



CLEARWATER
BRIGHT AND BEAUTIFUL · BAY TO BEACH

COMMUNITY DEVELOPMENT BOARD RULES OF PROCEDURE

ARTICLE I. BOARD NAME AND PURPOSE

The name of this board shall be the Community Development Board of the City of Clearwater, hereinafter referred to as the “Board.”.

The Board shall be governed by these rules of procedure; for any matters not covered by these rules, the City of Clearwater Community Development Code (the “Community Development Code” or “CDC”) and the most current edition of Robert’s Rules of Order shall govern.

ARTICLE II. AUTHORITY AND JURISDICTION

The purpose of the Board is to implement the provisions of the City of Clearwater Community Development Code ~~of the City of Clearwater~~ and it shall perform the functions and exercise the authority granted to it in the Code. The Community Development Code is codified as Subpart B of Part II of the City’s Code of Ordinances, as originally adopted on January 21, 1999, made effective on March 8, 1999 and as may be amended from time to time. The Board shall have jurisdiction for all property within the corporate limits of the City of Clearwater pursuant to the Community Development Code.

ARTICLE III. MEMBERS AND OFFICERS

Section 1. Members

The City Council shall appoint seven regular members and one alternate member to the Board who are residents of the City of Clearwater in accordance with the provisions of the Community Development Code. The length of a regular member’s term shall be four years and a member may be re-appointed for one successive four-year term. For the appointment of the initial Board, terms shall be staggered such that no more than two members’ terms shall expire in any calendar year. The alternate ~~B~~board member shall serve at the pleasure of the City Council for a four-year term and may be reappointed for one successive term. In the event the alternate member is appointed as a regular member, the term already served

as an alternate shall not be considered part of the allowable term as a regular member. (CDC Article 5, Division 2)

Section 2. Officers

The Board shall annually elect a Chairperson and a Vice-Chairperson at its meeting in March. All officers shall serve a one-year term and may be re-elected by the Board. Should the Chairperson or Vice Chairperson not be able to serve out the entirety of the term, the Board shall hold an election to fill the vacancy of the office. The newly elected officer shall serve only until the next regular election of officers. (CDC Section 5-204)

Section 3. Duties of Officers

The Chairperson shall preside at all meetings of the Board and shall have the duties normally conferred upon the office by parliamentary rules, except that the Chairperson shall neither make nor second a motion. The Chairperson shall have the privilege of discussing all matters before the Board and shall have the same voting rights as other Board members. If the Chairperson is absent from a meeting, the Vice-Chairperson shall preside at the meeting and perform all of the functions of the Chairperson. If both the Chairperson and Vice Chairperson are absent from a meeting, the attending members of the Board shall select a member to preside at that meeting. (CDC Section 5-204)

Section 4. Staff and Legal Advisor to the Board

The Planning and Development Department shall serve as staff to the Board and shall provide it with the necessary professional support to carry out its duties. (CDC Section 5-204)

The City Attorney’s office shall provide legal representation to the Planning and Development Staff and outside legal representation shall be provided to the Board to assist it in its responsibilities.

ARTICLE IV. CONDUCT OF MEETINGS

Section 1. Meetings

The Board shall meet on the third Tuesday of each month beginning at 1 p.m. in the City Council Chambers, ~~City Hall~~ unless otherwise prescribed. All meetings of the Board are open to the public and shall be properly noticed in accordance with Florida law.

The Chairperson or a majority of the Board membership may call a special meeting when required for the conduct of its business. (CDC Section 5-203)

Section 2. Quorum and Vote

A quorum of five members is required to conduct the business of the Board. The concurring vote of at least four members is required for action on any item before the Board. If a decision results in a vote of 3 to 2, the matter shall automatically be continued to the next regularly scheduled meeting of the Board for a decision.

In the event all regular members are present, the alternate member shall have all of the rights and responsibilities of a regular member except for the right to vote. In the absence of a regular Board member at a Board meeting or during an agenda item when a regular member cannot vote due to a conflict of interest, the alternate member shall also have the right to vote. (CDC Section 5-203)

Section 3. Conflict of Interest

Any Board member who has a conflict of interest due to a special private gain or loss shall announce the nature of the conflict prior to the beginning of the application and must abstain from discussion and voting on that item. The member must also file the conflict of interest disclosure statement with the City Clerk as required by Florida Statutes within 15 days of the meeting. On all other matters where a member does not have a conflict of interest, a member must vote on the matter.

