



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

H.1.

7/11/2023

Subject:

Scheduling of Zoning Meetings

Fiscal Impact:

N/A

Dept/Office:

District 2 Commission Office

Requested Action:

It is requested that the Board consolidate the Zoning Meetings with the evening Regular Meetings, which would be scheduled to begin at 3 p.m. beginning October 2023. A new section would be created for such meeting agendas which would be entitled "Development Public Hearings" and would have a time certain of no earlier-than 5 p.m., within which items currently placed on the Public Hearing section of the Zoning Meeting will be considered.

Summary Explanation and Background:

On April 18, 2023, the Board directed the County Manager to investigate combining the Zoning Meetings with the Regular 5:00 p.m. Board Meetings. Taking into consideration the legal requirements regarding certain zoning matters, the Board has the option to consolidate these meetings and start the consolidated meeting at an earlier time.

In accordance with Section 125.01(1)(a), Fla. Stat., the Brevard County Board of County Commissioners has the general authority to "set the time and place of its official meetings." However, where the Board is considering a proposed ordinance or resolution that amends "the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more," one of the two public hearings must be held after 5 p.m., unless voted otherwise by a majority-plus-one vote per Section 125.66(4)(b), Fla. Stat.

Attached is the report prepared by staff that outlines statutory requirements, length of regular Board meetings and Zoning Meetings from August 2020 to present, Legistar programming requirements, and implementation strategies if this request is approved by the Board. Due to notice already provided to current Zoning cases, if approved, the Board could begin consolidated meetings as early as October 2023.

Clerk to the Board Instructions:



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July 12, 2023

M E M O R A N D U M

TO: Tom Goodson, District 2 Commissioner

RE: Item H.1., Scheduling of Zoning Meetings

The Board of County Commissioners, in regular session on July 11, 2023, discussed consolidating the Zoning meetings with evening Regular meetings, which would be scheduled to begin at 3:00 p.m., beginning October 2023, but took no action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds



BOARD OF COUNTY COMMISSIONERS

TO: Brevard County Board of County Commissioners

FROM: Frank Abbate, County Manager

DATE: May 5, 2023

SUBJECT: Scheduling of Zoning Meetings

INTRODUCTION

At its April 18, 2023, Board Meeting, the Board directed the County Manager to investigate combining the Zoning Meetings with the Regular 5:00 p.m. Board Meetings. Taking into consideration the legal requirements regarding certain zoning matters, discussed in more detail below, the Board has the option to consolidate these meetings and start the consolidated meeting at an earlier time.

As outlined below, under this meeting framework, there would be a single agenda, with a new section labeled "Development Public Hearings." This section, which would have a time certain of no-earlier-than 5 p.m., would be utilized only during the Board's evening meeting held once per month (the first regular BOCC meeting of the month). Items that would otherwise have been placed on the Public Hearings section of the Zoning Meeting agenda would be included under the Development Public Hearing section. Given the typical length of its Regular Meetings held at 5 p.m., discussed further below, under this option staff would recommend such consolidated meetings begin at 3 p.m.

STAFF OBSERVATIONS

Statutory Legal Requirements Regarding Setting Meeting Time

The Brevard County Board of County Commissioners has the general authority to "set the time and place of its official meetings."¹

However, where the Board is considering a proposed ordinance or resolution that amends "the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more," one of the two public hearings must be held after 5 p.m., unless voted otherwise by a majority-plus-one vote.²

As such, it is essential to ensure that such items are placed on the agenda for a time certain of no-earlier-than 5 p.m. This is the primary reason that Zoning Meetings are scheduled after 5 p.m. Should the Board wish to move the Zoning Meeting to the same day it holds its evening Regular Meeting, the

¹ Fla. Stat. § 125.01(1)(a)

² Fla. Stat. § 125.66(4)(b); see also Section 62-1152(b), requiring that, in cases in which a proposed rezoning involves five percent or more of the total land area of the County, two hearings shall be held after 5 p.m. on a weekday.

staff could structure the meeting so the Board would consider hearing zoning-related public hearings after the Board finishes its other business, with the potential exception of Board Reports.

Board Evening Meeting Length

From August 2020 to present, the average length of regular meetings occurring at 5 p.m. has been 2 hours 14 minutes. Taking this information into account, if the Board desires to conclude its business at approximately the same time as it currently concludes its Zoning Meetings, staff would recommend to begin consolidated meetings at 3 p.m.

