

Meeting Date
March 20, 2018



AGENDA	
Section	Public Hearing
Item No.	IV.C

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	PUBLIC HEARING RE: CODE REVISION TO CHAPTER 62, ARTICLE VI – PLANNING AND ZONING BOARD APPOINTMENTS  FISCAL IMPACT: NONE
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:  
 It is requested that the Board of County Commissioners approve revisions to Chapter 62, Article VI, Division 3, Sections 62-182 and 62-183.

Summary Explanation & Background:

The Board of County Commissioners, on December 19, 2017, initiated legislative intent and granted permission to advertise revisions to Chapter 62, Article VI, Division 3, Section 62-182 Membership; appointment and term of members and 62-183 Alternate members.

The proposed code revision is to allow at-large appointments of the Planning and Zoning Board members. This will allow a Commissioner to search for, and appoint, members outside of his or her district without being concerned about how many members live in each district.

The BCAC recommended approval of the proposed changes at the February 14, 2018 meeting. The LPA, on February 19, 2018 recommended approval.

Contact: Rebecca Ragain, Assistant Director 321-633-2072 Ext. 5-2362

Clerk to the Board Instructions:

Exhibits Attached: Clean copy code, strikethrough/underline copy

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager John Denninghoff			Department Director / Extension #52070 Tad Calkins, Planning & Development Department			
Frank Abbate	Interim Assistant County Manager Jim Liesenfelt						



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 21, 2018

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2018-05, which was filed in this office on March 21, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

March 21, 2018

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director Attn: Rebecca Ragain

**RE:** Item IV.C., Ordinance for Code Revision to Chapter 62, Article VI – Planning and Zoning Board Appointments

The Board of County Commissioners, in regular session on March 20, 2018, adopted Ordinance No. 18-05, revising Chapter 62, Article VI, Division 3, Planning and Zoning Board, Sections 62-182 and 62-183, allowing for at-large appointments. Enclosed is a certified Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Each Commissioner

**ORDINANCE NO. 2018- 05**

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VI, DIVISION 3, PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 62-182, MEMBERSHIP; APPOINTMENT AND TERM OF MEMBERS, AND SECTION 62-183 ALTERNATE MEMBERS; TO REMOVE THE REQUIREMENT THAT PLANNING AND ZONING MEMBERS BE A RESIDENT OF THE DISTRICT THEY SERVE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners desires to allow for at-large appointments of the planning and zoning board members; and

WHEREAS, the Board of County Commissioners, on December 19, 2017, directed staff to prepare an ordinance and ratify existing conditions and members; and

WHEREAS, the Building Construction Advisory Committee, on February 14, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on February 19, 2018, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency and the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Section 62-182 and 62-183, Code of Ordinances of Brevard County, Florida, are hereby amended as follows:

**Sec. 62-182. Membership; appointment and term of members.**

There shall be appointed to the planning and zoning board two members per each county commission district appointed by the applicable county commissioner and ratified by the board of county commissioners. There shall also be appointed to the planning and zoning board a member to represent the county school district. The school district representative shall be

Officially filed with the Secretary of State March 21, 2018

appointed by the school board. There shall also be appointed to the planning and zoning board a representative of Patrick Air Force Base who shall act on behalf of all military installations within the jurisdiction of the county. This military representative shall be appointed by the commanding officer of Patrick Air Force Base and shall be considered an ex officio non-voting member. The members shall be appointed for a term of one year , and each member shall reside in Brevard County, but is not required to be a resident of the county commission district for which he is designated to serve. The term of appointment shall commence on January 1 of the year of appointment, and each member shall serve until his successor is appointed. Appointments to fill a vacancy shall be made by the county commissioner responsible for the initial appointment and ratified by the board of county commissioners, and the appointment shall be for the unexpired term. Members of the planning and zoning board shall serve at the pleasure of the board of county commissioners. The members shall be paid such compensation and actual expenses as provided by the board of county commissioners from time to time by resolution. No member of the planning and zoning board shall serve on the board of adjustment.

**Sec. 62-183. Alternate members.**

There shall be appointed to the planning and zoning board one alternate member per each county commission district, appointed by the applicable county commissioner and ratified by the board of county commissioners. The alternate members shall be appointed for a term of one year, and each member is not required to be a resident of the county commission district for which he is designated to serve. The term of appointment shall commence January 1 of the year of appointment, and each member shall serve until his successor is appointed. Appointments to fill a vacancy shall be made by the county commissioner responsible for the initial appointment and ratified by the board of county commissioners. The appointment shall be for the unexpired term. Alternate members of the planning and zoning board shall serve at the pleasure of the board of county commissioners. The alternate members shall be paid such compensation and actual expenses as provided by the board of county commissioners from time to time by resolution. The alternate members shall attend regularly scheduled meetings of the planning and zoning board at the request of the zoning director. The alternate members shall be entitled to vote on any matter coming before the planning and zoning board if:

- (1) The regular member appointed to the same county commission district as the alternate is not in attendance.
- (2) The vote of an alternate member does not make the total vote on any matter exceed ten votes, regardless of the fact that both regular members appointed to the same county commission district as the alternate are in attendance. The chairman, or in his absence the vice-chairman, shall designate which alternate member or members may vote if such designation is necessary to maintain a maximum of ten votes on any one item.

**SECTION 2. Conflicting Provisions.** In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 20<sup>th</sup> day of March, 2018.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair  
(as approved by the Board on March 20, 2018)

( S E A L )

Reviewed for legal form and content by: \_\_\_\_\_



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Tammy.Rowe@brevardclerk.us

December 20, 2017

**M E M O R A N D U M**

**TO:** Frank Abbate, County Manager

**RE:** Item VI.F.2., Legislative Intent and Permission to Advertise Amending Ordinance Section 62-182 Allowing At-Large Appointments, and Ratifying Existing Conditions/Members

The Board of County Commissioners, in regular session on December 19, 2017, approved legislative intent and granted permission to advertise an amendment of Ordinance Section 62-182 allowing for at-large appointments; and ratifying existing conditions/members.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

cc: Each Commissioner