



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

12/10/2019

Subject:

An Ordinance amending the Land Development Code of Ordinances of Brevard County, Florida to Change the Term of Appointees for the Planning and Zoning Board from a one year term to a two year term

Fiscal Impact:

There is no fiscal impact to the Ordinance which amends the Planning and Zoning Board Code of Ordinances of Brevard County, Florida to a two year term. However, the amendment to the Ordinance will provide greater administrative efficiencies within County government.

Dept/Office:

County Manager

Requested Action:

It is requested that the Board of County Commissioners adopt an Ordinance to amend the Land Development Code of Ordinances of Brevard County, Florida to provide a change in the term limits of appointees for the Planning and Zoning Board from a one year term to a two year term and to amend the term limit provision to eight consecutive years.

Summary Explanation and Background:

On September 5, 2019, the Board of County Commissioners identified several advisory committees/boards created by the County's Code of Ordinances where advisory board member appointment of a term was 1 year. Due to the administrative burden on the County, the Board approved changing these advisory committee/board members term from a one year term to a two year term. The Ordinance reflects the Planning and Zoning Board members shall be for a two year term, beginning January 1, 2020 and expiring after the term of two years or with the term of the Commissioner making the appointment, which occurs first. A district appointment may continue to serve after the expiration date until reappointed or replaced. However, with the change in the term to two years, the term limit will change from 8 consecutive terms, to 8 consecutive years. This is consistent with the current Land Development Code.

Clerk to the Board Instructions:

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 13, 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 corrected electronic copy of Brevard County Ordinance No. 2019-29, which was filed in this office on December 13, 2019.

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

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Tammy.Rowe@brevardclerk.us

December 11, 2019

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item H.3., Ordinance Amending the Land Development Code of Ordinances of Brevard County, Florida, to Change the Term of Appointees for the Planning and Zoning Board from a One Year Term to a Two Year Term

The Board of County Commissioners, in regular session on December 10, 2019, adopted Ordinance No. 19-29, amending the Land Development Code of Ordinances of Brevard County, Florida, to provide a change in the term limits of appointees for the Planning and Zoning Board from a one year term to a two year term and amended the term limit provision to eight consecutive years. Enclosed is a fully-executed copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

ORDINANCE 2019 - 29

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE II, DIVISION 3, PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 62-182, "MEMBERSHIP; APPOINTMENT AND TERM OF MEMBERS"; CHANGING THE TERM OF APPOINTEES FROM ONE YEAR TO TWO YEARS; PROVIDING FOR EXPIRATION OF TERM AFTER TWO YEARS, WITH TERM OF COMMISSIONER, OR UNTIL NEW APPOINTMENT; AMENDING TERM LIMITS PROVISION TO LIMIT TERMS FROM EIGHT CONSECUTIVE APPOINTMENTS TO EIGHT CONSECUTIVE YEARS; AMENDING THE ALTERNATE APPOINTMENT FROM EIGHT CONSECUTIVE APPOINTMENTS TO EIGHT CONSECUTIVE YEARS; PROVIDING FOR CONFLICTING PROVISIONS, PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICATION IN UNINCORPORATED AREA OF COUNTY; 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 change the term of the Board's appointees to the Planning and Zoning Board from one year to two years;

WHEREAS, the Board of County Commissioners, on September 5, 2019, directed staff to prepare an ordinance providing for the change in the term; and

WHEREAS, the Board of County Commissioners 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. Chapter 62, Article II, Division 3, Section 62-182, Code of Ordinances of Brevard County, Florida, are hereby amended as follows:

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 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. Each member shall reside in Brevard County, but is not required to be a resident of
Officially filed with the Secretary of State December 13, 2019

the county commission district for which he is designated to serve. The term of appointment shall be for two years beginning on January 1 of the year of appointment, and expiring after the term of two years or with the term of the commissioner making the appointment, whichever occurs first. A district commissioner's appointee may continue to serve after the expiration of the district commissioner's term until he or she is reappointed or until a new appointment is made. 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 years. A member may be appointed as an alternate member after serving the maximum of eight (8) successive years. 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 10 day of December, 2019.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Bryan Lober, Chair

As approved by the Board on 12/10/19

SEAL

Reviewed for legal form and content by: _____