



**AGENDA REPORT
December 19, 2017**

SUBJECT:

Legislative Intent, Re: Approve legislative intent and grant permission to advertise amending Ordinance 62-182 to allow at large appointments and ratify existing conditions/members.

DEPT/OFFICE:

District 2

REQUESTED ACTION:

It is requested the Board of County Commissioners direct staff to bring back Legislative Intent to:

1. Amend Ordinance Section 62-182 provide/ allow at large appointments
2. Ratify existing conditions/members

ATTACHMENTS:

Description

- D [Ordinance Sec. 62-182](#)

REVIEWERS:

Department	Reviewer
District 2	Alward, Liz
County Manager	Abbate, Frank



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

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

- **DIVISION 3. - PLANNING AND ZONING BOARD²¹**

- **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))

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

There shall be appointed to the planning and zoning board two members from 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 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 should 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.

(Code 1979, § 14-20.60(B); Ord. No. 03-12, § 1, 3-4-03; Ord. No. 07-20, § 1, 5-8-07)

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

There shall be appointed to the planning and zoning board one alternate member from 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 should 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 residing in 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 from 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.