

Approved \_\_\_\_\_ Mayor

Agend. Item No. 6(A)(15)  
11-18-97

Veto \_\_\_\_\_

Override \_\_\_\_\_ RESOLUTION NO. R-1377-97

RESOLUTION MODIFYING RULES AND REGULATIONS  
FOR THE CONDUCT OF COMMUNITY ZONING APPEALS  
BOARD BUSINESS

WHEREAS, it is the desire of the Board of County Commissioners to provide greater flexibility to Community Zoning Appeals Boards to complete their zoning agendas,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that Section 1 of the attached Rules and Regulations for the conduct of Community Zoning Appeals Board Business is hereby modified to eliminate the 9:00 p.m. deadline to call the last zoning item and in so doing eliminate the necessity of a majority of the members of the Community Zoning Appeals Board to extend the 9:00 p.m. deadline to complete all or part of the zoning agenda.

The foregoing resolution was offered by Commissioner

James Burke

, who moved its adoption. The

motion was seconded by Commissioner ~~Gwen Margolis~~

and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	James Burke	aye
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Bruce C. Kaplan	absent
Gwen Margolis	aye	Natacha Seijas Millan	aye
Jimmy L. Morales	aye	Dennis C. Moss	aye
Pedro Reboredo	absent	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of November, 1997. This resolution shall become effective ten (10) days after the date of

# MEMORANDUM

107.07-17A METRO-DADE-GSA MA\* MG\*

Agenda Item No. 6(A)(15)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: November 18, 1997  
SUBJECT: Resolution setting  
forth requirements  
for conduct of  
Community Zoning  
Appeals Board  
business

FROM: Armando Vidal, P.E.  
County Manager



## RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached resolution modifying the rules of the Community Zoning Appeals Boards.

## BACKGROUND

Section 33-308, Code of Metropolitan Dade County, provides that the County Manager adopt and the County Commission approve, the rules and regulations for the conduct of Community Zoning Appeals Board business.

The proposed modification to Section 1 of the Rules and Regulations for the Conduct of Community Zoning Appeals Board Business was initiated at the request of Chairperson Gwen Margolis. The modified rule provides the Community Zoning Appeals Boards with increased flexibility to complete their zoning agenda by eliminating the 9:00 p.m. deadline to call the last agenda item. The length of the meetings will continue to be limited by the rules of the facility where the boards meet.

its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. CS

By: ~~KAY SULLIVAN~~  
Deputy Clerk

**RULES AND REGULATIONS FOR THE CONDUCT OF  
COMMUNITY ZONING APPEALS BOARD BUSINESS**

1. **MEETINGS:** The meetings of the Board shall be held at such place and at such time as may be designated by the Director of the Dade County Department of Planning, Development and Regulation. Meetings will generally commence at 7:00 p.m. No meeting shall extend beyond the time permitted by the facility where the meeting is being held.
2. **INSPECTIONS:** Board members are welcome to visit the sites on an individual basis.
3. **AGENDA:** The agenda and kit for the meeting shall be prepared by the Dade County Department of Planning, Development and Regulation and distributed to members prior to the meeting date. The kit shall contain professional staff recommendations and other pertinent information.
4. **PRESIDING OFFICER:** The chairperson shall preserve strict order and decorum at all meetings of the Board. He or she shall state every question coming before the Board and announce the decision of the Board on all matters coming before it. The Chairperson may vote on all questions coming before the Board for a decision. The Chairperson may make a motion or second a motion, but in so doing shall relinquish the chair. In the event that neither the Chairperson or Vice-Chairperson is present or able to act, the members present shall designate a temporary Chairperson.
5. **CALL TO ORDER:** The Chairperson shall take the chair at the hour appointed for the meeting, and shall immediately call the Board to order. In the absence of the Chairperson, the Vice-Chairperson shall assume all the duties of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the Secretary of the Board shall determine whether a quorum is present and, in that event, shall call for the election of a temporary chairperson. Upon the arrival of the Chairperson or Vice-Chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Board.
6. **ROLL CALL:** Before proceeding with the business of the Board, the Secretary shall call the roll of the members in alphabetical order, and the names of those present and absent shall be entered in the minutes.
7. **QUORUM:** Four (4) members of the Board shall constitute a quorum. No resolution or motion shall be adopted by the Board without the affirmative vote of three (3) of the members present and voting, except in those cases where a greater vote may be required by the Code of Metropolitan Dade County, Florida. The names of the members present and their action at such meeting shall be recorded by the Secretary. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, the Chairperson or the Vice-Chairperson or, in their absence, the Secretary, may adjourn the meeting to a date as determined by the Director.
8. **DECORUM:** Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board, shall be barred from further audience before the Board by the presiding officer, unless permission to continue or again address the Board be granted by the majority vote of the Board members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the meeting room. Persons exiting the meeting room shall do so quietly.
9. **RULES OF DEBATE:** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to defer, or to amend, until the question is decided.

