

DOWNTOWN DEVELOPMENT REVIEW BOARD

BYLAWS

CITY OF JACKSONVILLE, FLORIDA



Adopted January 31, 2008
Amended March 31, 2011
Amended December 8, 2011
Amended May 3, 2012
Amended December 10, 2020

117 West Duval Street, Suite 310
Jacksonville, Florida 32202
Phone: (904) 255-5302

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15.0 New Member Orientation

1.0 PURPOSE: These Bylaws are adopted by the Board, to govern the performance of its duties in accordance with the requirements specified in the Jacksonville Ordinance Code and to inform the public of the nature of the Board’s organization, operation and other matters.

2.0 POWERS AND DUTIES:

2.1 Empowerment Clause: Section 656.361, *Ordinance Code*, outlines the functions and responsibilities of the Board. The functions and responsibilities fall into five categories: (i) review and make recommendations; (ii) final actions; (iii) review and assign planning and design priorities; (iv) act as a coordinating agency; and (v) act as Local Planning Agency (LPA).

2.2 Review and Make Recommendations:

- (a) to the Council with respect to all rezonings;
- (b) on plans and programs developed by the Department (excluding project planning) prior to transmittal to the Mayor or independent agency, as the case may be;
- (c) on any other actions required by law; and
- (d) regarding each proposal to amend the Downtown Zoning Overlay or Downtown Master Plan.

2.3 Review and Assign Planning Priorities: Review and assign planning priorities as requested by the Department or required by law.

2.4 Geographic Jurisdiction: The Board’s duties, as outlined in the Downtown Zoning Overlay, shall be limited to those projects and properties located in the Downtown Overlay Zone, as such is defined in section 656.361.2, *Ordinance Code*.

2.5 Local Planning Agency: The Board shall act as the Local Planning Agency required pursuant to section 163.3174, F. S. for projects located in the Downtown Overlay Zone.

2.6 Final Action:

- (a) hold public hearings for final action on requests for exceptions, variances, waivers, and minor modifications;
- (b) take final action on appeals from Administrative Deviation decisions;
- (c) take final action on appeals of site plan approvals issued by the Department;
- (d) take final action on applications for architectural and aesthetic conceptual and final design approval;
- (e) take final action on determinations of mitigation as required to maintain consistency with the Downtown DRI and the Transportation Concurrency Exception Area Implementation Plan;
- (f) take final actions on appeals from DDRB staff determinations; and
- (g) take final action on applications for development and redevelopment projects, including necessary mitigation and design related issues.

2.7 Pre-Application Meetings: All developers shall meet with one Board member and DDRB staff prior to submission of any application requiring DDRB review. Such review must be conducted prior to the subject application being deemed complete. It shall be noted on the agenda for each such item the name of the Board member who attended the pre-application meeting.

3.0 ORGANIZATION: Section 656.361.7 Downtown Development Review Board (DDRB).

3.1 Appointment and Confirmation: All members to the DDRB shall be appointed by the Mayor and confirmed by the City Council.

3.2 Membership: The DDRB shall consist of twenty (20) members: nine (9) voting members and eleven (11) ex officio members, as listed in section 656.361.7, Downtown Development Review Board.

3.3 Terms: Members are appointed to serve staggered terms of two years. Members shall continue in office for the term of their respective office, or until they are reappointed and confirmed, or until their qualified successors have been appointed and confirmed. No member shall serve more than three consecutive full terms.

3.4 Resignation: Any Board member may resign from the DDRB by tendering their resignation in writing to the Office of the Mayor with a copy to the Chair of the DDRB and the Executive Director of the JEDC.

3.5 Removal: If any appointed member fails to attend three (3) consecutive meetings without cause and prior approval of the Chairman, or for any other reason of just cause, that member shall be subject to removal by the Mayor, at the request of the Chair.

4.0 OFFICERS, ELECTION AND DUTIES:

4.1 Officers: The officers of the DDRB shall consist of a Chair, Vice-Chair and Secretary.

4.2 Selection: At each regularly scheduled July meeting, the DDRB members shall elect a Chairperson to serve as such for that annual term. The Chair shall appoint two members to a Nominating Committee. The Nominating Committee shall meet to discuss a slate for Vice Chair and Secretary. The slate shall be presented to the Board as a whole at the regular meeting in August. All Nominating Committee meetings shall be noticed and conducted as Public Meetings in accordance with Section 6 of these Bylaws.

