



AGENDA REPORT
May 8, 2018

SUBJECT:

Board Policy Review, Re: BCC-50, Fee Waivers

FISCAL IMPACT:

The Board may waive up to \$5,000 in fees per fiscal year.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners continue Board Policy BCC-50, Fee Waivers.

SUMMARY EXPLANATION and BACKGROUND:

Pursuant to BCC-31 (Sunset Review of Programs, Services, Ordinances, Policies, and Administrative Orders) staff has reviewed BCC-50 and requests that the Board continue the Policy to May 8, 2021. BCC-31 requires the review of Board Policies every three (3) years to determine if a policy is relevant. BCC-50 is relevant in that it establishes criteria to determine applicant eligibility for waiver of fees of certain rezoning, comprehensive plan amendment, variance, and vested rights applications.

Board determination of one or more of the following is required:

1. The applicant or organization requesting the fee waiver must be seeking an application to:
 - Perform work on behalf of the County.
 - Perform work determined by the Board to be in the public interest.
2. The applicant requesting the fee waiver must be classified as low-income based on the U.S. Bureau of the Census guidelines.
3. The organization requesting the fee waiver must not have generated over \$75,000 in total revenue per year, as documented by the previous year's tax return, most recent IRS Form 990 available, or other official documentation found acceptable by the County.
4. The Board must determine, in conjunction with an approved vested rights determination, that failure to waive the fee would be highly unjust and inequitable.
5. The fee waiver request should not be for a rezoning to BU-2 (or more intense use) or

for a comprehensive plan future land use map amendment to Heavy/Light Industrial.

The Board reserves the right, within its sole discretion, to change the criteria set forth in this policy and to approve or withdraw a waiver for any reason determined by the Board at any time.

Contact: Rebecca Ragain, Assistant Director

321-633-2069 ext. 5-2362

CLERK TO THE BOARD INSTRUCTIONS:

Please forward signed original BCC-50 to the County Manager's Office.

ATTACHMENTS:

Description

- Sunset Review Form**
- Strike Through and Underlined Version**
- Clean Version**



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

May 9, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item II.A.4., Board Policy Review for BCC-50, Fee Waivers

The Board of County Commissioners, in regular session on May 8, 2018, continued Board Policy BCC-50, Waiver of Development Review and Permit Fees; and authorized the Chair to execute the Policy. Enclosed is a fully-executed copy of the Policy.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Each Commissioner
County Attorney
Planning and Development Director



POLICY

Title: Fee Waivers

Number: BCC-50

Cancel: 01-27-09

Approved: 05-08-18

Originator: Planning and Development

Review: 05-08-21

I. OBJECTIVE

To establish criteria to be used in determining applicant eligibility for waiver of fees of certain rezoning, comprehensive plan amendment, variance, and vested rights applications

II. BOARD OF COUNTY COMMISSIONERS (BOARD) INTENT

The Board recognizes that circumstances may arise whereby a fee waiver may be justified to:

- Lessen the fiscal impact to a philanthropic or charitable organization;
- Compensate an application designed to benefit the public via a private-sector funded project;
- Offset costs incurred to an application that is delayed by an on-going code amendment being considered by the Board; or,
- Reimburse an applicant deemed to be qualified for a vested rights determination.

III. CRITERIA FOR FEE WAIVER (Board determination of one or more is required)

a. The person or organization requesting the fee waiver must be seeking an application to:

- Perform work on behalf of the County; or,
- Perform work determined by the Board to be in the public interest.

b. The person requesting the fee waiver must be classified as low-income based on the U.S. Bureau of the Census guidelines.

c. The organization requesting the fee waiver must not have generated over \$75,000 in total revenue per year, as documented by the previous year's tax return, most recent IRS Form 990 available, or other official documentation found acceptable by the County.

- d. The Board must determine, in conjunction with an approved vested rights determination, that failure to waive the fee would be highly unjust and inequitable.
- e. The fee waiver request should not be for a rezoning to BU-2 (or more intense) or for a comprehensive plan future land use map amendment to Heavy/Light Industrial.

IV. METHOD FOR REQUESTING A FEE WAIVER

A fee waiver request may be presented to the Board of County Commissioners either via a “personal appearance” during a regularly scheduled public hearing or as part of an application listed in the Objective of this Policy.

