



AGENDA REPORT
July 23, 2019

**Public Hearing, Re: Code Revision to Limit Term Appointments of Planning
and Zoning Board Members**

SUBJECT:

Public Hearing, Re: Code revision to Chapter 62, Article VI, Division 3, to limit term appointments of Planning and Zoning Board members.

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners conduct a public hearing to consider revisions to Chapter 62, Article VI, Division 3, Section 62-182, Planning and Zoning Board, to limit terms of appointment to eight (8) consecutive terms.

SUMMARY EXPLANATION and BACKGROUND:

The Board of County Commissioners, in regular session on February 12, 2019, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Division 3, Section 62-182, Planning and Zoning Board, and directed staff to revise the code to provide for term limits of 8 consecutive years to member appointments; and ratifying existing conditions/members. The Board also directed staff to propose language in the code that allows for appointment as an alternate member for a minimum of 2 years before re-appointment to the Planning and Zoning Board, along with a provision of waiving the term limits should they have difficulty filling a member position.

The Planning and Zoning Board is designated as the Local Planning Agency and also performs the responsibilities of the land development regulation commission under F.S. ch. 163, pt. II.

On April 8, 2019, the Brevard Construction Advisory Committee heard the item and unanimously recommended approval.

On April 22, 2019, the Local Planning Agency heard the item and unanimously recommended denial of the proposed ordinance.

CLERK TO THE BOARD INSTRUCTIONS:

If approved, please return a certified copy of the ordinance to the Planning and Development Department.

ATTACHMENTS:

Description

- ▣ **Board Memo**
- ▣ **CAO sign off sheet**
- ▣ **Ordinance strikethrough and underline version**
- ▣ **Ordinance clean version**
- ▣ **Agenda from 2/12/19 for Legislative Intent**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 24, 2019

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

Attention: 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. 2019-16, which was filed in this office on July 24, 2019.

Sincerely,

A handwritten signature in black ink, appearing to be "ERNEST L. REDDICK".

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2019-16

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; TO LIMIT THE MAXIMUM TERM OF PLANNING AND ZONING BOARD MEMBERS TO EIGHT YEARS; PROVIDE FOR TWO YEARS AS AN ALTERNATIVE BEFORE RETURNING TO ANOTHER EIGHT YEAR TERM; PROVIDING FOR A WAIVER PROVISION; 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 restrict the term limit of appointments of the planning and zoning board members; and

WHEREAS, the Board of County Commissioners, on February 12, 2019, directed staff to prepare an ordinance and ratify term conditions and members; and

WHEREAS, the Building Construction Advisory Committee, on April 10, 2019, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Local Planning Agency, on April 22, 2019, 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, 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 on July 24, 2019

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.

Term Limits: A regular member shall not be appointed for more than eight consecutive terms (8 years). A member may be appointed as an alternate member after serving the maximum of eight (8) successive appointments. A member may be reappointed as a regular member after serving for two (2) consecutive years as an alternate. In addition, a former member may be appointed after two (2) consecutive years of nonappointment. A Commissioner may request the Board of County Commissioners waive the aforementioned term limits should they have difficulty filling a member position.

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 23th day of July, 2019.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



_____, Chair
(as approved by the Board on 7/23/, 2019)

(S E A L)

Reviewed for legal form and content by: _____



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

February 13, 2019

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item J.6., Legislative Intent and Permission to Advertise for an Ordinance Imposing Term Limits upon the Planning and Zoning Board

The Board of County Commissioners, in regular session on February 12, 2019, approved legislative intent and granted permission to advertise for an ordinance imposing term limits upon the Planning and Zoning board members of eight years on and two years off; and included a waiver provision that if a Commissioner cannot find a person to fill a position on the Planning and Zoning board that he or she can bring the issue to the Board of County Commissioners, and if a majority approves, the eight-year term limit can be waived.

Your continued cooperation is greatly appreciated.

Sincerely yours,

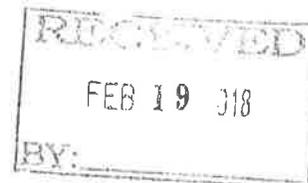
BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

cc: Each Commissioner
County Manager
Planning and Development Director



Brevard County Attorney
Ordinance Approval Sheet

SECTION I

The following information must be completed on all ordinances submitted to the Board:

Ordinance Name: P&Z Term Limits		Ordinance Author: Rebecca Ragain	
Division Name: Planning & Development Dept. (Zoning Office)		Mail Stop: 81	Review Deadline:
Sent by P&Z: Rebecca Ragain			
Dept./Office Director: Tad Calkins			
Meeting Date: (P&Z/LPA) April 22, 2019	(BCC) May 21, 2019	Advertising Deadline: 10/8/2018	

SECTION II

COUNTY OFFICE

APPROVAL
Yes No

INITIALS DATE

County Attorney's Office

JWR 4-10-19

SECTION III

Sent for Review

Land Dev. ___Y ___N ___N/A

ONRM ___Y ___N ___N/A

Other Dept./Office ___Y ___N ___N/A

Comments: