



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

I.1.

12/2/2021

Subject:

Board Direction, Re: Combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners consider combining the P&Z Board meetings and LPA meetings into one meeting per month and approve the attached schedule(s).

Summary Explanation and Background:

The Planning and Zoning Board (P&Z) typically meets the 2nd Monday of the month, and the Local Planning Agency (LPA) typically meets the 4th Monday of the month. These boards contain the same members, and in many cases, they switch from the P&Z board to the LPA during the same meeting when hearing Small-Scale Comprehensive Plan Amendments with associated rezoning applications. There are no apparent legal requirements for these boards to conduct separate meetings.

The combination of the two meetings into one monthly meeting seems to provide the opportunity for many benefits. One monthly meeting would allow for a more efficient use of P&Z/LPA members, applicants, and staff time. The more efficient use of the members' time may improve meeting attendance. In addition, one monthly meeting may help Commissioners find volunteers to serve. It will also increase turnaround time for preparing BCC agenda after the LPA meeting which currently is less than 5 days.

The proposed P&Z/LPA meeting schedule, if approved, would generally be the second Monday of the month. The Board of County Commissioners Zoning meeting schedule will necessitate two P&Z and LPA during the month of May.

Board of County Commission approval to amend the meeting schedule is required by Section 62-184(b) of the Zoning Code.

On November 15, 2021, the Planning & Zoning Board / Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

I.1.

12/2/2021

None



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December 3, 2021

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

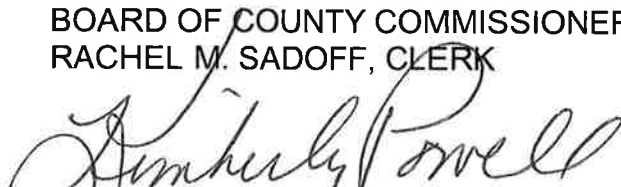
RE: Item I.1., Board Direction for Combining the Meeting Schedule of the Planning and Zoning Board and the Local Planning Agency

The Board of County Commissioners, in regular session on December 2, 2021, approved combining the meeting schedule of the Planning and Zoning Board and the Local Planning Agency to the greatest extent possible, whether that means noticing them back to back, or together at the same location as near in time, and as consecutive as possible or practicable; directed staff to bring the Item back no later than six months for review, and if there is a quorum issue staff may bring it back prior; and directed staff to remove the Agenda Item dealing with striking the alternates, from the December 7, 2021, Board of County Commission meeting.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

cc: Each Commissioner

Sec. 62-151. - Designation and establishment.

Pursuant to and in accordance with the provisions of F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), the Local Government Comprehensive Planning and Land Development Regulation Act, the county planning and zoning board is hereby designated and established as the local planning agency for the unincorporated areas of the county. The county planning and zoning board shall be designated as the local planning agency and shall also perform the responsibilities of the land development regulation commission under F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).

(Code 1979, § 14-3)

State Law reference— Functions of land development regulation commission, F.S. § 163.3194(2).

Sec. 62-152. - Powers and duties; meetings; organization and funding.

- (a) *Duties.* The local planning agency, in accordance with the provisions of F.S. ch. 163, shall:
- (1) Assume the general responsibility for the conduct of the comprehensive planning program and the preparation of the comprehensive plan for the county.
 - (2) Coordinate the comprehensive plan of the county or elements or portions thereof with the comprehensive plans of other local governments and the state.
 - (3) Recommend the comprehensive plan of the county or elements or portions thereof to the board of county commissioners for adoption.
 - (4) Monitor and oversee the effectiveness and status of the comprehensive plan of the county and recommend to the board of county commissioners such changes in the comprehensive plan as may from time to time be required.
 - (5) Perform the responsibilities for the land development regulation commission as provided in F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).
 - (6) Hear appeals of administrative decisions or interpretations of the county comprehensive plan and presentation of claims of regulatory taking or abrogation of vested rights.
- (b) *Designation of agency or person to prepare comprehensive plan.* The board of county commissioners, in cooperation with the local planning agency, may designate any agency, department, committee or person to prepare the comprehensive plan for the county, or any element thereof, under the supervision and direction of the local planning agency.
- (c) *Organization; rules and procedures.* The initial and subsequent members of the local planning agency shall be appointed, shall select their officers and shall follow such rules and procedures as established for the county planning and zoning board or as established by any subsequent resolution or ordinance adopted from time to time by the board of county commissioners.
- (d) *Meetings and records to be public.* All meetings of the local planning agency shall be open to the public, and all records of such agency shall be public records.
- (e) *Funding.* The board of county commissioners shall appropriate funds at its discretion for salaries of staff, fees and expenses necessary in the conduct of the work of the local planning agency, and also establish a schedule of fees to be charged by the agency.

(Code 1979, § 14-4)

DIVISION 3. - PLANNING AND ZONING BOARD^[2]

Footnotes:

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Cross reference— *Boards, commissions and authorities, § 2-156 et seq.*

Sec. 62-181. - Creation; duties.

