



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-51
Cancels: July 9, 2019
Approved: ~~July 9, 2016~~ Mar. 21, 2023
Originator: Planning & Development/County Attorney
Review: ~~July 9, 2022~~ Mar. 21, 2026

TITLE: Zoning Actions and Findings of Fact

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 a 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 of 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 re-advertised.

IV. Effective Date

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

ATTEST:

Rachel M. Sadoff, Clerk

Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida
As approved by the Board on March 21, 2023