

**TOWN OF HILLIARD PLANNING & ZONING BOARD  
RULES RESOLUTION NO. 2024-01.**

**WHEREAS**, under the provisions of the Town of Hilliard Town Code §62-92, the Planning & Zoning Board must determine its own rules of procedure; and

**WHEREAS**, the Planning & Zoning Board has never passed its own rules of procedure; and

**WHEREAS**, the Planning & Zoning Board wishes to adopt its rules of procedure to improve the operation of its meetings, the ability of the public to be recognized, and to follow the Town Code;

**WHEREAS**, Chapter 62 of the Town of Hilliard Code shall be incorporated in the Planning & Zoning Board rules of procedure;


**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING BOARD FOR THE TOWN OF HILLIARD, FLORIDA:**

See attached Exhibit A to Planning and Zoning Board Resolution No. 2024-01.


**ADOPTED** this 3rd day of December 2024 by the Planning and Zoning Board for the Town of Hilliard, Florida.

**TOWN OF HILLIARD, FL**

By:

  
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Wendy Prather  
Board Chairperson

Attest:

  
\_\_\_\_\_  
Charlie Reed  
Board Vice-Chairperson

**TOWN OF HILLIARD PLANNING & ZONING BOARD**  
**RULES AND PROCESURES EXHIBITA TO REOLUSTION No. 2024-01.**

**SECTION 1. Scope and Applicability.** These procedures shall apply to all meetings held by the Hilliard Planning and Zoning Board (hereinafter referred to as “the Board”) which holds quasi-judicial hearings. Special exceptions, zoning variances, and appeals all require a quasi-judicial hearing. The Town Attorney shall determine if any other matters are quasi-judicial in nature and shall direct the Board to designate specially such matters on the agenda. These rules and procedures adopt all rules cited in Sec. 62-92 of the Hilliard Town Code.

**SECTION 2. Proceedings.** The Board Chair or other presiding officer (hereafter, the “Presiding Officer”) shall conduct the proceedings and maintain order. The Town Attorney or legal advisor shall represent the Board, rule on all evidentiary and procedural issues and objections, and advise the Board as to the applicable law and necessary factual findings. Meetings shall be conducted informally, but with decorum. Formal rules of procedure shall not apply except as set forth herein; however, fundamental due process shall be accorded.

**SECTION 3. Unauthorized Communications.** In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1), Florida Statutes, ex parte communications with the Board in quasi-judicial matters is permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with the Board.

1. The substance of any ex parte communication with the Board which relates to a quasi-judicial action pending before the Board is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

2. A Board member may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Board shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Board members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1, 2, and 3 must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

**SECTION 4. Witnesses and Supporting Materials.** At least eight Town business days before a quasi-judicial hearing:

1. Staff shall prepare a report, recommendation and supporting materials, a copy of which shall be available to the applicant, appellant and to the public at the Town Clerk's Office. Included in the supporting materials will be copies of all exhibits and documents upon which staff's recommendation is based.

2. The Applicant and Appellant, if applicable, shall submit a detailed outline in the argument in support of their application, copies of all exhibits which will be presented at hearing and the names and addresses of all witness who will be called to testify in support of the application (including resumes for any witness the party intends to qualify as an expert).

3. The eight Town business day deadline is necessary to ensure the Board is given sufficient opportunity to review the written submissions prior to the hearing and shall be strictly observed. Should the eighth Town business day deadline be missed by either staff or the Applicant, the item may be continued at the discretion of the Board to the next available agenda.

**SECTION 5. Party Intervenors.** The Town Attorney may allow a person to intervene in a quasi-judicial hearing as a Party Intervenor if they meet the following requirements:

1. The person must have an interest in the application, which is different than the public at large.

2. At least three days prior to the hearing, the person shall submit a written request to intervene including: a detailed outline of their interest in the application and argument in favor or against it, copies of all exhibits which will be presented at the hearings and the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert).

**SECTION 6. Conduct of Meeting and Quasi-Judicial Hearings.**

1. The Presiding Officer shall call the proceeding to order and announce that the meeting has begun. The Presiding Officer will call on a member from the Board to say the prayer with the pledge to follow. The Land Use Administrator will call the roll.

2. The Town Attorney, legal advisor or Presiding Officer shall explain the rules concerning procedure, testimony, and admission of evidence.

3. The Presiding Officer will read each item on the agenda by title. The Land Use Administrator will read aloud any staff reports and or explain the item.

4. The Land Use Administrator shall, pursuant to Florida Statute 90.605, swear in under oath all witnesses who are to testify to an item before the item is heard. The witness must declare he or she will testify truthfully, by making an affirmation in substantially the following form: "Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?" The witness's answer shall be noted in the record.



5. Following a Motion on an item and a Second or if none the Presiding Officer will ask each Board member individually if they have any discussion on the item. If any member from the public has requested to speak on any item, the Presiding Officer will call for them to speak at this time.

