

ARCHITECTURAL REVIEW COMMISSION
RULES OF PROCEDURE
ADOPTED February 2009

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1.0 COMMISSION NAME; CITATION

1.1 The name of this Commission is the City of Tampa Architectural Review Commission, hereinafter referred to as the "Commission."

1.2 The rules of procedure of the Commission shall be cited as the "Rules." For procedures not covered by the Rules, the Commission shall follow the rules set forth in the current edition of Robert's Rules of Order, except that the Robert's Rules of Order which allow reconsideration and rescission of motions granting or denying applications shall not apply.

2.0 MEMBERS; OFFICERS; ELECTIONS; TERMS OF OFFICERS; DUTIES

2.1 Members. The Commission shall consist of seven (7) members appointed by the Mayor and City Council, the composition and terms of which are set forth in City of Tampa Code Section 27-212.

2.2 Alternate Members. Two alternate members shall be appointed as provided in City of Tampa Code, Section 27-212. Alternate members shall sit only when a member is unable to attend a meeting of the Commission.

2.3 Officers. Officers of the Commission shall be Chair and Vice-Chair.

2.4 Elections. At the first regularly scheduled meeting in April, Commission members shall make nominations for the election of Chair and Vice-Chair. A majority vote of the Commission members present shall elect the two officers.

2.5 Terms of Officers. The Chair and Vice-Chair shall hold office for a period of one year. The Commission shall elect a replacement to complete the unexpired term of any officer who resigns from such position or otherwise cannot complete his or her term of office.

2.6 Duties of Officers. The Chair shall preside at all meetings of the Commission. If the Chair is absent, the Vice-Chair shall preside at the meeting.

2.7 Chair Pro Tem. In the event both the Chair and Vice-Chair are absent, a Chair Pro Tem shall be elected at that hearing, and shall preside at the meeting until such time as the Chair or Vice-Chair presents himself or herself.

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2.8 Applications, Appeals, or Recommendations Involving Member. In accordance with applicable Florida Statutes (Chapter 112) and City of Tampa Code (Chapter 2, Art. VIII), no Commission member shall appear before the Commission on behalf of any person other than himself or herself.

2.9 Impartiality required. No Commission member shall, in any manner, discuss any application, appeal, or recommendation with any person other than staff or the Commission’s Attorney prior to the Commission’s deliberations on such application, appeal, or recommendation.

Members of the Commission shall not express individual opinions on any application, appeal, or recommendation prior to the determination, except in accordance with these Rules.

2.10 Familiarity with laws. Each member of the Commission shall be thoroughly familiar with all statutes, laws, codes and Rules relating to the Commission.

3.0 ADMINISTRATOR; COMMISSION ATTORNEY

3.1 Administrator. The Administrator shall have the duties as described in City of Tampa Code Sec. 27-213(b).

3.2 Commission Attorney. The City Legal Department shall provide the legal advisor to the Commission.

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4.0 MEETINGS; CONDUCT OF MEETING**

4.1 Scheduling of regular meetings. The Commission shall meet at least once a month at a regularly scheduled time. Additional meetings may be called by the Chair or upon the request of four (4) Commission members.

4.2 Workshop. A workshop shall be held for the purpose of informing the Commission on a special matter of concern, but not on any specific application, appeal, or recommendation.

No official action by the Commission may be taken during the workshop.

4.3 Designation of another meeting place. In the event that it is impossible or impractical to meet in the Council Chambers, the Chair may designate another meeting place in the City of Tampa. Notice of such designation shall be posted at the entrance to the Council chambers or on the bulletin board on the first floor of City Hall prior to such meeting.

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4.4 Cancellation of meetings. Prior to a meeting, whenever it is determined that there is no business for the Commission or that there are not members available to establish a quorum, the Chair may dispense with a regular meeting by giving notice to all the members not less than twenty-four hours prior to the time set for the meeting.

4.5 Quorum. A quorum shall consist of four (4) members of the Commission.

No meeting shall commence or continue unless a quorum is present. After a reasonable period of time has elapsed and a quorum is not present, all remaining matters on the agenda shall be rescheduled for the next meeting.

4.6 Order of Business. The order of business shall be by Agenda. Changes to the Agenda may be made by motion and affirmative vote of the majority of the members present at the hearing.

4.7 Agenda. The Agenda for each regular meeting shall be limited to seven (7) new applications and no more than three (3) previously continued applications.

