

Sec. 62-1151. - Amendments to official zoning map—Amendments initiated by property owner.

- (a) *Application; fee.* Any owner of real property may file an application for an amendment to the official zoning map to designate the particular real property a different zoning classification or conditional use from the use designated on the official zoning map under the provisions of this section. The application may be accompanied by a fee established from time to time by the board of county commissioners, and shall contain the following information and documents:

- (1) The name of the owner of the particular real property.

.....

- (7) All commercial and industrial rezoning requests shall include a certified wetlands delineation and habitat description to be provided by the applicant or their designee. If the county natural resources management office, utilizing the best available data including, but not limited to, the National Wetland Inventory Maps, aerial photographs and the Brevard County Soil Survey, determines that no wetlands exist on-site, a waiver of such delineation requirements may be granted from that office. If a wetland delineation is required, it shall be performed by an environmental professional while utilizing the Florida Land Use, Cover and Forms Classification System (FLUCCS) to describe the wetland habitat on site.

Environmental professional An individual with at least two years of experience in describing on-site environmental conditions and habitat types. Said individual shall also provide proof of completion of a USCOE wetlands delineation or equivalent course. A thorough knowledge of the following publications and issue areas including, but not limited to, the Florida Wetland Delineation Manual, Brevard County Soil Survey, plant identification, surface water classification, floodplain delineation, and listed species identification is required.

.....

- (c) *Conduct of hearing before planning and zoning board; recommendation of approval or denial.* At the designated public hearing, the planning and zoning board shall hear the applicant on the proposed amendment to the official zoning maps, and shall hear members of the general public. The planning and zoning board shall have the power to establish such rules of procedure for the orderly conduct of the public hearing as the circumstances of the consideration of each application warrant. During the public hearing, the applicant may be present in person and by counsel, and the applicant has the right to present evidence in support of his position and to cross examine adverse witnesses whose testimony is offered at the hearing. The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application.

.....

Exhibit:

