

Sec. 12-13-2. - Planning board.

The planning board is hereby established.

- (A) Membership. The planning board shall consist of seven (7) members appointed by the city council. One (1) appointee shall be a licensed Florida Architect. No member shall be a paid employee or elected official of the city.
- (B) Term of office; removal from office; vacancies. Members of the planning board shall serve for terms of two (2) years or thereafter until their successors are appointed. Any member of the board may be removed from office during the two-year term for just cause by the city council upon written charges and after public hearing. Any vacancy occurring during the unexpired term of office of any member shall be filled by the city council for the remainder of the term. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.
- (C) Officers; employees; technical assistance. The board shall elect a chairman and a vice-chairman from among its members and shall appoint as secretary a person of skill and experience in city planning who may be an officer or employee of the city. The board may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all such offices shall be for one (1) year, with eligibility for reelection. The city engineer shall serve as chief engineer for the planning board. The board shall be authorized to call upon any branch of the city government at any time for information and advice which in the opinion of the board will ensure efficiency of its work.
- (D) Rules of procedure, meetings and records. The board shall adopt rules of procedure for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations. The board shall hold regular meetings once a month, and special meetings at such times as the board may determine or at the call of the chairman thereof, or the city planner for the consideration of business before the board. All regular and special meetings of the board shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and filed in the office of the secretary of the board. Any matter referred to the board shall be acted upon by the board within forty-five (45) days of the date of reference, unless a longer or shorter period is specified.
- (E) Vote required. Four (4) members of the board shall constitute a quorum, and the affirmative vote of majority of the quorum shall be necessary for any action thereof.
- (F) Authority and duties of the planning board. The planning board shall have the following authority and duties:
  - (a) To advise the city council concerning the preparation, adoption and amendment of the Comprehensive Plan;
  - (b) To review and recommend to the city council ordinances designed to promote orderly development as set forth in the Comprehensive Plan;
  - (c) To hear applications and submit recommendations to the city council on the following land use matters:
    - 1. Proposed zoning change of any specifically designated property;
    - 2. Proposed amendments to the overall zoning ordinance;
    - 3. Proposed subdivision plats;
    - 4. Proposed street/alley vacation.
  - (d) To initiate studies on the location, condition and adequacy of specific facilities of the area. These may include, but are not limited to, studies on housing, commercial and industrial facilities, parks, schools, public buildings, public and private utilities, traffic, transportation and parking;
  - (e) To schedule and conduct public meetings and hearings pertaining to land development as required in other sections of the code.

- (f) To grant zoning variances from the land development regulations of the Waterfront Redevelopment District and the Gateway Redevelopment District, under the conditions and safeguards provided in subsection 12-12-2(A)(2).
- (1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the board must find in addition to the conditions specified in subsection 12-12-2(A)(2):
- (a) That the variance granted will not detract from the architectural integrity of the development and of its surroundings;
  - (b) That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
  - (c) That the decision of the planning board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection 12-13-2(F)(f)(4). Hearings on variance applications under section 12-13-2(F)(f) shall be conducted as a quasi-judicial hearing in accordance with the requirements of law.
- (2) *Hearing of variance applications.*
- (1) *Application procedure.*
- (a) An application for a variance must be submitted to planning services at least twenty-one (21) days prior to the regularly scheduled meeting of the planning board.
  - (b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
  - (c) Any party may appear in person, by agent, or by attorney.
  - (d) Any application may be withdrawn prior to action of the planning board at the discretion of the applicant initiating the request upon written notice to the board secretary.
- (2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:
- (a) The application shall be submitted on a form provided by the board secretary.
  - (b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.
  - (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable.
- (3) *Public notice for variance.*
- (a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.
  - (b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting.
  - (c) Planning services shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

The agenda will be mailed to the board members and applicants and other interested parties. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.

- (4) *Judicial review of decision of planning board.* Any person or persons, jointly or severally, aggrieved by any quasi-judicial decision of the planning board on an application for a variance under section 12-13-2(F)(f), or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the planning board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

(G) Procedure for submission of plans.