4.8 Minutes. The staff shall keep minutes of all Commission proceedings. The minutes shall show the vote of each member on each question, or if a member is absent or fails to vote because of potential conflict of interest, indication of such fact. The minutes of each meeting shall be filed in the Historic Preservation and Architectural Review office and shall be public record.

4.9 Reading and Amending of Minutes. Minutes from the previous Commission meeting need not be read unless the reading is requested.

5.0 VOTING AND ABSTENTION

5.1 Votes Required as to Certain Measures. A simple majority vote of those Commission members present shall be required for approval and denial of applications, appeals, and recommendations. The person acting as Chair at the meeting may vote on any motion.

5.2 Tie Vote. When a matter is considered by the Commission and a tie vote is obtained, the Commission's action becomes a nullity, and the matter shall be automatically carried over for consideration at the Commission's next meeting as unfinished business.

5.3 Abstention. In accordance with applicable Florida Statutes (Chapter 112) and City of Tampa Code (Chapter 2, Art. VIII, Chapter 27, Art. IX), any Commission member who has a conflict of interest due to a "special

1 private gain" must abstain and file any required documents.

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6.0 APPLICATIONS AND RECOMMENDATIONS, GENERAL

- 6.1 Applicants.** Only the bona fide owner or authorized agent of the owner, of a specific piece of real property may apply for a Certificate of Appropriateness, Ad Valorem Tax Exemption, or variance.
- 6.2 Form of Applications.** Applications to the Commission shall be made in the form prescribed by the City of Tampa.
- 6.3 Site Visits by Members of the Commission.** Prior to a hearing, members of the Commission may independently visit properties to be considered at the hearing.

7.0 HEARINGS ON APPLICATIONS AND RECOMMENDATIONS, GENERAL

- 7.1 Appearance by Applicant.** The applicant or his or her authorized agent shall appear in support of the application at the public hearing. If the applicant or authorized agent fails to appear, the Commission may allow the application to be carried over to the next available Agenda.
- 7.2 Who May be Heard.** Any interested person, firm, or corporation may appear in person, or by agent or attorney.
- 7.3 Hearing Procedures, General:**
 - 7.3.1** Call to order by the Chair.
 - 7.3.2** Swearing in of all persons who will be testifying and/or presenting evidence to the Commission.
 - 7.3.3** Order and time allotment for the presentation shall be as provided for each application type. In the event more than one application is filed and heard in the same evening, (i.e., a variance application and a certificate of appropriateness application), the time limits shall be the greatest amount of time allowed for one of the applications.
 - 7.3.4** The time limitations for speaking or presentations may be waived by a majority vote of the Commission members present for good cause shown.
 - 7.3.5** The Commission may question witnesses as it feels necessary. The Commission Attorney may question witnesses to assist the Commission.

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7.3.6 The Chair may call to order any person before the Commission who is deemed out of order. Such a person who fails to comply with said request shall be asked to leave by the Chair. The Chair may request security assistance as may be required.

7.3.7 Voting may be postponed only if necessary to allow the Commission to obtain additional evidence before making a decision. The Commission shall state what additional testimony is needed and the matter will be continued, unless otherwise specified, to the next available Agenda.

7.3.8 The Commission shall orally issue an order granting or denying the application. If the application is denied, the Commission shall state the applicable portions of the City of Tampa Code as the basis for the denial of the application. Said order shall be reduced to writing and furnished to the applicant.

7.4 Effect of Approval. The Historic Preservation and Architectural Review office shall transmit a letter to the applicant describing the nature of the application approved, or the recommendation made by the Commission. The effective date of approval shall be the date of the public hearing at which the approval was issued.

7.5 Effect of Denial. The Historic Preservation and Architectural Review office shall transmit a letter to the applicant describing the nature of the application denied, or the basis for the recommendation of denial. The letter shall state the applicable portions of the City of Tampa Code as the basis for the denial of the application, or the recommendation of denial. The effective date of the denial shall be the date of the public hearing at which the denial was reached. Denial of an application shall preclude acceptance and consideration of any application substantially the same as the original application for a period of twelve (12) months from the date of such denial, except as provided in Chapter 27, Art. VIII of the City of Tampa Code.

7.6 Appeal. Any appeal of a Commission decision shall be in accordance with Chapter 27 of the City of Tampa Code.

8.0 HEARINGS ON CERTIFICATE OF APPROPRIATENESS APPLICATIONS

8.1 Order and time allotment for hearing.

(1) The staff shall briefly introduce the application.

(2) Applicants appearing before the Commission shall have the right to give testimony, and to present witnesses and documentation.