4.3 Election: At the regular meeting in September, the Nominating Committee shall report the names slated for the positions of Vice Chair and Secretary. After additional names are permitted from the floor, the Board shall elect, by voice vote, the officers to serve for one year or until their successors are elected. The newly elected officers will take office effective October 1 each year. Participation of the public shall be at the discretion of the Chair.

- 4.4 Terms:** The term of office shall be for one year and shall begin at the close of the meeting at which the election is held. No member shall hold more than one office, and in no case shall the Chair be eligible to serve for more than two consecutive years. However, an officer may holdover until a successor is qualified and elected.
- 4.5 Duties of the Chair:** The Chair shall have the following duties: (i) preside at all Board meetings; (ii) have discretion to control the order of business; (iii) sign orders, reports, or any other documents requiring the signature of a certifying officer of the Board; (iv) appoint standing committees and any other committees as the Chair may deem necessary; and (v) appoint members to the standing committees and designate chair and vice chair of those committees.
- 4.6 Duties of the Vice Chair:** The Vice Chair shall exercise all functions of the Chair upon the absence, disqualification, or disability of the Chair.
- 4.7 Duties of the Secretary:** The Secretary shall have the following duties: (i) sign as Secretary for all orders on Exceptions, Variances, and Waivers, or any other documents needing a second signature of a certifying officer; and (ii) exercise all functions of the Chair upon the absence, disqualification, or disability of the Chair and the Vice Chair.
- 4.8 Duties of the Succession Officer:** In the absence, disqualification or disability of the Chair, or at his direction, the Vice-Chair shall exercise all the functions of the Chair. The Secretary, in the absence of the Chair and Vice-Chair, shall act as Chair, and at such times he shall have the same powers and duties of the Chair. In the absence of the Chair, Vice-Chair and Secretary, the Board member with the most seniority shall be the presiding officer at any meeting of the DDRB.

5.0 COMMITTEES:

- 5.1 Appointment to Committees:** The Chair shall appoint the members to the standing Committees, and of such special and select committees as the Chair deems necessary. The Chair shall designate the chair and vice chair of such special committees.
- 5.2 Standing Committees:** **Standing Committees may be created by a vote of the DDRB.** The Chair shall appoint the membership of the standing committees. Each committee shall consist of no less than 3 Board members.
- 5.3 Standing Committee Procedure:** The standing committee(s) shall meet at such times as is necessary to conduct their business. Notice of the meetings shall be provided in accordance with Section 6 of these Bylaws.
- 5.4 Chair as Ex Officio Member:** The Chair shall be a voting ex officio member of each committee of which he or she is not a regular member.

- 5.5 Standing Committee Quorum:** A quorum of any standing committee shall consist of a majority of the regular members. In the event of absence or conflict by one of the standing committee members, the Chair shall be counted in determining whether a quorum is present and shall be entitled to vote.
- 5.6 Standing Committee Consideration and Report:** All standing committees shall report on every subject referred to them, and shall dispatch as expeditiously as reasonably possible all matters. The action of the standing committee shall be reported to the full Board for discussion, debate, modification and or ratification.
- 5.7 Standing Committee Public Comments:** At the discretion of its chair, the standing committee may receive public comments.
- 5.8 Subcommittees:** A committee, by a majority vote, or the chair of the committee may appoint subcommittees from the committee's regular members to investigate, report and make recommendations on particular matters within the scope of the committee's duties for action by the committee. The action of a committee shall be presented to the full Board for ratification. At the discretion of the Chair, the Board may hear comments from the general public and/or discuss actions taken by committees during such presentations for ratification.

