



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Add-On

J.7.

3/23/2021

Subject:

Legislative Intent & Permission to Advertise an Ordinance Amending Brevard County Code of Ordinances, Chapter 98, Article V, North Merritt Island Dependent Special District, Section 98-145

Fiscal Impact:

None

Dept/Office:

District 3

Requested Action:

Permission to advertise an ordinance amending Brevard County Code of Ordinances, Chapter 98, Article V, North Merritt Island Dependent Special District, Section 98-145.

Summary Explanation and Background:

Section 98-145, Brevard County Code of Ordinances enumerates the powers and duties of the governing board of the North Merritt Island Dependent Special District ("NMI Special District"). The NMI Special District hears requests for rezoning and comprehensive plan amendments in the North Merritt Island area.

Currently, the Port St. John Dependent Special District and the NMI Special District have identical powers and duties. As an amendment to the Port St. John Dependent Special District's powers and duties has been proposed, this proposal would keep these districts in parallel.

The proposed change provides all rezoning and comprehensive plan changes will be reviewed by the NMI Special District and the Planning and Zoning Board prior to County Commission review. However, if no recommendation is provided by the NMI Special District, for any reason, the item may proceed to the Planning and Zoning Board for a recommendation to the Board of County Commissioners. The proposed amendment to Section 98-145, Brevard County Code of Ordinances allows planning and zoning requests to move expeditiously through the review process.

Clerk to the Board Instructions:



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March 24, 2021

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.7., Legislative Intent and Permission to Advertise an Ordinance Amending Brevard County Code of Ordinances, Chapter 98, Article V, North Merritt Island Dependent Special District, Section 98-145

The Board of County Commissioners, in regular session on March 23, 2021, approved legislative intent and granted permission to advertise an ordinance amending Brevard County Code of Ordinances, Chapter 98, Article V, North Merritt Island Special District, Section 98-145.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

cc: County Attorney
Planning and Development

ORDINANCE NO. 21-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING BREVARD COUNTY CODE OF ORDINANCES, CHAPTER 98, ARTICLE V, NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT, SECTION 98-145, "POWERS, FUNCTIONS AND DUTIES" TO ADDRESS BOARD REVIEW PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICTS, AREA ENCOMPASSED, PROVIDING FOR AN EFFECTIVE DATE AND INCLUSION IN CODE.

WHEREAS, Section 98-145, Brevard County Code of Ordinances, enumerates the powers and duties of the North Merritt Island Dependent Special District; and

WHEREAS, it is in the public's interest that properly noticed planning and zoning issues be resolved expeditiously; and

WHEREAS, providing a process to allow items to move forward when multiple advisory boards exist; and

WHEREAS, the Board of County Commissioners now desires to amend Section 98-145, Brevard County Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are incorporated by reference into this Ordinance. Underline indicates additions. ~~Strike through indicates deletions.~~

SECTION 2.

Section 98-145, Code of Ordinances of Brevard County is hereby amended as follows:

The governing board of the dependent special district shall have the power and duty to:

(1) ~~In lieu of the planning and zoning board, r~~Review and provide the Planning and Zoning b~~Board of county commissioners~~ with a recommendation upon rezoning applications made for property located within the boundaries of the dependent special district, ~~when such application, if approved, would not increase residential density on the property that is subject of the application;~~

~~(2) Review and provide the planning and zoning board with an advisory recommendation upon rezoning applications made for property located within the district, when such application, if approved, would increase residential density on the property that is subject of the application;~~

(32) Review and provide recommendations to the board of county commissioners on any issue or subject referred to the governing body of the district by the county commission which matter may include the priority, location, maintenance, and use of public improvements or infrastructure provided within the district by the county;

(43) Review and provide the local planning agency with an advisory recommendation upon site-specific applications requesting a change in designation on the county future land use map.

(4) In the event the dependent special district does not provide a recommendation on an item noticed for regularly scheduled meeting of the dependent special district, the item may move directly to the Planning and Zoning Board provided notice of the Planning and Zoning Board meeting has been previously given. After an item has been heard by the Planning and Zoning Board, the Board of County Commissioners may hear the item at a properly noticed meeting.

The provisions of this section establishing a review process shall supersede and replace any conflicting review procedure set forth in any other ordinance.

SECTION 3. Severability. If any section, subsection, sentence, clause or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision and shall not be affected by such holding.

SECTION 4. Conflict. All resolutions, ordinances, and agreements or parts thereof that may be determined to be in conflict with this ordinance are repealed.

SECTION 5. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This Ordinance shall take effect upon adoption and filing pursuant to law.

SECTION 7. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be