6. If there is a quasi-judicial hearing, the order of proof shall be as follows:

A. The Land Use Administrator shall briefly describe the Applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 30 minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Board.

B. The Appellant, if applicable, (or his/her representative or counsel) shall present evidence and testimony in support of the application. Appellant shall have a maximum of 30 minutes to make its full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Board.

C. Any Party Intervenor (or his/her representative or counsel) shall present evidence and testimony in support of or opposed to the application. A Party Intervenor shall have a maximum of 30 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Board.

C. The Applicant (or his/her representative or counsel) shall present evidence and testimony in support of the application. Applicant shall have a maximum of 30 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Board.

E. Any other persons present who wish to submit relevant information to the Board shall speak next for a maximum of three minutes each (excluding any cross-examination or questions the Board). Members of the public will be permitted to present their non-expert opinions, but the Board will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent and substantial evidence.

F. The Appellant will be permitted to make final comments, if any (maximum of five minutes).

G. The Applicant will be permitted to make final comments, if any (maximum of five minutes).

H. The Party Intervenor will be permitted to make final comments, if any (maximum of five minutes).

I. The Town's staff will make final comments, if any (maximum of five minutes).

J. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to the final Party Intervenor and staff comments and recommendations (maximum of three minutes).

7. Once discussions or order of proof is completed, the Town Attorney or legal advisor will advise the Board as to the applicable law and the factual findings that must be made to approve or deny the application or agenda item.

8. The Board will conduct open deliberation of the application or agenda item. The Presiding Officer shall have the discretion to reopen the proceeding for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a roll call vote shall be taken to approve, approve with conditions or deny the application or agenda item.

9. Following the last item on the agenda the Presiding Officer will ask if anyone from the public would like to speak and if so they will need to state their full name and address for the record.

10. The Presiding Officer will then follow the end of agenda by calling each member if they would like to make a final statement.

11. After final statements, the Presiding Officer will state the meeting or hearing is adjourned and the time.

#### **SECTION 7. Conduct of Telephonic Hearing.**

1. If the Board needs to conduct a telephonic hearing, the Board shall adopt the procedures laid out in Section 6 of these Rules and Procedures with a few additions.

2. Once the meeting begins, each Board member will identify themselves and be called by their Board title and last name: Board Chair, Board-Vice Chair, Board Member, Board Member, Board Member, and Land Use Administrator.

2. Before speaking, each person will identify themselves by title and last name in order to identify who is speaking and to keep from speaking over one another. This will allow each member to speak and be heard and for the public to speak.

3. Each time a motion or second is made on any item the Board members must identify themselves prior to making the motion or second.

4. For voting, the Presiding Officer will ask each Board member for their vote on the item.

**SECTION 8. Examination by Board and Town Attorney or Legal Advisor.** Board members and the Town Attorney or Legal Advisor may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.



**SECTION 9. Cross-Examination of Witnesses.** After each witness testifies, the Town staff representative, the Applicant's representative, Appellant's representative, and/or the Party Intervenor's representative shall be permitted to question the witness, but such cross-examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

**SECTION 10. Rules of Evidence.**

1. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

2. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.

3. Documentary evidence may be presented in the form of a copy or the original. Upon request, parties shall be given an opportunity to compare the copy with the original.

**SECTION 11. Statements of Counsel.** Statements of counsel, or any non-attorney representative, shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

**SECTION 12. Continuances and Deferrals.** The Board shall consider requests for continuances made by Town staff, the Applicant, the Appellant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the Board, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the Board may continue the matter to a time certain to allow for such research or review.

**SECTION 13. Transcription of Hearing.**

1. The Land Use Administrator shall preserve the official transcript of a quasi-judicial hearing through tape recording and/or video recording.

2. The Applicant, Appellant or Party Intervenor may arrange, at its own expense, for a court reporter to transcribe the hearing.

3. The Applicant, Appellant or Party Intervenor may request that all or a part of the transcript of a hearing be transcribed into verbatim, written form. In such case, the Applicant, Appellant or Party Intervenor requesting the transcript shall be responsible for the cost of production of the transcription and the transcription shall become the official transcript.

**SECTION 14. Maintenance of Evidence and Other Documents.** The Land Use Administrator shall file all evidence and documents presented at the hearing with town hall.

**SECTION 15. False Testimony.** Any willful false swearing on the part of any witness or person giving evidence before the Board as to any material fact in the proceedings shall be deemed to be perjury and shall be punished in the manner prescribed by law for such offense.

**SECTION 16. Failure of Applicant to Appear.** If the Applicant, the Appellant or Party Intervenor or their representative fails to appear at the time fixed for the hearing, and such absence is not excused by the Board, the Board may proceed to hear the evidence and render a decision thereon in absentia.

**SECTION 17. Subpoena Power.** The Applicant, the Appellant or Party Intervenor or Town's staff shall be entitled to compel the attendance of witnesses to a quasi-judicial hearing through the use of subpoenas. All such subpoenas shall be issued by the Town Clerk at the request of the Applicant, Appellant or Town's staff.