6.0 PROCEDURES:

- 6.1 Meetings:** Regular DDRB meetings are generally held at City Hall at St. James located at 117 West Duval Street on the first floor in the Lynwood Roberts Room, and shall be open to the public. As deemed necessary by staff, an alternate appropriate meeting place in a public facility for a meeting open to the public may be designated and will be advertised pursuant to 6.3 (Notice of Meetings). The DDRB shall meet on the first Thursday of the month commencing at 2:00 p.m.
- 6.2 Special Meetings:** A special meeting of the DDRB may be called by the Chair, presiding officer, or by vote of the majority of the Board.
- 6.2 Notice of Meeting:** The public shall be given reasonable notice of all meetings of the DDRB, standing committees, special committees or subcommittees. All notices shall be posted in the lobby of City Hall. Three days shall be reasonable notice for regular DDDDB meetings or standing committee meetings and 48 hours for special meetings.
- 6.4 Quorum:** Five (5) voting members shall constitute a quorum. All decisions and recommendations of the Board shall require a concurring vote of a majority of the members participating. Tie votes shall result in the subject agenda item being continued to the next meeting of the Board. If at any time during the meeting the quorum is lost, such shall be stated in the minutes and no further final action may be taken by the Board.

For board meetings (including committee meetings) required to be held at a physical meeting place, a board member may attend, participate, and vote at such meetings using communications media technology (as that term is defined in 28-109, Florida

Administrative Code), if (1) the meeting has been properly noticed, (2) a quorum of the board is physically present at the meeting place; and (3) such board member is unable to physically attend the meeting place due to an extraordinary circumstance. Such member's attendance at a board meeting via communications media technology will not be considered an absence for such member. Additionally, such member's attendance may not be counted towards the board's establishment of a quorum. For purposes of this provision, the board hereby approves the following circumstances as extraordinary circumstances that may prevent a board member from physically attending a board meeting in-person (an "Approved Extraordinary Circumstance"):

1. Illness, injury or other health matters; or
2. Out-of-town business related trips.

A board member who attends a board meeting via communications technology due to an Approved Extraordinary Circumstance may do so without further necessary action by the board as long as such member notifies the board chair and board staff prior to the meeting. The board may approve additional extraordinary circumstances, as may be presented to the board, on a case by case basis in the board's good judgement.

6.5 Attendance: Board members shall make every reasonable effort to attend all regular and special meetings of the Board. If any member fails, within a one year period, to attend three (3) consecutive meetings without cause and prior approval of the Chairman, or for any other reason of just cause, the Chairman may notify the Mayor and request that the member be relieved of his or her duties. If a member is unable to attend a DDRB meeting, they need to notify the Recording Secretary as soon as possible.

6.6 Order of Business: Business of the Board shall be ordinarily taken up at each regular meeting for consideration and disposition in the following order, subject to the discretion of the Chair.

- I. CALL TO ORDER
 - a. Confirmation of Quorum
- II. ACTION ITEMS
 - b. Approval of Minutes
 - c. Request for submittal of Speaker Cards
 - d. Consideration of Conceptual Design Approval applications
 - e. Consideration of Final Design Approval applications
 - f. Downtown Property Maintenance Code Waiver requests
 - g. Appeals from Staff Determinations
 - h. Land Use Amendments and Companion Zonings
 - i. Planned Unit Developments
 - j. Conventional Rezoning
 - k. Minor Modifications
 - l. Exceptions, Variances and Waivers
 - m. Ordinances
- III. INFORMATION/DISCUSSION ITEMS

- a. Appeals Update
- IV. OLD BUSINESS
- V. NEW BUSINESS
- VI. PUBLIC COMMENTS
- VII. ADJOURNMENT

7.0 DEFERRALS:

7.1 Deferrals Generally: Deferred applications shall normally be heard at the next regularly scheduled meeting. If the deferral is until a time certain, other than the next regularly scheduled meeting, the date and time shall be set upon the concurrence of a majority of the Board members present. After an item has been deferred, it stands deferred and may not be considered for the remainder of the meeting at which it was deferred.

7.2 Mandatory Deferral: Under the following situations, consideration of an application *shall* be deferred:

- (a) No Department Recommendation (hereinafter "Recommendation") as required by the Zoning Code has been received by the Board;
- (b) Failure of the applicant to present proof of payment for publication of notice to the Department prior to the public hearing on that item. If such proof is not presented prior to the next regularly scheduled public hearing on that item, the application shall be withdrawn from further consideration by the Board;
- (c) The applicant has made a request for withdrawal to City Council on any item for which the Board issues a recommendation to City Council; and
- (d) The applicant has failed to properly submit any of the documentation or other materials required in section 656.361.9, *Ordinance Code*.