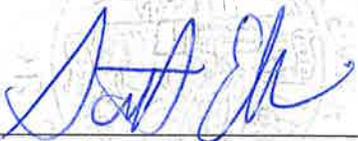
V. YEARLY FEE WAIVER ALLOTMENT

The Board of County Commissioners may waive up to \$5,000.00 in fees per fiscal year.

VI. RESERVATION OF AUTHORITY

The Board of County Commissioners reserves the right, within its sole discretion, to change the criteria set forth in this policy and to approve or withdraw a waiver for any reason determined by the Board at any time.

ATTEST:



Scott Ellis, Clerk

Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida

As approved by the Board on May 8, 2018

CTB

SUNSET REVIEW
BCC-31

POLICY NUMBER AND NAME: BCC-50, Fee Waivers

Department: Planning & Development
Please review with recommendations to the County Manager and/or Advisory Board

Citizen Group: N/A

County Commission: To receive results of Department and Citizen Group reviews:

REVIEW TO INCLUDE (BUT NOT LIMITED TO):

1. What is the need being met and who benefits: (Quantify)
BCC-50 benefits philanthropic or charitable organizations seeking an application to perform work on behalf of the County, or to perform work determined by the Board to be in the public interest, by waiving fees for certain rezoning, comprehensive plan amendments, variance, and vested rights applications.
2. Is this Policy/Administrative Order duplicative? Yes No
If yes, please explain.
3. Can another agency perform this function: Yes No
If yes, please explain.
4. County Funding Yes No
Potentially up to \$5,000.00 in zoning fees waived per year
5. Should this Policy/Administrative Order be

Eliminated
Modified
<input checked="" type="checkbox"/> Continued
6. Is there an acceptable alternative? Yes No
If yes, please explain

The date(s) the Citizen's Group/Advisory Board will review: N/A

The date the Board of County Commissioners will review results: 05/08/2021



Tad Calkins, Planning & Development Director

4/20/2018

Date

Strickland



POLICY

Title: Fee Waivers

Number: BCC-50

Cancels: ~~08-05-08~~
01-27-09

Approved: ~~01-27-09~~
05-08-18

Originator: Planning and Development

Review: ~~01-27-12~~
05-08-21

I. OBJECTIVE

To establish criteria to be used in determining applicant eligibility for waiver of fees of certain rezoning, comprehensive plan amendment, variance, and vested rights applications

II. BOARD OF COUNTY COMMISSIONERS (BOARD) INTENT

The Board recognizes that circumstances may arise whereby a fee waiver may be justified to:

- Lessen the fiscal impact to a philanthropic or charitable organization;
- Compensate an application designed to benefit the public via a private-sector funded project;
- Offset costs incurred to an application that is delayed by an on-going code amendment being considered by the Board; or,
- Reimburse an applicant deemed to be qualified for a vested rights determination.

III. CRITERIA FOR FEE WAIVER (Board determination of one or more is required)

a. The person or organization requesting the fee waiver must be seeking an application to:

- Perform work on behalf of the County; or,
- Perform work determined by the Board to be in the public interest.

b. The person requesting the fee waiver must be classified as low-income based on the U.S. Bureau of the Census guidelines.

c. The organization requesting the fee waiver must not have generated over \$75,000 in total revenue per year, as documented by the previous year's tax return, most recent

IRS Form 990 available, or other official documentation found acceptable by the County.

- d. The Board must determine, in conjunction with an approved vested rights determination, that failure to waive the fee would be highly unjust and inequitable.
- e. The fee waiver request should not be for a rezoning to BU-2 (or more intense) or for a comprehensive plan future land use map amendment to Heavy/Light Industrial.

IV. METHOD FOR REQUESTING A FEE WAIVER

A fee waiver request may be presented to the Board of County Commissioners either via a “personal appearance” during a regularly scheduled public hearing or as part of an application listed in the Objective of this Policy.

V. YEARLY FEE WAIVER ALLOTMENT

The Board of County Commissioners may waive up to \$5,000.00 in fees per fiscal year.

VI. RESERVATION OF AUTHORITY

The Board of County Commissioners reserves the right, within its sole discretion, to change the criteria set forth in this policy and to approve or withdraw a waiver for any reason determined by the Board at any time.

ATTEST:

Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida

Scott Ellis, Clerk

As approved by the Board on May 8, 2018