Section 4. Order of Meeting

Meetings shall generally be conducted according to the following order:

- Call to Order, Pledge of Allegiance
- Roll Call
- Approval of Minutes of Previous Meetings
- ~~Citizens to be Heard, re: Items Not on the Agenda~~

~~Withdrawn~~

- Requests for Continuance~~ss~~
- Consent Agenda
- ~~Continued~~ Items Continued During Previous Public Hearing
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- Consideration of Items Removed from the Consent Agenda and Items not Appearing on the Consent Agenda
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- Level Two Applications
- Level Three Applications
 - Land Use Plan Amendments
 - Zoning Atlas Amendments
 - Text Amendments to the Community Development Code
 - Amendments to the Comprehensive Plan
 - Historic Designations
 - Development Agreements (not permissible on the Consent Agenda)
- Requests for Rehearing
- ~~Level Two Applications~~
- ~~Level Three Applications~~
 - ~~Land Use Plan Amendments~~
 - ~~Rezoning Applications~~
 - ~~Text Amendments to the Community Development Code~~
 - ~~Development Agreements~~
- Appeals
- Director's Items

- Special Studies and Plans
- Election of Officers
- Adjournment

The Board may utilize a consent agenda which shall include all cases, except for Development Agreements and Appeals, for which the Planning and Development Department recommends approval and, the Applicant is in agreement with any proposed conditions, ~~and no objections have been received from the public~~. The cases that meet the above qualifications to be placed on the consent agenda will be identified on the printed Board agenda. After each item on the consent agenda is read by the Chairperson, the Chairperson shall ask if any Board member or member of the audience desires to remove the case from the consent agenda due to objections or questions. If a case is removed from the consent agenda, the case will be heard in the regular order of the agenda. A full presentation on all other cases that remain on the consent agenda will not be required and the Board may approve the consent agenda with a single vote as to those Level Two applications remaining on the consent agenda, and a separate single vote as to those Level Three applications remaining on the consent agenda. The Chairperson shall ask for disclosure of any ex parte communications concerning Level Two applications remaining on the consent agenda prior to such vote.

The Board may take a break at any time during the course of the meeting; however, a 15-minute break period shall occur at a time before or at the four hour mark.

Section 5. Visual Electronic Presentations

Applicants and members of the public may present a visual electronic (e.g. PowerPoint) presentation to the Community Development Board using the City's equipment provided that:

- Such presentation shall occur within the applicable time limits for oral presentations and cumulative time limits as set forth in Article V of these Rules;
- Such presentation is reviewed by the Public Communications Department no later than 5:00 p.m. the Thursday prior to the CDB meeting to ensure readability of the presentation on the T.V. monitors. It is the responsibility of the presenter to make arrangements with the Public Communications Departments to schedule such review. Any presentation that is not reviewed by the Public Communications Department will not be allowed to be presented at the Community Development Board meeting;
- The presenter shall make arrangements with the Public Communications Department to load the visual electronic presentation onto the City's equipment no later than 12:00 p.m. on the day of the Community Development Board meeting. The presenter shall provide the presentation in a format agreed to by the Public Communications Department; and

- Hard copies of the visual electronic presentation (excluding video presentations) shall be provided to the Board members, City Clerk, Board Attorney, City Attorney representative and City ~~S~~staff at the meeting.

ARTICLE V. REVIEW OF APPLICATIONS

Section 1. Legislative Hearings

Land ~~u~~Use ~~p~~Plan amendments, development agreements, ~~and~~ text amendments to the Community Development Code, Zoning Atlas Amendments, Historic Designations, and amendments to the City of Clearwater Comprehensive Plan~~the~~ shall be reviewed in a legislative hearing open to the public and duly noticed. The order of the hearing shall be as follows:

- Presentation by Planning and Development Staff (10 minutes ~~maximum~~)
- Presentation by Applicant (10 minutes ~~maximum~~)
- Comments by the Public (-3 minutes per person ~~maximum~~)
- Closing Remarks by Planning and Development Staff (3 minutes ~~maximum~~)
- Closing Remarks by Applicant (3 minutes ~~maximum~~)
- Discussion and Vote by Board

In general, the Planning and Development Staff and ~~A~~applicant shall be limited in their presentation and closing remarks to the time limits as outlined above. Closing remarks shall be limited to a presentation of issues previously discussed and the speaker(s) shall not be permitted to present new information except to correct inaccuracies presented during the hearing.

