

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