7.3 Optional Discretionary Deferral:

- (a) The Chair may defer consideration of a matter at any time before the vote is taken on a motion for action, subject to the right of any Board member to appeal said deferment to the full Board;
- (b) Any Board member may appeal from the decision of the Chair, in which event a majority vote of the Board members present shall conclusively determine the ruling appealed from. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided; and,
- (c) For all matters deferred at the discretion of the Chair, which have also been advertised for public hearing, the Chair may encourage speakers to hold their comments until the meeting at which the Board shall take action. However, the Chair shall open the public hearing for those speakers who desire to speak at the advertised public hearing, and then continue the public hearing until the next Board meeting or a Board meeting of time and date certain.

7.4 Deferring or Reconvening Unfinished Business: If an application is heard as a public hearing but was caused to be deferred due to lack of the required votes for

final action, that item shall be heard as a public meeting with an opportunity for public input at the discretion of the Chair. It is suggested that the Chair may limit further public input to those members of the public that were unable to attend the prior public hearing on the issue.

- 7.5 Public Hearings Opening and Continuing:** Any matters which have been noticed for public hearing shall be opened for public hearing. If the matter is deferred, the public hearing shall be continued.

8.0 VOTING: MANNER OF VOTING, CHANGE VOTE

- 8.1 Majority Action:** Unless otherwise noted herein or required by Ordinance, Statute, or these bylaws, all actions of the Board shall be by majority of the Board members present.
- 8.2 Abstention:** No Board member shall vote on any question immediately concerning his or her pecuniary interest. In those cases, prior to the vote, Board members shall declare a conflict and abstain from participating or voting on the matter. The affected Board member may be allowed to respond to direct questions from a Board member concerning the subject application. Within 15 days of the vote, the Board member must file a statement with the Recording Secretary of the Board, who in turn shall incorporate same into the minutes of the meeting.
- 8.3 Voting Required:** Each Board member shall vote on each question presented. Any Board member present who refrains from giving his or her vote when required to do so shall be deemed to have given a vote in the affirmative.
- 8.4 Manner of Voting:** Voting shall be by voice vote or a show of hands at the discretion of the Chair. There shall be an announcement of the results of the votes by the Chair, and the Chair shall also state for the record which Board member made the motion and second. No proxy vote shall be permitted.
- 8.5 Change of Vote:** No Board member shall change his or her vote after the ballots have been called for and the vote announced unless: (i) the Board member desiring to change his vote announces immediately to the Chair his desire; (ii) the Chair announces to the Board the Board member's desire to change his vote; (iii) the Board may question and debate the reasoning for the vote change; (iv) a majority of the Board members present consent to the vote change; and (v) the procedure herein shall be followed prior to the commencement of the public hearing on the next item before the Board.
- 8.6 Procedure for Reconsideration:** In order to reconsider an item, a motion must be: (i) made by a Board member who voted with the prevailing side (in the case of a tie vote, the motion must be made by a Board member who voted in opposition to the original motion); (ii) seconded by any member of the Board; and (iii) passed by a majority of the Board present.

9.0 CODE OF CONDUCT:

- 9.1 Compliance with Laws:** The Board shall be governed by the State of Florida's Sunshine Law, public records and ethics laws, as specified in the provisions of Chapters 112 (Part 3), 119 and 286, Florida Statutes. All Board members shall thoroughly familiarize themselves with the provisions of these laws as they now exist or as they may be amended from time to time.
- 9.2 Ex Parte Communications:** Other than discussions conducted during the required pre-application meeting, oral or written communications occurring outside the public meeting or hearing, either between Board members or between members of the public and Board members, are discouraged regarding any matter actually before or likely to come before the Board. Only presentations made at the Board shall be considered in the decision on that item. Should such a communication occur, the Board member involved shall state, on the record during the discussion of the item, the content of the communication. If the communication occurs in writing, a copy of the document shall also be placed in the file of that item and made available at the public hearing(s) on the item. When applicable, the agenda shall reflect for each item the Board member who attended the pre-application meeting.
- 9.3 Government in the Sunshine:** The Board, and all meetings and committee and subcommittee meetings, whether formal or informal, are subject to the Sunshine Law codified in Chapter 286, Florida Statutes. A gathering of two or more Board members to discuss an item that may foreseeably come before the Board must be properly noticed in accordance with Section 6 of these Bylaws and written minutes must be provided for any such meeting.
- 9.4 Quasi-Judicial Matters:** Members shall not make remarks or otherwise indicate to the public that they have made a final decision on any quasi-judicial matter before the Board until all those desiring to speak have been heard and considered and all competent and substantial evidence has been introduced.
- (a) In quasi-judicial proceedings, cross examination must be allowed if requested; and,
 - (b) In quasi-judicial proceedings, all persons making presentations or remarks at the public hearing before the Board must be under oath. This may be done *en masse*, or individually as each person approaches the podium.
- 9.5 Decorum and Displays from the Public:** Any person, not a Board member, making personal, impertinent or slanderous remarks or who shall become boisterous while the Board is in session, shall forthwith be barred from further audience before the Board by the presiding officer in his/her discretion. No demonstrations of approval or disapproval from the audience shall be permitted, and if such demonstrations are made, the demonstrator shall be cleared from the Board meeting room.