Each member of the public is limited to a presentation of three minutes. If an individual represents and will be speaking for a group, the Chairperson may authorize a reasonable amount of time for presentation from three minutes to a maximum of ten minutes.

Where warranted by the complexity of the application, the Chairperson may extend the presentation time provided there is no objection by a Board member. Should a Board member object to granting additional time, the Board shall discuss and vote on the additional time request. Equal extension of time shall be allotted to the Planning and Development Staff, ~~the~~ Applicant and the publicopposition, if any. (CDC Section 4-206)

Section 2. Quasi-Judicial Hearings

All other applications of the Community Development Code not specifically detailed in Section 1 above shall be reviewed in a quasi-judicial hearing open to the public and duly noticed. The order of the hearing shall be as follows:

- Request for disclosure of ex parte communications
- Requests for Party Status
- Presentation by Planning and Development Staff (10 minutes ~~maximum~~)
- Presentation by Applicant (10 minutes ~~maximum~~)

- Presentation by Persons with Party Status (5 minutes per party ~~maximum~~)
- Cross Examination of witnesses by Planning and Development Staff
- Cross Examination of witnesses by Applicant
- Cross Examination of witnesses by Persons with Party Status
- Comments by the Public (3 minutes per person ~~maximum~~)
- Closing Remarks by Planning and Development Staff (3 minutes ~~maximum~~)
- Closing Remarks by Persons with Party Status (3 minutes ~~maximum~~)
- Closing Remarks by Applicant (3 minutes ~~maximum~~)
- Discussion and Vote by the Board

In general, the Planning and Development ~~S~~staff, ~~and A~~applicant, and Persons with Party Status shall be limited in their presentation and closing remarks to the time limits as outlined above. Closing remarks shall be limited to a presentation of issues previously discussed and the speaker(s) shall not be permitted to present new information except to correct inaccuracies presented during the hearing.

Each member of the public is limited to a presentation of three minutes. If an individual represents and will be speaking for a group, the Chairperson may authorize a reasonable amount of time for presentation from three minutes to a maximum of ten minutes before the commencement of testimony.

Where warranted by the complexity of the application, the Chairperson may extend the presentation time frames in this section provided there is no objection by a Board member. Should a Board member object to granting additional time, the Board shall discuss and vote on the additional time request. Equal time shall be allotted to ~~both~~ the Planning and Development Staff, ~~and the Applicant,~~ and Persons with Party Status. (~~CDC Section 4-206~~)

Section 3. Appeals

An appeal of an administrative interpretation of the Community Development Code or a Level One decision shall be heard by the Board as a quasi-judicial public hearing according to CDC Section 4-206 ~~of the Community Development Code.~~ At the conclusion of the hearing, the Board may uphold or reverse the administrative interpretation or Level One decision, ~~and~~ may also attach specific conditions to the reversal of the Level One decision. (CDC Article 4, Division 5)

Section 4. Continuances

The Planning and Development Staff or Applicant may request that the Board continue an item on the Community Development Board agenda to a later meeting date at any time prior to final decision by the Board on the item upon providing justifiable cause.

An application that receives a continuance prior to the commencement of the application's public hearing that had and continues to qualify for placement on the consent agenda may when continued to a new meeting date be placed on that meeting's consent agenda. An

item continued during its public hearing shall not qualify to be placed on the consent agenda at the later meeting date.

Any application that is continued to a later meeting of the Board shall be re-advertised for the continued hearing in the same manner as the original notice requirements. (CDC Section 4-206.E)

An Applicant for a development approval has the right to a continuance to the next regularly scheduled meeting of the Board if all seven members of the Board are not present to review the application. Such a ~~The~~ request for a continuance shall be made prior to the public hearing on the matter. (CDC Section 5-203)

ARTICLE VI. BOARD ACTION AND EFFECT OF DECISION

Section 1. Board Decision

A written development order shall be issued which confirms the Board's decision. The development order shall be effective upon the date ~~of~~ the decision is made (date of the Board meeting). (CDC Section 4-405)