There is hereby created the planning and zoning board of the county, which shall also function as the local planning agency and the land development regulation commission. The planning and zoning board shall advise and assist the board of county commissioners on the following matters:

- (1) Applications for amendments to the official zoning map.
- (2) Proposed amendments to this chapter and amendments to or adoption of other ordinances or regulations relating to zoning and land use within the county. Failure of the board of county commissioners to obtain the advice and assistance of the planning and zoning board on such amendment or on such new ordinances or regulations shall not be interpreted or considered to affect the validity of such amendments or ordinances or regulations when adopted.
- (3) Land use plans and other planning documents relating to zoning and land use within the county.
- (4) Interpretations of conflicts within this chapter or conflicts because of the existence of other laws, regulations and ordinances relating to zoning and land use control within the county.
- (5) Such other matters as requested from time to time by the board of county commissioners.

(Code 1979, § 14-20.60(A))

**2022 MEETING SCHEDULE
PLANNING AND ZONING BOARD &
BOARD OF COUNTY COMMISSIONERS**

Applications are accepted by appointment. Please call 321-633-2070 to schedule an appointment.

Please note there are no Planning and Zoning Board meetings in the months of June and December.

Application Deadline by 4:00 p.m.	Planning & Zoning Meeting Date at 3:00 p.m.	County Commission Meeting Date at 5:00 p.m.
November 5, 2021	January 10, 2022	February 3, 2022
December 3, 2021	February 14, 2022	March 3, 2022
January 7, 2022	March 14, 2022	April 7, 2022
February 4, 2022	April 18, 2022	May 5, 2022
March 4, 2022	May 9, 2022	May 26, 2022
May 6, 2022	July 18, 2022	August 4, 2022
June 3, 2022	August 15, 2022	September 1, 2022
July 1, 2022	September 12, 2022	October 6, 2022
August 5, 2022	October 17, 2022	November 3, 2022
September 2, 2022	November 14, 2022	December 1, 2022
November 4, 2022	January 9, 2023	February 2, 2023

Applications for the PUD (Planned Unit Development) zoning classification may be subject to different meeting dates than those above.

Both the Planning and Zoning meetings and the County Commission meetings are held at the following location:

Brevard County Government Center
2725 Judge Fran Jamieson Way
Building C, Commission Room
Viera, Florida

Please note that all dates are subject to change without prior notice.

Board of County Commission dates approved on November 9, 2021.

2022 LOCAL PLANNING AGENCY MEETING SCHEDULE

Please note there are no Local Planning Agency meetings in the months of June and December.

County Attorney Deadline	Materials Submission Deadline	Local Planning Agency Meeting at 3:00 p.m.
December 14, 2021	December 22, 2022	January 10, 2022
January 18, 2022	January 26, 2022	February 14, 2022
February 15, 2022	February 23, 2022	March 14, 2022
March 22, 2022	March 30, 2022	April 18, 2022
April 26, 2022	May 4, 2022	May 23, 2022
June 21, 2022	June 29, 2022	July 18, 2022
July 19, 2022	July 27, 2022	August 15, 2022
August 16, 2022	August 24, 2022	September 12, 2022
September 27, 2022	October 5, 2022	October 17, 2022
September 20, 2022	September 28, 2022	November 14, 2022

The Local Planning Agency meetings are held at the following location:

Brevard County Government Center
2725 Judge Fran Jamieson Way
Building C, Commission Room
Viera, Florida

Please note that all dates are subject to change without prior notice.

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 15, 2021**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher (D1); Brian Rodgers (D2); Ben Glover (D3); William Capote (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4 - Alt); Bruce Moia (D5); Peter Filiberto, Vice Chair (D5); and David Bassford (D5 - Alt).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; George Ritchie, Planner III; Paul Body, Planner II; Peter Martin, Planner II Kyle Harris, Associate Planner; Alex Esseesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Minutes

Board Direction, Re: Combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency.

Jeffrey Ball explained staff has been directed by the Board of County Commissioners to look at options in light of the quorum issue at the last Local Planning Agency meeting. One of the options is to combine the LPA meetings with the P&Z meetings so there will be one meeting per month as opposed to two meetings per month.

Ron Bartcher stated ten or 15 years ago the LPA and P&Z used to be not only separate meetings, but the functions were separate, and in the public meetings they were treated that way. Comp Plan amendments came before the LPA and zoning changes came before the P&Z board. It's the same group of people that make up both boards and it was decided sometime in recent years to intermingle the two boards. Essentially, we have been meeting as a combined board for many years. He stated the only concern he has is that there have been a few times that an item was delayed, such as when an applicant does not appear, and in most cases, the board could table it to the next meeting in that month, so it wouldn't present a problem for an applicant to finish a project. He asked if there is there any restriction on timing, or an amount of time that the applicant has to pay any additional fees.

Mr. Ball stated the P&Z board can table items with no additional fee. He agreed that the board will lose the flexibility of having a second meeting per month.

Mr. Bartcher stated that is his only concern.

Peter Filiberto requested staff to label items for LPA and P&Z on the agenda once the meetings are combined.

Motion by Liz Alward, seconded by William Capote, to approve combining the meeting schedules of the Planning & Zoning Board and the Local Planning Agency. The motion passed unanimously.