

Meeting Date
July 12, 2016



AGENDA	
Section	Consent
Item No.	II.A.9

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	APPROVAL RE: RENEWAL OF POLICY BCC-51, ZONING ACTIONS AND FINDINGS OF FACT
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT


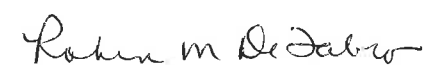
Requested Action:
 It is requested that the Board of County Commissioners consider the renewal of Policy BCC-51.

Summary Explanation & Background:
 As part of the Sunset Review Policy requirement, staff has reviewed BCC-51 that establishes a standardized procedure for the development and approval of findings of fact after a zoning action by the Board.
 Staff has reviewed the policy and finds that no changes to BCC-51 are recommended.
 Fiscal Impact: None

Clerk to the Board instruction:

Exhibits Attached: Policy BCC-51

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager  Stockton Whitten	Assistant County Manager	Department Director / Extension  Robin M. DiFabio, AICP 5-2069
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Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

July 13, 2016

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item II.A.9., Approval of Renewal Policy BCC-51, Zoning Actions and Findings of Fact

The Board of County Commissioners, in regular session on July 12, 2016, approved the renewal of Policy BCC-51, Zoning Actions and Findings of Fact. Enclosed is the original Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Planning and Development Director

POLICY

TITLE: Zoning Actions and Findings of Fact

NUMBER: BCC-51

CANCELS: July 8, 2008

APPROVED: July 12, 2016

ORIGINATOR: Planning & Development
Department, County Attorney

REVIEW: July 12, 2019

I. OBJECTIVE

To establish a standardized procedure for the development and approval of findings of fact after a zoning action by the Board of County Commissioners.

II. DEFINITIONS AND REFERENCES

Zoning Action - Any rezoning, conditional use permit, binding development plan, or other quasi-judicial action by the Board of County Commissioners in public hearing.

Findings of Fact - The factual conclusions reached by the Board of County Commissioners based upon substantial competent evidence contained in the record upon which the decision of the Board of County Commissioners is based.

Denial of Zoning Action - The denial of a zoning action occurs when a majority of the County Commission votes to deny a zoning application. A denial of a zoning application is presumed to have occurred when the County Commission, by majority vote, approves a zoning classification other than the one requested by the applicant.

Public - Anyone with an interest in a rezoning request, including the property owner, applicant, representatives of the owner or applicant, neighbors or business competitors of the owner or applicant, consultants for any such party, representatives of special interest groups, or any other person or group that expresses a projected positive or negative impact from the approval or denial of the requested zoning action. This does not include members of the Board of County Commissioners, its staff, or its advisors.

III. DIRECTIVES

A. Where the Board of County Commissioners has stated its intended zoning action, the public hearing shall be closed. As part of the intended zoning action, the Board may direct the county attorney to develop a resolution setting forth proposed findings of fact, conclusions of law and the action taken.

B. The county attorney shall schedule the proposed resolution and findings of fact for approval as a consent agenda item at a subsequent regular meeting of the Board of County Commissioners.

C. If the Board of County Commissioners removes the resolution and findings of fact from the consent agenda for discussion at a regular meeting, the discussion shall not constitute a reopening of the public hearing, nor shall the Board hear any new evidence from the public. However, nothing in this section shall be construed to prevent the County Commission from continuing a public hearing to a time-certain and re-opening the public hearing at that time.

D. In the event the Board of County Commissioners wishes to re-open the public hearing portion of the hearing the item shall be readvertised.

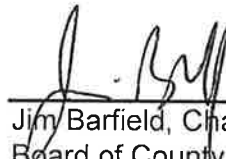
IV. EFFECTIVE DATE

This procedure shall take effect upon approval by the Board and may be updated by staff, as necessary.

ATTEST:



Scott Ellis, Clerk



Jim Barfield, Chairman
Board of County Commissioners
Brevard County, Florida

As approved by the Board on July 12, 2016

Strike thru/
underline

POLICY

TITLE: Zoning Actions and Findings of Fact

NUMBER: BCC-51

CANCELS: ~~July 9, 2002~~
July 8, 2008

APPROVED: ~~July 8, 2008~~
July 12, 2016

ORIGINATOR: Planning & Development
Department, County Attorney

REVIEW: ~~July 8, 2014~~
July 12, 2019

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Truman G. Scarborough, Jr., Chairman

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board on July 8, 2008

ATTEST:


Scott Ellis, Clerk