1 Applicants shall be limited to thirty (30) minutes for their
2 presentation.

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4 (3) Staff shall have ten (10) minutes to present its staff report.
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6 (4) Interested persons will then be given an opportunity to speak in
7 support of, or in opposition to, the application before the
8 Commission. Interested persons shall be limited to three (3)
9 minutes each.
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11 (5) The Commission shall have an opportunity to ask questions on the
12 application.
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14 (6) The applicant will have five (5) minutes for final rebuttal.
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16 (7) The Commission will have discussion.
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18 (8) The Commission will make a motion to approve, approve with
19 conditions, deny the application, or continue the application.
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22 **9.0 HEARINGS ON VARIANCE APPLICATIONS**

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24 **9.1 Order and time allotment for hearing.**

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26 (1) The staff shall briefly introduce the application.
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28 (2) Applicants appearing before the Commission shall have the right
29 to give testimony, and to present witnesses and documentation.
30 Applicants shall be limited to ten (10) minutes for their
31 presentation.
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33 (3) Interested persons will then be given an opportunity to speak in
34 support of, or in opposition to, the application before the
35 Commission. Interested persons shall be limited to three (3)
36 minutes each.
37
38 (4) The Commission shall have an opportunity to ask questions on the
39 application.
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41 (5) The applicant will have five (5) minutes for final rebuttal.
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43 (6) The Commission will have discussion.
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45 (7) The Commission will make a motion to approve, approve with
46 conditions, deny the application, or continue the application.

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10.0 HEARINGS ON AD VALOREM TAX APPLICATIONS

10.1 Order and time allotment for hearing.

- (1) The staff shall briefly introduce the application.
- (2) Applicants appearing before the Commission shall have the right to give testimony, and to present witnesses and documentation. Applicants shall be limited to fifteen (15) minutes for their presentation.
- (3) Staff shall have five (5) minutes to present its staff report.
- (4) Interested persons will then be given an opportunity to speak in support of, or in opposition to, the application before the Commission. Interested persons shall be limited to three (3) minutes each.
- (5) The Commission shall have an opportunity to ask questions on the application.
- (6) The applicant will have five (5) minutes for final rebuttal.
- (7) The Commission will have discussion.
- (8) The Commission will make a motion to recommend approval, approval with conditions, denial of the application, or continue the application.

11.0 HEARINGS ON RECOMMENDATIONS TO CITY COUNCIL

11.1 Order and time allotment for hearing.

- (1) The staff shall briefly introduce the application.
- (2) Applicants appearing before the Commission shall have the right to give testimony, and to present witnesses and documentation. Applicants shall be limited to thirty (30) minutes for their presentation.
- (3) Staff shall have ten (10) minutes to present its staff report.
- (4) Interested persons will then be given an opportunity to speak in support of, or in opposition to, the application before the Commission. Interested persons shall be limited to three (3) minutes each.

minutes each.

(5) The Commission shall have an opportunity to ask questions on the application.

(6) The applicant will have five (5) minutes for final rebuttal.

(7) The Commission will have discussion.

(8) The Commission will make a motion to recommend approval, approval with conditions, denial of the application, or continue the application.

12. HEARINGS ON APPEALS OF ADMINISTRATIVE OFFICIAL DETERMINATIONS

12.1 Parties. The Administrator is the administrative official who entered the order or made the requirement, decision, or determination (hereinafter referred to “Administrative Official Determination”).

The Applicant is the party that requested an Administrative Official Determination.

The Appellant is the party that has filed an appeal of an Administrative Official Determination.

12.2 Burdens of the Parties. Because the City of Tampa Code requires a *de novo* appeal, when the Applicant is also the Appellant and is appealing a negative Administrative Official Determination, the Appellant/Applicant has the burden to demonstrate, by competent substantial evidence, the requirements for the condition or determination sought have been satisfied.

When the Appellant is appealing an affirmative Administrative Official Determination and is not the same party as the Applicant, the Applicant has the burden to demonstrate, by competent substantial evidence, the requirements for the condition or determination sought have been satisfied. The Appellant has the burden to demonstrate, by competent substantial evidence, that the Applicant has not satisfied the requirements for the condition or determination sought.

12.3 Duties of the Administrator. The Administrator shall, upon notification of the filing of the appeal, transmit to the Commission all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken.

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12.4 Who May be Heard. The Appellant, Applicant, Administrator, or any interested person, firm, or corporation may appear in person, or by agent or attorney.