- (1) An application to erect, construct, renovate, demolish and/or alter an exterior of a building located or to be located in a district within the review authority of the Planning Board must be submitted to the Planning Services Division at least twenty-one (21) days prior to the regularly scheduled meeting of the Board.
- (2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
- (3) No application shall be considered complete until all of the following have been submitted:
  - (a) The application shall be submitted on a form provided by the board secretary.
  - (b) Each application shall be accompanied by accurate site plans, floor plans, exterior building elevations and similar information drawn to scale in sufficient detail to meet the plan submission requirements specified within the gateway districts.
  - (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
  - (d) Any party may appear in person, by agent, or by attorney.
  - (e) Any application may be withdrawn prior to action of the gateway review board at the discretion of the applicant initiating the request upon written notice to the board secretary.
- (H) Review and decision. The board shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted to the board for review.
- (I) Notification, building permit. Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant of the decision of the board. If the board approves the plans, and if all other requirements of the city have been met, the building official may issue a permit for the proposed building. If the board disapproves the plans, the building official may not issue such a permit. In a case where the board has disapproved the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.
- (J) Reconsideration. The Planning board chairman or vice-chairman, together with the city planner acting as a committee, shall review any minor revisions to determine whether the revisions made are in accordance with the articles and minutes of the applicable meeting. If the minor revisions required do not conform with the above requirements, no action may be taken. If, for some unforeseen reason, compliance is impractical, the item will be resubmitted at the next regularly scheduled meeting.
- (K) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the guidelines set forth in subsection 12-2-12(A), may be approved by letter to the building official from the board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.

(L) Procedure for City Council review. Any person or entity whose property interests are substantially affected by a decision of the board may, within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application

(Ord. No. 34-99, § 5, 9-9-99; Ord. No. 16-10, § 227, 9-9-10; Ord. No. 06-16, § 3, 2-11-16)

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Sec. 12-13-4. - Gateway Review Board. Reserved

~~(A) *Membership.* The Gateway Review Board shall be composed of the following members appointed by the city council: Three (3) members who own property within the district; Three (3) members representing the architectural, landscape architectural, engineering or building contracting profession who shall not own property within the district; and one member at large who does not own property in the district.~~

~~The three (3) members appointed to represent the architectural, landscape architectural, engineering and building contracting professions shall exercise all powers of the board pertaining to review and approval of plans within the GRD-1 district. If any such member is unable to participate in the review of any matter, the chairman of the board shall appoint another member of the board as a replacement for the review of such matter. Notwithstanding any provision in this section to the contrary, the attendance of and approving vote by two (2) such members shall be sufficient for the approval of any plan within the GRD-1 district.~~

~~(B) *Terms of office, vacancies, removal from office.* Members shall be appointed for a term of two (2) years, except in the case of an appointment to fill a vacancy for the two-year period in which event the appointment shall be for the unexpired term only. Any member of the board may be removed from office for just cause by the city council upon written charges and after public hearing.~~

~~(C) *Procedure for submission of plans.*~~

~~(1) An application to erect, construct, renovate, demolish and/or alter an exterior of a building located or to be located in a district within the review authority of the Gateway Review Board must be submitted to the community development department at least fourteen (14) days prior to the regularly scheduled meeting of the board.~~

~~(2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.~~

~~(3) No application shall be considered complete until all of the following have been submitted:~~

~~(a) The application shall be submitted on a form provided by the board secretary.~~

~~(b) Each application shall be accompanied by accurate site plans, floor plans, exterior building elevations and similar information drawn to scale in sufficient detail to meet the plan submission requirements specified within the gateway districts.~~

~~(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.~~

~~(d) Any party may appear in person, by agent, or by attorney.~~

~~(e) Any application may be withdrawn prior to action of the Gateway Review Board at the discretion of the applicant initiating the request upon written notice to the board secretary.~~

~~(D) *Review and decision.* The board shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted to the board for review.~~

~~(E) *Notification, building permit.* Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant of the decision of the board. If the board approves the plans, and if all other requirements of the city have been met, the building official may issue a permit for the proposed building. If the board disapproves the plans, the building official may not issue such a permit. In a case where the board has disapproved the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.~~

~~(F) *Failure to review plans.* If no action upon plans submitted to the board has been taken at the expiration of thirty-one (31) days from the date of submission of the plans to the board for review, such plans~~

shall be deemed to have been approved, and if all other requirements of the city have been met, the building inspection superintendent may issue a permit for the proposed building.