10.0 CONSIDERATION OF MATTERS FOR FINAL (INCLUDING CONCEPTUAL) APPROVAL:

- 10.1 Exceptions:** Exceptions shall be considered in accordance with Section 656.131(c), *Ordinance Code* (see Appendix A).
- 10.2 Variances:** Variances shall be considered in accordance with Section 656.132(a), *Ordinance Code* (see Appendix A).
- 10.3 Waivers:** Waivers shall be considered in accordance with Section 656.133, *Ordinance Code* (see Appendix A).
- 10.4 Design Reviews and Deviations:** Applications presented to the Board for conceptual and final design review shall be considered in accordance with Section 656.361.9(f), *Ordinance Code* and deviations shall be reviewed in accordance with Section 656.361.22, *Ordinance Code* (see Appendix B).
- 10.5 Request for Waiver of Time Limit:** Waiver of time limits shall be considered in accordance with the Section 656.136(e) (1), *Ordinance Code* (see Appendix A).
- 10.6 Consideration by the Board of the Request for Waiver of Time Limit:** The applicant shall notify the JEDC staff of the intent to request a waiver of time limit. The JEDC staff shall furnish the Board with the Department’s original report and a copy of the minutes from which the application was denied. The Applicant must show:
- (a) a substantial change in circumstances from that originally existing at the time of the previous denial; and
 - (b) significant personal hardship or economic detriment if waiver of time is not granted.
- 10.7 Super Majority Vote Required:** The decision to waive the time limit shall be by voice vote and shall require the affirmative vote of two-thirds of the membership of the Board in order to grant the waiver.
- 10.8 Withdrawal of Application:** Pursuant to Section 656.139, *Ordinance Code* (see Appendix A), no application for an exception, variance or waiver may be withdrawn by the applicant at any time after the application fees have been paid. However, the Board may withdraw an application upon an affirmative vote and provided that the following conditions are met:
- (a) The applicant or agent must submit a letter requesting a withdrawal of the application to the Chair of the Board. The letter must clearly outline the reasons why withdrawal is being requested;
 - (b) The applicant or agent presents the case for withdrawal before the Board on the date of the originally scheduled public hearing; and
 - (c) Any opposition to allowing withdrawal of said application will be heard prior to the Board making a decision to withdraw.

10.9 Modification of Application: Any modification to the application by the applicant, including but not limited to a change in the legal description, the request made, or the site and/or design plan, must be presented in a copy-ready format to the JEDC staff or Department seven (7) working days prior to the scheduled public hearing. If an applicant wishes to modify the application less than seven working days before the hearing, the applicant must make a written request of deferral to the Chair, outlining the reasons why the application should be deferred (see *Optional Deferrals*, above). Matters seeking final approval may be modified by the Board in the form of any conditions, safeguards and/or limitations deemed appropriate by the Board.

10.10 Return of Fees: No fees shall be returned except due to a mistake or misunderstanding of the JEDC staff or Department, and following the Board's query of the JEDC staff or the Department.

