



North Merritt Island Dependent Special District Board

Merritt Island Service Complex
2575 North Courtenay Parkway
Second Floor
Merritt Island, Florida 32952
Agenda
Thursday, July 15, 2021

Call To Order

Approval of Minutes - May 13, 2021

H. Public Hearings

- H.1.** Code Revision to Chapter 98, Article V, North Merritt Island Dependent Special District Board, Section 98-145.

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

H.1.

7/15/2021

Subject:

Code Revision to Chapter 98, Article V, North Merritt Island Dependent Special District Board, Section 98-145.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the North Merritt Island Dependent Special District Board review and make a recommendation on a proposed ordinance amending Brevard County Code of Ordinances, Chapter 98, Article V, North Merritt Island Dependent Special District Board, Section 98-145.

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 actions and Comprehensive Plan changes, regardless if there is a potential for an increase in residential density, to proceed to the Planning & Zoning Board and/or the Local Planning Agency for a recommendation to the BCC in the event there is no quorum for the NMI meeting, allowing requests to move expeditiously through the review process.

The North Merritt Island Dependent Special District Board (NMI Board) was created in 1998, per Ordinance 1998-59, for the purpose of providing the citizens of North Merritt Island a formal means of establishing an elected advisory board to review and provide the Board of County Commissioners with recommendations on particular matters affecting property in the NMI Special District boundary. The NMI Board also reviews and provides the BCC with recommendations 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:

None

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 bBoard 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

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



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

March 24, 2021

MEMORANDUM

TO: Commissioner John Tobia, District 3

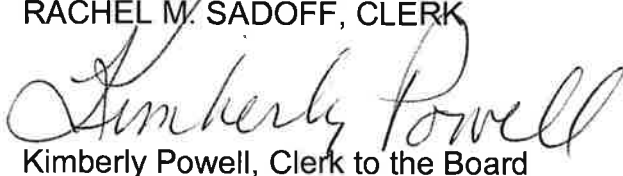
RE: Item J.7., Legislative Intent and Permission to Advertise an Ordinance Amending Brevard County Code of Ordinances, Chapter 98, Article V, North Merritt Island Dependent Special District, Section 98-145

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, Clerk to the Board

/ds

cc: County Attorney
Planning and Development

NMI MEETINGS 2015 - 2021

2015

5 meetings total / 5 items

- 01/08/15
- 02/12/15
- 03/30/15
- 04/15/15 - NMI Ordinance
- 11/12/15

2016

5 meetings total / 5 items

- 01/07/16 - Sunshine/Florida's Public Meetings Law presentation
- 05/12/16
- 07/14/16
- 10/13/16
- 11/10/16

2017

8 meetings total / 13 items

- 01/12/17
- 03/09/17
- 04/13/17
- 05/11/17
- 07/13/17
- 08/10/17
- 10/12/17
- 11/09/17 - No quorum
 - Tabled to 11/09/17 PSJ
12/07/BCC

2018

7 meetings total / 10 items

- 01/11/18
- 03/08/18
- 04/12/18
- 05/10/18
- 07/12/18
- 10/11/18
- 11/08/18

2019

3 meetings total / 5 items

- 02/14/19
- 04/11/19
- 07/11/19

2020

3 meetings total / 6 items

- 06/11/20
- 07/16/20
- 10/08/20

2021

2 meetings total / 3 items

- 03/11/21
- 05/13/21

North Merritt Island Current Membership Attendance
2018 - 2020
12 Meetings

Mary Hillberg	11 Meetings = 92%
Chris Cook	9 Meetings = 75%
Ted Balke	11 Meetings = 92%
Jim Carbonneau	11 Meetings = 92%
Catherine Testa	9 Meetings = 75%
Gina Lindhorst	10 Meetings = 83%
Jack Ratterman	12 Meetings = 100%