- (G) ~~Reconsideration.~~ The Gateway Review Board chairman or vice-chairman, together with the city planner acting as a committee, shall review any minor revisions to determine whether the revisions made are in accordance with the articles and minutes of the applicable meeting. If the minor revisions required do not conform with the above requirements, no action may be taken. If, for some unforeseen reason, compliance is impractical, the item will be resubmitted at the next regularly scheduled meeting.
- (H) ~~Abbreviated review.~~ Sign requests, paint colors, fencing, and emergency repairs which are consistent with the guidelines set forth in subsection 12-2-12(A), may be approved by letter to the building official from the board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.
- (I) ~~Voting.~~ No meeting shall be held without at least four (4) board members present. All decisions may be rendered by a simple majority of the board members present and voting.
- (J) ~~Procedure for review.~~ Any person or entity whose property interests are substantially affected by a decision of the board may, within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
- (K) ~~Authority and duties of the Gateway Review Board.~~ The Gateway Review Board shall have the authority and duty to approve or disapprove plans for buildings to be erected, renovated or razed which are located, or are to be located, within the gateway redevelopment district under the conditions and safeguards provided in subsection 12-12-2(A)(2) and to grant zoning variances from the land development regulations of the gateway redevelopment district, under the conditions and safeguards provided in subsection 12-12-2(A)(2). Review by the Gateway Review Board of applications for zoning variances shall be as provided for under section 12-13-4 (K) herein.
- (1) ~~Conditions for granting a zoning variance.~~ In order to authorize any zoning variance from the terms of this title, the Gateway Review Board must find in addition to the conditions specified in subsection 12-12-2(A)(2):
- (a) ~~That the variance granted will not detract from the architectural integrity of the development and of its surroundings; and~~
  - (b) ~~That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.~~
  - (c) ~~That the decision of the Gateway Review Board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection 12-13-4(K)(4). Hearings on variance applications under section 12-13-4(K) shall be conducted as a quasi-judicial hearing in accordance with the requirements of law.~~
- (2) ~~Hearing of variance applications.~~
- (1) ~~Application procedure.~~
    - (a) ~~An application for variance must be submitted to planning services at least twenty-one (21) days prior to the regularly scheduled meeting of the Gateway Review Board.~~
    - (b) ~~The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.~~

- ~~(c) Any party may appear in person, by agent, or by attorney.~~
- ~~(d) Any application may be withdrawn prior to action of the Gateway Review Board at the discretion of the applicant initiating the request upon written notice to the board secretary.~~
- ~~(2) Application submission requirements. No application shall be considered complete until all of the following have been submitted:~~
  - ~~(a) The application shall be submitted on a form provided by the board secretary.~~
  - ~~(b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.~~
  - ~~(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable.~~
- ~~(3) Public notice for variance.~~
  - ~~(a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.~~
  - ~~(b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting.~~
  - ~~(c) Planning Services shall notify addresses within a three hundred foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.~~

The agenda will be mailed to the board members and applicants and other interested parties. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.
- ~~(4) Judicial review of decision of Gateway Review Board. Any person or persons, jointly or severally, aggrieved by any quasi-judicial decision of the Gateway Review Board under section 12-13-4(K), or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the Gateway Review Board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.~~

~~(Ord. No. 33-98, § 3, 9-10-98; Ord. No. 12-09, § 4, 4-9-09; Ord. No. 16-10, § 229, 9-9-10; Ord. No. 06-16, § 4, 2-11-16)~~