12.5 Scope of Review. An appeal to the Commission of an Administrative Official Determination is a *de novo* review. Additional evidence may be provided to the Commission that was not presented to the Administrator when the condition or determination was sought by the Applicant. Since the appeal is *de novo*, the Applicant must demonstrate the requirements for the condition or determination sought have been satisfied, and cannot solely rely on the decision of the Administrator. The Commission cannot solely rely upon the decision of the Administrator in making its final decision.

12.6 Deadline for filing evidence. In order to allow the Commission adequate time to review all documentary evidence submitted by the Parties in support of their respective presentations, and to allow the other Parties a meaningful opportunity to respond to said documentary evidence, each Party shall file the documentary evidence it plans to present to the Commission no later than seven (7) calendar days before the scheduled hearing date. If a Party does not file its documentary evidence by the deadline and the amount of documentary evidence presented is such that it cannot be fully reviewed at the hearing, the Commission may continue the hearing to the next available Agenda or to a specially called hearing date.

12.7 Hearing Procedures:

12.7.1 The Administrator will present first and provide the Commission with the following:

- (1) the nature of the application for order, requirement, decision or determination;
- (2) a summary of the documentation the Administrator used to make the order, requirement, decision or determination;
- (3) the requirements for the condition or determination sought that must be satisfied.
- (4) the basis for the order, requirement, decision or determination and;
- (5) any other relevant data.

12.7.2 After the Administrator's presentation, the Applicant will present

1 and demonstrate to the Commission the requirements for the
2 condition or determination sought have been satisfied. The
3 Applicant shall have the right to give testimony, and to present
4 witnesses and documentation. The Applicant shall have up to
5 thirty (30) minutes to make a presentation.
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7 **12.7.3** If the Appellant is appealing an affirmative determination of an
8 application by the Administrator and is not the same party as the
9 Applicant, then the Appellant will present after the Applicant
10 presents his/her case. The Appellant shall have the right to give
11 testimony, and to present witnesses and documentation. The
12 Appellant shall have up to thirty (30) minutes to make a
13 presentation. If the Appellant is also the Applicant and is
14 appealing a negative determination of an application by the
15 Administrator, the Applicant/Appellant is only allowed the thirty
16 (30) minutes set forth in paragraph (2) above and is not entitled to
17 an additional thirty (30) minutes.
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19 **12.7.4** Following the presentations of the Administrator, Applicant, and
20 Appellant, the Commission may hear from other interested persons
21 who wish to speak on the matter on appeal. Interested persons
22 shall be limited to three (3) minutes each.
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24 **12.7.5** After any and all interested persons have had the opportunity to
25 speak, the Applicant will be allowed rebuttal time of no more than
26 five (5) minutes.
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28 **12.7.6** After the Applicant's rebuttal, the Appellant will be allowed
29 rebuttal time of no more than five (5) minutes.
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31 **12.7.7** The time limitations for speaking or presentations may be waived
32 by a majority vote of the Commission members present for good
33 cause shown.
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35 **12.7.8** The Commission may question any parties, witnesses, or interested
36 persons it feels necessary. The attorney for the Commission may
37 question any parties, witnesses, or interested persons to assist the
38 Commission.
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40 **12.7.9** The Chair may call to order any person deemed out of order. Such
41 party or person who fails to comply with said request shall be
42 asked to leave by the Chair.
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44 **12.7.10** Voting may be postponed only if necessary to allow the
45 Commission to obtain additional evidence before making a
46 decision. The Commission shall state what additional evidence is

1 needed and the matter will be continued, unless otherwise
2 specified, to the next available Agenda.

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4 **12.7.11** After the Commission has heard all testimony from the
5 Administrator, Applicant, Appellant, interested persons, and
6 witnesses, the Chair shall close public hearing on the matter.

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8 **12.7.12** After public hearing on a matter is closed, the Commission
9 shall publicly discuss the matter and then immediately vote on the
10 question before it.

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12 **12.7.13** The Commission shall orally issue an order granting or
13 denying the appeal and state the basis for its decision. Said order
14 shall be reduced to writing and furnished to the Appellant and
15 Applicant.

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17 **12.8** There is no opportunity for a rehearing on the Commission's decision.

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20 **13.0 MISCELLANEOUS**

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22 **13.1** Rule Changes. These Rules may be altered in a manner not
23 inconsistent with the City of Tampa Code during a regular meeting by the
24 affirmative vote of at least four (4) members of the Commission.
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