10.11 Administrative Res Judicata: On any application that has been previously considered and denied by the Board or its predecessor entity, the Board shall initially make a determination as to whether there has been a substantial change in circumstances associated with such application, which, in essence, makes it an entirely new application. Such circumstances do not include facts or evidence that were available for presentation at the initial hearing, but were not actually presented. In any instance where the Board determines that there has not been a substantial change in circumstances, the application shall be denied. Where the Board determines there has been a substantial change of circumstances, the application shall be heard and decided on its merits.

11.0 PUBLIC MEETINGS AND PUBLIC HEARINGS:

11.1 Public Hearing Defined: A public hearing is an extraordinary procedure used only to gain information not otherwise obtainable or to hear both sides of a controversy or to argue the merits of a matter. The privilege of the floor is granted to the general public and members thereof may address the Board on the subject for which the public hearing is called.

11.2 Public Hearing Required: The following items require a public hearing: (i) application for exception, variance or waiver pursuant to Section 656.137, *Ordinance Code*; (ii) application for minor modification pursuant to Section 656.341(f)(2), *Ordinance Code*; (iii) applications for conceptual and final approval for design applications pursuant to Section 656.361.9, *Ordinance Code*; (iv) requests for deviations from the Downtown Zoning Overlay pursuant to Section 656.361.22, *Ordinance Code*; (v) requests for variances from the Downtown Property Maintenance Code pursuant to Part 5, Chapter 518, *Ordinance Code*.

11.3 Order of Business for Public Hearings; Subject to the Discretion of the Chair:

- Request for Speaker Cards regarding the public hearing
- Public Hearing Opened
- Applicant Presentation
- Applicant cross exam of staff

- Applicant's witnesses presentation
- Applicant's witnesses cross exam of staff
- Other Proponents of Applicant
- Opponents of application presentation
- Opponents of application cross exam of staff, applicant and proponents
- Applicant rebuttal/ cross exam of opponents
- Questions by Board members
- Public Hearing closed
- Motion for conditions, safeguards and limitations deemed appropriate by the Board
- Recital of findings of fact to be placed in the final order
- Motion for transferability entertained
- Motion for action on the application.

11.4 Public Meetings Defined: All meetings of the Board are public meetings unless specifically called as a public hearing. In public meetings of the Board and its committees, the public may, at the pleasure of the Chair, address the Board or committee. The Board, at the discretion of the Chair may receive comments from the public on matters in front of the Board for which there is no public hearing. Matters on which the Board reviews and or makes recommendations as outlined in Section 2.2(a)-(d) above, do not require public hearing and comments from the public are solely at the discretion of the Board.

11.5 Speaker Request Cards; Time Limits; and Testimony Subject Matter Limitation: A member of the public shall indicate their desire to address the Board or committee by filling out a Speaker Request Card. Each speaker recognized by the Chair shall be limited to a three (3) minute presentation. If possible, a representative of each group or faction on an issue should address the Board or committee rather than all the members of the group. Representatives for design review applicants shall not be limited to a three minute presentation, however, members of the public wishing to address the Board on a design application shall be given equal time. Whenever the Board is reviewing and making recommendations to the Council on matters such as (i) amendments to the Zoning Code; (ii) Planned Unit Developments; or (iii) amendments to the Downtown Master Plan or Downtown Zoning Overlay, the Board shall limit testimony on such matters to the technical information necessary for a proper planning decision. Members of the public wishing to address the Board, either as an applicant or as citizens either for or against the application, shall proceed to the place assigned for speaking, give his name and address in an audible tone of voice for the records and shall adhere to a three minute time limitation, unless granted additional time by the majority of the Board present.

12.0 ADMINISTRATION:

12.1 Enabling Clause: Section 30.202, Ordinance Code, states that the Director shall furnish the Board with all necessary administrative support.

12.2 Recording Secretary / Records Custodian: The JEDC shall assign a Recording Secretary to the DDRB. The Recording Secretary shall be responsible for (i)

arranging and noticing the meeting of the Board and notifying all Board members and City Council members of same; (ii) recording all meetings on audio tape, reducing to writing the minutes of meetings; (iii) maintaining the record of the Board's official action; (iv) maintain all Board records, correspondence and equipment, and making available public documents of the Board business upon reasonable request; (v) transmit Board letters or orders of all Board decisions to applicants; and (vi) coordinate the compilation and dissemination of the Board Agenda and Notebooks.

