



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

4/18/2023

Subject:

Revision to Board Policy BCC-52, "Approval of Binding Development Plans"

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

Board approval of revision to BCC-52, "Approval of Binding Development Plans."

Summary Explanation and Background:

The proposed revisions to BCC-52 are primarily to align it with amendments to Brevard County Code Sec. 62-1157, "Submission of binding development plan in support of request for change of zoning or conditional use permit," that the Board approved on March 7th, 2023. At that time, the Board approved clarifications to the Code with regards to when the 120-day period to record a binding development plan begins, added a procedure to seek an extension to that 120-day period, and instituted certain requirements with identifying and seeking the consent of interest-holders to the subject property.

In order to update BCC-52 accordingly, a procedure for extension to the 120-day requirement to record a binding development has been added, as well as direction to consider an application to be withdrawn if a BDP is not properly recorded within the required timeframe.

Clerk to the Board Instructions:



April 19, 2023

MEMORANDUM

TO: Frank Abbate, County Manager

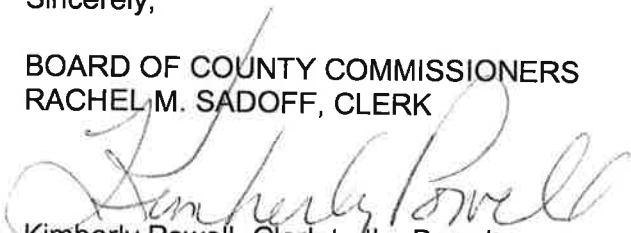
RE: Item F.3., Revision to Board Policy BCC-52, "Approval of Binding Development Plans"

The Board of County Commissioners, in regular session on April 18, 2023, approved Revision to Board Policy BCC-52, "Approval of Binding Development Plans". Enclosed are two fully-executed Revisions to Board Policy BCC-52.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/tr

Encls. (2)

cc: Planning and Development



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-52
Cancels: July 12, 2022
Approved: April 18, 2023
Originator: Planning &
Development/County
Attorney
Review: April 18, 2026

TITLE: Approval of Binding Development Plans

I. Objective

To establish a procedure for approval of Binding Development Plans (BDPs)

II. Definitions and References

"Binding Development Plan" as referenced in Section 62-1157.

III. Directives

- A. The Board of County Commissioners may table a rezoning action that is being considered subject to a Binding Development Plan (BDP) where alternatives or amendments to certain features of the BDP are being proposed or discussed or for review by staff.
- B. Where a rezoning action has been approved by the Board of County Commissioners subject to a BDP, the applicant shall submit the signed BDP with terms consistent with Board direction and in recordable form to staff within 60 days from the date of approval of the rezoning action.
- C. Staff shall have 30 days from the date of submission of the signed BDP to review it for completeness and accuracy and to coordinate with the applicant any changes pursuant to Board direction on the date of approval of the zoning action.
- D. Upon its satisfaction that the completed BDP meets the conditions agreed upon by the applicant and by the Board of County Commissioners, staff shall schedule the BDP as a consent item on a regularly scheduled Board of County Commissioners meeting.
- E. If the Board of County Commissioners removes the BDP from the consent agenda for discussion, the discussion shall not constitute a reopening of the public hearing, but shall be for the purpose of assuring that the content of the BDP meets the intent of the previous Board of County Commissioners action.
- F. Upon approval of the BDP by the Board of County Commissioners, the chair shall sign the BDP and staff shall coordinate with the applicant to assure the BDP is recorded in the public records of the County within 120-days of the date of the meeting where the zoning action was approved and subject to the BDP referenced in Section 62-

1157(1)(i).

- G. If an applicant is requesting an extension in accordance with Section 62-1157(1)(i)(2), such a request must be submitted within 90-days of approval by the Board of County Commissioners at the public hearing held pursuant to section 62-1151(d) or, where there is no associated rezoning application, at the public hearing held in accordance with section 62-1157(2). Staff shall ensure that the Board of County Commissioners has the opportunity to render a decision prior to the expiration of 120 days. In no event shall a request for an extension exceed 60 days.
- H. In the event a BDP is not recorded within the required timeframe set forth in Section 62-1157(1)(i), staff shall consider the application to have been withdrawn. Such a withdrawal shall not operate to bar the applicant from submitting a new application should such an application otherwise be valid.


IV. Effective Date

This procedure shall take effect upon approval by the Board and may be updated by staff, as necessary.

ATTEST:



Rachel M. Sadoff, Clerk



Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida
As approved by the Board on April 18,
2023



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-52
Cancels: ~~July 23, 2019~~ July 12, 2022
Approved: ~~July 12, 2022~~ April 18, 2023
Originator: Planning & Development/County Attorney
Review: ~~July 12, 2025~~ April 18, 2026

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Rachel M. Sadoff, Clerk

~~Kristine Zonka~~Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida

As approved by the Board on April
18, 2023 ~~July 12, 2022~~