Section 2. Time Limits on Approval

~~Time limits for Development Orders shall be as provided under CDC Section 4-407. Unless otherwise specified in the approval, an application for a building permit shall be made within one year of the date of the issuance of the development order, and all required certificates of occupancy shall be obtained within two years of the date of issuance of the initial building permit. The permit must be obtained within six months of the initial permit application.~~ Extensions to a valid Development Order may be made pursuant to Section 4-407 of the Community Development Code. ~~(CDC Section 4-407)~~

Section 3. Reconsideration or Rehearing

A reconsideration or rehearing of a decision of the Board may be requested by the Planning and Development Staff, Applicant or interested party and must be requested at the next regularly scheduled meeting of the Board following the Board decision. Any party who opposes the reconsideration may address the Board solely in regard to the reasons for reconsideration. A reconsideration or rehearing shall only be granted upon a determination by the Board that their decision was based on a mistake, fraud or misrepresentation. If the Board decides to rehear an application, notice of the rehearing shall be provided in the same manner as required for the original application. (CDC Section 4-206)

Section 4. Appeal

An appeal of a decision of the Board may be taken to a Hearing Officer as prescribed in the Code. (CDC Article 4, Division 5)

ARTICLE VII. AMENDMENT TO THE RULES OF PROCEDURE

The Board may amend these rules of procedure from time to time ~~as is required~~. All amendments shall require the affirmative vote of four members of the Board. When the Board considers an amendment to the Community Development Code, it shall also evaluate the need for any revision to these rules of procedure.

Originally adopted this 6th day of April, 1999.

Amendments:

1. **Approved May 15, 2001**
Article III, Section 1, Members
Article IV, Section 2, Quorum and Vote
Article IV, Section 4, Order of Meeting
Article V, Section 1, Legislative Hearings
Article V, Section 4, Continuances
Article VI, Section 3, Reconsideration or Rehearing
2. **Approved April 17, 2001 by the CDB**
Article IV, Section 1, Meetings
3. **Approved February 18, 2003 by the CDB**
Article III, Section 2, Officers
4. **Approved May 20, 2003 by the CDB**
Article VI, Section 1, Board Decision
5. **Approved November 16, 2004 by the CDB**
Article IV, Section 1, Meetings
Article V, Section 2, Quasi-Judicial Hearings
Article VI, Section 2, Time Limits on Approval
6. **Approved July 19, 2005 by the CDB**
Article V, Section 2, Quasi-Judicial Hearings
7. **Approved June 19, 2007 by the CDB**
Article IV, Section 4, Order of Meeting
8. **Approved August 21, 2007 by the CDB**
Article V, Section 2, Quasi-Judicial Hearings
9. **Approved September 18, 2007 by the CDB**
Article IV, Section 4, Order of Meeting
10. **Approved January 15, 2008 by the CDB**
Article IV, Section 4, Order of Meeting
11. **Approved January 20, 2009 by the CDB**
Article IV, added Section 5, Visual Electronic Presentations

- 12. Approved January 17, 2012 by the CDB**
Article IV, Section 4, Order of Meeting

- 13. Approved April 15, 2012 by the CDB**
Article III, Section 1, Member
Article III, Section 4, Staff and Legal advisor to Board
Article IV, Section 1, Meetings
Article IV, Section 4, Order of Meetings
Article V, Section 1, Legislative Hearing
Article V, Section 2, Quasi-Judicial Hearings

- 14. Approved June 18, 2013 by the CDB**
Article IV, Section 4, Order of Meetings

- 15. Approved March 17, 2015 by the CDB**
Article III, Section 2, Officers

- 16. Approved April 19, 2016 by the CDB**
Article III, Section 2, Officers
Article IV, Section 1, Meetings
Article IV, Section 3, Conflict of Interest
Article IV, Section 4, Order of Meeting
Article IV, Section 5, Visual Electronic Presentations
Article V, Section 1, Legislative Hearings
Article V, Section 3, Appeals
Article V, Section 4, Continuances
Article VI, Section 1, Board Decision
Article VI, Section 2, Time Limits on Approval
Article VI, Section 3, Reconsideration or Rehearing

- 17. Approved December 18, 2018 by the CDB**
Article IV, Section 4, Order of Meeting
Article V, Section 2, Quasi-Judicial Hearings