12.3 Minutes and Record: Written minutes shall contain, along with general information (such as time, date and place) the number of the individual applications, the Board member who met with the applicant in design review pre-application meetings; the findings and conclusions included in the motion, conditions on the motion, passage of the conditions, and the vote on the motion.

(a) in the event a decision of the Board is appealed, the JEDC shall cause a verbatim transcript to be made of that item. A majority of the members in attendance at the time of the appealed decision must approve the transcript. If time is of the essence, this approval may be given at a special meeting.

12.4 Planners: The assigned planners from the Department and JEDC shall (i) prepare a written report of recommendations for each application for exception, variance or waiver and zoning applications for planned unit developments or design related applications and requests for deviations; and (ii) give an oral report of recommendations for changes to the Zoning Code, Downtown Master Plan, Downtown Zoning Overlay.

12.5 Office of General Counsel: The General Counsel shall assign a representative to the Board who shall act as legal advisor to the Board on matters concerning the Zoning Code, Downtown Master Plan, Downtown Zoning Overlay, City Charter and other applicable laws which affect the Board. Further, the Assistant General Counsel shall review and form approve orders for exceptions, waivers, variances, waivers of time limit and rehearings based on actions of the Board.

13.0 REHEARINGS:

13.1 Rehearing Consideration: The Board shall consider requests for rehearings from final decisions (see Section 2.6 of these Bylaws) when it is alleged there has been a procedural error in the conduct of the public hearing; provided, however, that the Office of General Counsel shall advise that a procedural error has occurred, and provided further that the Board determines that such procedural error is consequential enough to have significant potential for changing the final decision upon rehearing.

13.2 Rehearing Procedure: A request for rehearing shall be filed in the office of the JEDC within fourteen (14) days from the meeting in which the final decision was made. The rehearing shall be noticed in the manner of a public hearing.

Additionally, all persons who appeared before the Board shall be notified by the Department of the time, date, place and purpose of such rehearing.

13.3 Remand Rehearing: Where a final decision of the Board has been appealed to a court, the Board shall rehear an application which has been remanded back to it for rehearing or other action with any requirement or need of vote by the Board. All persons who appeared before the Board shall be notified by the Department of the time, date, place and purpose of the rehearing.

14.0 CONSTRUCTION, SUSPENSION AND AMENDMENT OF BYLAWS:

14.1 Parliamentary Authority: Robert's Rules of Order, so far as they are applicable and are not in conflict with these Bylaws, City Ordinances, or the Charter of the City, shall govern the proceedings of this Board. The representative from the Office of General Counsel shall advise the presiding officer with respect to parliamentary procedure and the proper application of these Bylaws to the business of the Board.

14.2 Interpretation of Bylaws: It shall be the duty of the presiding officer to interpret all Bylaws. When used in these Bylaws, unless the text otherwise indicates:

- (a) the singular includes the plural; and
- (b) the masculine includes the feminine.

Any Board member shall have the right to appeal said interpretation to the full Board.

14.3 Suspension of Bylaws: Any Bylaw may be temporarily suspended, by a vote of two-thirds of all the Board members unless such suspension would conflict with provisions of the laws of Florida, the Charter or ordinances of the City. The Bylaws shall not be suspended to amend any Bylaw or part thereof.

14.4 Amendment of Bylaws: These Bylaws may be amended at any regular meeting by a two-thirds vote of all the Board members, provided that the Board is advised in advance of the meeting (distribution of the meeting agenda) and in writing prior to the Board meeting that the amendment will be voted on.

15.0 NEW MEMBER ORIENTATION:

New members appointed to the Board shall receive an orientation, prior to attending their first meeting, by the Director or designee so that they may be more effective members of the Board. Such orientation should include exposure to, but not limited to, the following:

- the Zoning Code and its requirements
- the Downtown Zoning Overlay and Downtown Master Plan;
- the application process for citizens requesting exceptions, variances and waivers from the Zoning Code and the design review process in the Downtown Zoning Overlay;
- the Downtown DRI and TCEA;

- the Downtown Property Maintenance Code;
- the Department and JEDC staff recommendation process;
- procedures for making quasi-judicial decisions;
- parliamentary procedure;
- City of Jacksonville 2010 Comprehensive Plan;
- Florida's "Sunshine Law," and public record law as they apply to the Board; and these Bylaws.