



Port St. John Dependent Special District Board

Port St. John Library  
6500 Carole Avenue  
Port St. John, FL 32927  
Agenda  
Wednesday, July 14, 2021

**Call To Order**

**Approval of Minutes - March 3, 2021**

**H. Public Hearings**

- H.1.** Code Revision to Chapter 98, Article IV, Port St. John Dependent Special District Board, Section 98-105.

**Public Comment**

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

7/14/2021

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### Subject:

Code Revision to Chapter 98, Article IV, Port St. John Dependent Special District Board, Section 98-105.

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Port St. John Dependent Special District Board review and make a recommendation on a proposed ordinance amending Brevard County Code of Ordinances, Chapter 98, Article IV, Port St. John Dependent Special District Board, Section 98-105.

### Summary Explanation and Background:

On March 23, 2021, the Board of County Commissioners (BCC) granted legislative intent and permission to advertise the proposed ordinance. The proposed change allows all zoning and Comprehensive Plan changes to proceed to the Planning & Zoning Board/Local Planning Agency for a recommendation to the BCC in the event there is no quorum for the PSJ meeting, allowing requests to move expeditiously through the review process.

The Port St. John Dependent Special District Board (PSJ Board) was created in 1996, per Ordinance 1996-30, for the purpose of providing the citizens of Port St. John a formal means of establishing an advisory board to review and provide the BCC with recommendations on matters affecting properties within the Port St. John Special District boundary. The PSJ Board also reviews and provides recommendations to the BCC on matters such as priority, location, maintenance, and the use of public improvements or infrastructure.

On April 14, 2021, the Building Construction Advisory Committee heard the proposed ordinance and unanimously recommended approval.

The Local Planning Agency will hear the proposed ordinance on **Monday, July 26, 2021, at 3:00 p.m.** The BCC will hear the proposed ordinance on **Tuesday, August 3, 2021, at 5:00 p.m.** Both meetings will be held at the Viera Government Center, 2725 Judge Fran Jamieson Way, Building C, 1st Floor, Viera, Florida.

If approved by the Board, implementation will begin with the August 6th application submittal deadline for the October/November rezoning cycle.

### Clerk to the Board Instructions:

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H.1.

7/14/2021

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None

ORDINANCE NO. 21-\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING BREVARD COUNTY CODE OF ORDINANCES, ARTICLE IV., PORT ST. JOHN DEPENDENT SPECIAL DISTRICT, SECTION 98-105, "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 98-105, Brevard County Code of Ordinances, enumerates the powers and duties of the Port St. John Dependent Special District; and

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

**WHEREAS**, it is necessary to provide a process to allow items to move forward when multiple boards exist; and

**WHEREAS**, the Board of County Commissioners now desires to amend Section 98-105, 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. Amend.**

Section 98-105, 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;~~

(23) 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;

(34) Adopt bylaws setting forth procedures for conducting business;

(45) 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.

(56) 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

renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**DONE, ORDERED AND ADOPTED**, in Regular Session, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Rachel M. Sadoff, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on \_\_\_\_\_

Reviewed for legal form and content:

\_\_\_\_\_  
Assistant County Attorney



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Kimberly.Powell@brevardclerk.us

March 24, 2021

**M E M O R A N D U M**

**TO:** Commissioner Rita Pritchett, District 1

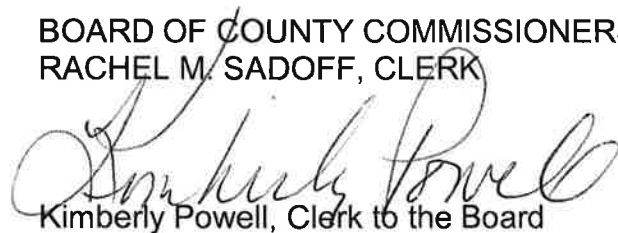
**RE:** Item J.3., Legislative Intent and Permission to Advertise an Ordinance Amending Brevard County Code of Ordinances, Chapter 98, Article IV, Port St. John Dependent Special District, Section 98-105

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 IV, Port St. John Dependent Special District, Section 98-105.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS**  
**RACHEL M. SADOFF, CLERK**

  
Kimberly Powell, Clerk to the Board

/ds

**cc:** County Attorney  
Planning and Development

## PSJ MEETINGS 2015 - 2021

### 2015

4 meetings total / 3 items

- 03/11/15
- 04/20/15 - PSJ ordinance
- 08/12/15 - No quorum
  - Tabled to: 09/09/15 PSJ  
09/28/15 LPA  
10/01/15 BCC

### 2016

6 meetings total / 5 items

- 01/06/16
- 04/13/16
- 05/11/16
- 07/13/16
- 08/10/16 - No quorum
  - Tabled to: 09/14/16 PSJ  
10/13/16 BCC

### 2017

3 meetings total / 3 items

- 01/11/17
- 02/08/17 - By-Laws
- 04/12/17

### 2018

2 meetings total / 1 item

- 05/09/18 - No quorum
  - Tabled to: 06/13/18 PSJ  
07/10/18 BCC

### 2019

1 meeting total / 1 item

- 04/10/19

### 2020

2 meetings total / 2 items

- 01/08/20
- 11/18/20

### 2021

3 meetings total / 1 item

- 01/06/21 - cancelled due to crowd size
- 02/10/21 - No quorum
  - Tabled to: 03/03/21 PSJ  
03/08/21 LPA  
03/23/21 BCC



Port St. John Current Membership Attendance  
2018 - 2020  
4 Meetings

Vaughan Kimberling	3 Meetings = 75%
Maureen Rupe	4 Meetings = 100%
Greg Messer	2 Meetings = 50%
Randy Rodriguez	3 Meetings = 75%
Carmella Chinaris	4 Meetings = 100%
Wendy Porter-Hyde	3 Meetings = 75%
Kevin Shropshire (Appointed 09/2020)	1 Meeting = 100%