These motions shall have preference in the order in which they are made.

Every member desiring to speak for any purpose shall address the Chairperson, and, upon recognition, shall confine discussion and comments to the question under debate, avoiding all personalities and indecorous language.

A member once recognized shall not be interrupted when speaking unless it is to call the member to order. If called to order, the member shall cease speaking until the question or order is determined by the Chairperson and, if in order, the member shall be permitted to proceed.

Any member may appeal to the Board from the decision of the Chairperson upon a question of order when, without debate, the Chairperson shall submit to the Board the question, "Shall the decision of the chair be sustained?" and the Board shall decide by a majority vote.

When a vote is taken by roll call, there shall be no discussion by any member prior to voting, and the members shall either vote yes or no. Any member, upon voting, may give a brief statement to explain his or her vote.

10. **VOTING:** The vote upon every motion or resolution shall be either by voice vote, by a show of hands, or at the discretion of the Chairperson or the request of any members, by roll call in progressive alphabetical order, except the Chairperson shall be the last member called. All resolutions adopted by the Metropolitan Dade County Community Zoning Appeals Board shall be filed with the Clerk of the Board of County Commissioners and shall be maintained in an appropriate record book. All resolutions shall become effective after action is taken by the Board, when prepared and transmitted by the Secretary or the Secretary's designee, who shall attest that the same was duly adopted.
11. **DECISIONS:** At the conclusion of each individual hearing, the Board shall make its decision immediately after that hearing is concluded except in the event of a tie or a loss of quorum, or unless the Board by majority vote defers the matter.
12. **ORDER OF BUSINESS:**
  - a. Opening of the meeting by the Chairperson
  - b. Roll call
  - c. Call for deferrals and withdrawals at the beginning of the meeting or when the particular zoning matter is being heard
  - d. Presentations of applications
    - (1) Department introduces application
    - (2) Directors' Recommendations presented upon request.
    - (3) Applicant's presentation
    - (4) Objectors' presentations
    - (5) Applicant's rebuttal.
    - (6) Chairperson calls for a motion on the matter pending when chairperson feels there has been sufficient discussion.
    - (7) Board votes and announces decision.
  - e. Adjournment
13. **PRESENTATIONS:** Each person addressing the Board shall give his or her name and address in an audible tone so that the same may be part of the record; all remarks shall be brief and to the point and non-repetitious. All remarks shall be addressed to the Board as a group and not to any individual member. No person, other than a Board Member or Staff Member and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the presiding officer. No question shall be asked unless the same is addressed through the presiding officer.
14. **FAILURE TO APPEAR:** If neither side is present, unless the Board defers, the application shall be considered on the basis of the application and information filed and obtained from inspection, recommendations and the record, including zoning maps and records.

If the applicant is not present, the opposition will be heard and action taken on the matter unless the Board defers.

If objection has been registered to the application but the objectors are not present, the applicant will be heard and action will be taken on the matter unless the Board defers.

15. DEFERRALS: If a deferral has been requested, the same may be granted by the Board only upon the following conditions:
- a. Upon agreement of the parties concerned; or
  - b. Only for good cause meeting with the approval of the majority of the Board Members present; and
  - c. If a deferral is granted and it is necessary to renotify parties concerned, the cost of said new notices and advertisements shall be at the expense of the party requesting the deferral.

The Community Zoning Appeals Board may not defer action on an application beyond the next regularly scheduled zoning hearing date unless applicants consents thereto or unless required otherwise by the provisions of Chapter 33.

When a motion for deferral does not carry by majority vote, or ends in tie vote, the motion shall be considered to have failed, and the matter shall still be before the Board for further action and disposition.

16. ATTENDANCE OF WITNESSES AND OATHS: The Chairperson, Vice Chairperson or Acting Chairperson may administer oaths and compel the attendance of witnesses in the same manner prescribed in the Circuit Court.
17. CONFLICT OF RULES: In the event these rules and regulations conflict with Chapters 2 and 33 of the Code of Metropolitan Dade County, Florida, the Code shall control and supersede these rules and regulations.
18. ATTENDANCE OF BOARD MEMBERS: All Board Members are requested to provide prior notice to the Secretary of the Board in writing if unable to attend a specific meeting.