



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3205, **Version:** 1

Subject:

Code Amendment Re: 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 Board of County Commissioners conduct a public hearing to consider 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 amendments to Section 98-145. The proposed change allows all zoning actions and Comprehensive Plan applications, 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 whether there is or is not 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.

On July 15, 2021, the North Merritt Island Dependent Special District Board heard the proposed ordinance and unanimously recommended approval, with the following additions and amendments:

- Section 2, (4), the addition of a force majeure clause in the event the dependent special district does not provide a recommendation due to force majeure, an item may be rescheduled to the next available

meeting;

- Section 2, (4), allowing for the dependent special district to have an item rescheduled to the district's next regular meeting one time in the event there is no quorum;
- Section 2, (1), reinstatement of the stricken language, 'when such application, if approved, would not increase residential density on the property that is subject of the application';
- Reinstatement of Section 2, (2) in its entirety.

On July 26, 2021, the Local Planning Agency heard the proposed ordinance and unanimously recommended approval with additional language of adding two alternate members. Staff to research implications regarding elected versus appointed bodies. Please note the addition of alternate members to NMI will require legislative intent and permission to advertise amendments to Section 98-144.

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:

Please return a copy of the ordinance to Planning and Development once filed with the State.