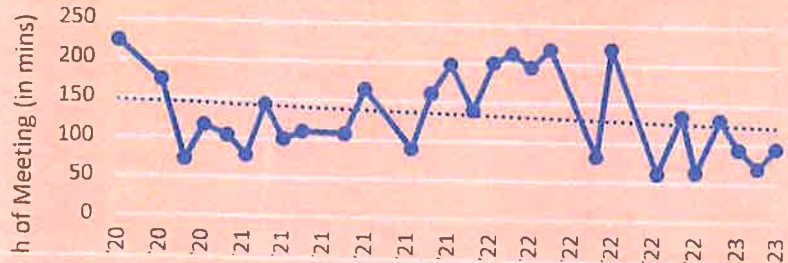
Over the same time period, Zoning Meetings were, on average, 1.5 hours long.

The sum of the Zoning Meeting average time and the Evening Regular Meeting average time has been 3.25 hours. The Board should, however, be aware that Zoning Meetings have been trending to have more zoning items per agenda. Therefore, Planning and Development staff projects that over time these meetings will become lengthier.

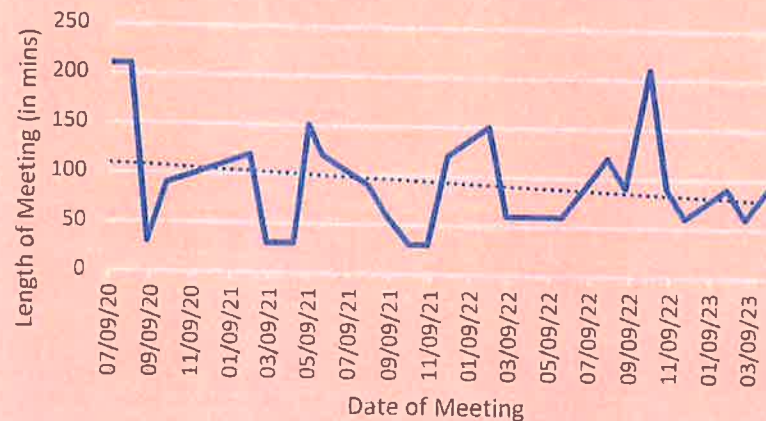
Other Considerations

Due to the technical and statutory requirements surrounding budget hearings being after 5 p.m., the Board does not schedule a regular 5 p.m. meeting in the month of September. As such, staff would seek Board direction on whether a Zoning Meeting should continue to be scheduled during the month of September, or instead whether to push zoning-related public hearings to the month of October.

Length of Regular Meetings 2020-Current



Length of Zoning Meetings (2020-current)



Number of Zoning Items On Agenda



BCC-97 currently states that "Zoning Board meetings shall commence no earlier than 5:00 p.m., unless altered by the Board."³ Since the Board may consider including zoning-related public hearings on the Board's Regular Meeting agenda, there would not be a conflict with this policy.

Due to software limitations in Legistar, we are currently unable to hold two Board meetings on the same day with separate agendas. Should the Board determine that this is required, staff would need to research and develop a software solution to this limitation.

Planning and Development staff have advised that another important factor that needs to also be accounted for is that a number of zoning applications have already been initiated and preliminarily scheduled for hearing. As a result, they believe they would need approximately three months to implement this change. Upon Board direction to initiate the consolidation of the Zoning Meetings with the Regular Meetings held at 5 p.m., Planning and Development staff would immediately begin scheduling future hearings accordingly.

CONCLUSION

Should the Board so direct, staff has identified no reason why the Board would be unable to conduct business currently placed on Zoning Meetings on the same day as its afternoon Regular Meeting. In order to best effectuate the purposes of such an action, the Board may consider amending its schedule so that its afternoon Regular Meetings begin at 3 p.m., with an additional section on the meeting agenda for "Development Public Hearings," which would have a time certain of no-earlier-than 5 p.m.

Options for Board Consideration and Direction

1. Maintain the current Board meeting schedule as stated in BCC-97 and continue to hold Zoning Meetings as currently scheduled.
2. Consolidate the Zoning Meetings with the afternoon Regular Meetings, which would be scheduled to begin at 3 p.m. A new section would be created for such meeting agendas which would be entitled "Development Public Hearings" and would have a time certain of no-earlier-than 5 p.m., within which items currently placed on the Public Hearing section of the Zoning Meeting will be considered.
3. Any other direction of the Board.

³ BCC-97(III)(B)(1)(a)