

## **LDC 22-1113 Rezoning and Land Use Meeting Procedures**

This Proposed Amendment revises the rezoning and Land Use Meeting procedures. Most notably, the Proposed Amendment allows for a more expansive record and clarifies the duties of Land Use Hearing Officers (“LUHOs”).

A LUHO, which is appointed by the Board, is effectively what was previously known as a Zoning Hearing Master (“ZHM”). To qualify for appointment, a prospective LUHO must have been either a certified planner for 7 years or a licensed Florida attorney for 7 years. Upon termination of his/her position, a former LUHO shall not act as an advocate in any proceeding before any County office involving property that was at issue during his/her tenure as LUHO for 2 years.

The LUHO makes findings of fact and issues recommendations to the Board of County Commissioners (“BOCC”) on rezoning applications. During a LUHO hearing, the applicant, proponents, and opponents are each allotted 15 minutes to present their arguments. The LUHO is required to transmit a recommendation to the BOCC 15 working days after this public hearing. The time between the LUHO hearing and the BOCC hearing is regarded as the “Open Record Period.” Critically, the latest changes in the Proposed Amendment do not cure some of the risks of “ambush” regarding the expansive record permitted during this period.

The Proposed Amendment states that the BOCC shall consider “any evidence or testimony submitted into the record subsequent to the hearing before the Land Use Hearing Officer up to the time of action on the application by the Board of County Commissioners.” For written or documentary materials, the record may be supplemented up to “7 business days prior to the day the application is scheduled for consideration” by the BOCC. It is unclear whether new arguments may be sprung on an applicant at the BOCC hearing. Thus, as written, the Proposed Amendment allows for a *very* extensive record with no clear limitation on the how the record may be supplemented after a LUHO hearing.