.
2. There shall be two (2) alternate members of the HDC.
3. Where possible, members shall include, to the extent such individuals are available in the community and willing to serve, one (1) registered architect, and professionals from the disciplines of architecture, construction, design, history, architectural history, archaeology, or other historic-related fields such as urban planning, American studies, cultural geography or cultural anthropology. Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines such as law, real estate, land development, or construction shall make up the remainder of the HDC membership. Current resumes of HDC members shall be kept by the City as a public record.

##### C. Authority to Seek Professional Expertise

1. With City Commission approval, the HDC may obtain the services of qualified persons to direct, advise, and assist it.
2. The HDC may request equipment, supplies, and other materials necessary for its effective operation.
3. When the HDC considers National Register nomination proposals and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the HDC, it may seek professional expertise in this area before rendering a decision. City Commission approval is required for any such professional contracts.

**9.03.02 Historic District Council roles and responsibilities**

The HDC shall have the duty and responsibility to:

- A. Identify, study, and recommend sites, structures, buildings, improvements, artifacts, and areas for designation as historic landmarks, historic sites, or historic districts.
- B. Maintain and update the historic properties survey as an inventory of historic landmarks, historic sites, and properties in historic districts. All inventories shall be compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning, and kept current and regularly provided to the state historic preservation officer for incorporation in the Florida Master Site File.
- C. Review and approve or deny applications for a certificate of Approval for construction, alteration, demolition, or removal of historic landmarks, historic sites, archaeological sites, properties in historic districts, or properties in the CRA Overlay.
- D. Review and make recommendations on National Register nominations within its jurisdiction.
- E. Make recommendations to the City Commission concerning the assignment of development rights or facade easements, or the imposition of other restrictions.
- F. Hear applications for variances within the Historic District Overlay or the CRA Overlay.
- G. Increase public awareness of the value of historic, architectural, and cultural preservation by developing and participating in public preservation information programs, and by updating such programs and public information documents.
- H. Make recommendations to the City Commission concerning the solicitation of grants from federal and State agencies, private groups, and individuals, and promote the preservation of historic or architecturally significant landmarks, sites, or properties in historic districts.
- I. Promulgate standards for architectural review.
- J. Evaluate and comment upon proposals pending before other public agencies affecting the physical development and land use patterns in or around historic landmarks, sites, or districts.
- K. Make recommendations to the City Commission on the purchase of historic landmarks, historic sites, or properties in historic districts where private preservation is not feasible.
- L. Perform any other functions which may be designated by resolution or motion by the City Commission.

**9.03.03 Historic District Council policy and procedure statements**

The HDC may formulate and publish such policy and procedure statements as it deem reasonably necessary and appropriate to:

- A. Explain the format of information to be provided in the application for a Certificate of Approval.
- B. Explain the criteria and basis for HDC evaluation and ruling upon applications for a Certificate of Approval.
- C. Designate items to be subject to final staff approval without need for a hearing before the HDC.

**9.03.04 Historic District Council staff roles and responsibilities**

- A. The City Manager shall provide professional staff in the City Planning Department to support the HDC in carrying out its responsibilities under this Chapter. Where possible, staff should have a background in historic preservation or a related field.
- B. Staff shall not sit as officer or board member of local preservation-related organizations, and shall act in an impartial manner in all matters involving the HDC.

**9.03.05 Certified Local Government program**

In order to comply with the Department of State, Division of Historic Resources, "certified local government" requirements, the HDC shall take the following actions:

- A. A copy of all duplicate inventory materials will be provided to the SHPO. This will include any new or revised resumes of the HDC members or staff.
- B. The SHPO shall be provided with thirty (30) days prior notice of all HDC meetings. In the event of a special meeting, reasonable notice shall be given.
- C. Minutes of all HDC meetings shall be submitted to the SHPO. These minutes shall include a record of attendance of council members, the public, and any change in council membership.
- D. The SHPO shall be notified immediately of all new historic designations or alterations to existing designations.
- E. Proposed amendments to the LDC pertaining to the Historic District Overlay shall be sent to the SHPO for review and comment thirty (30) days prior to the scheduled adoption hearing.
- F. Objections by property owners that are notarized and filed with the HDC shall be submitted to the SHPO in order to prevent involuntary nomination to the National Register.
- G. The HDC shall submit an annual report to the SHPO on or before November 1 of each year covering the previous October 1 through September 30 period. The annual report shall include:
  1. Any changes or amendments to HDC rules of procedure;
  2. The number of proposals and applications reviewed by the HDC;
  3. New historic designations or alterations to existing designations;
  4. Changes to the HDC;
  5. New or revised resumes of HDC members or staff;
  6. Changes or requested changes to the Historic District Overlay regulations;
  7. Review of the survey and inventory activities with a description of the system used; and
  8. A program report on each grant-assisted activity.

**9.04.00 BOARD OF ADJUSTMENT (BOA)****9.04.01 Establishment**

There is hereby established a Board of Adjustment for the purpose of hearing and deciding on appeals of administrative decisions and hearing and deciding on applications for variances.

**9.04.02 Membership**

- A. There shall be five (5) regular members of the BOA.
- B. There shall be two (2) alternate members of the BOA.

**9.04.03 Roles and Responsibilities**

The BOA shall have the roles and responsibilities described in this section. The BOA shall conduct public hearings and render decisions in compliance with the requirements of this LDC on the following matters:

- A. To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by an administrative official in the enforcement of this LDC (See Section 11.07.00 for procedures regarding appeals); and
- B. To authorize a variance from a provision of the LDC, as set forth in Chapter 10.

**9.05.00 TECHNICAL REVIEW COMMITTEE****9.05.01 Establishment**

There is hereby created and established a Technical Review Committee (TRC) for the purpose of receiving, reviewing, and rendering decisions on applications subject to administrative review and decision as set forth in Chapter 11.

**9.05.01 Membership**

Membership of the TRC shall include, at a minimum, a representative from the following City departments:

- A. Planning and Zoning
- B. Utility
- C. Building
- D. Facilities Maintenance
- E. Fire Department

**9.05.02 Roles and Responsibilities**

- A. The TRC shall review applications and provide compliance reports for site plans, rezoning, amendments to this LDC, preliminary subdivision plats, final subdivision plats, and amendments to previously issued local development orders.
- B. The TRC shall perform such other duties as may be assigned by the City Commission or City Manager.

**9.05.03 Rules of Procedure**

- A. The City Manager shall appoint the chair of the TRC.
- B. The TRC shall establish and publish a schedule of deadline dates for applications and regular meetings. Meetings may be called by the TRC chairperson.
- C. The TRC may establish such additional rules of procedure as needed to carry out its roles and responsibilities.