

F. Consent Agenda - Planning and Development
ITEM 2.



AGENDA REPORT
July 23, 2019

Board Policy Review, Re: BCC-52, Approval of Binding Development Plans

SUBJECT:

Board Policy Review, Re: BCC-52, Approval of Binding Development Plans.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners amend and continue Board Policy BCC-52, Approval of Binding Development Plans.

SUMMARY EXPLANATION and BACKGROUND:

Pursuant to BCC-31 (Sunset Review of Programs, Services, Ordinances, Policies, and Administrative Orders), staff has reviewed BCC-52 and requests that the Board continue the policy to July 9, 2022. BCC-31 requires the review of Board Policies every three (3) years to determine if a policy is relevant.

BCC-52 is relevant in that it establishes a procedure for approval of Binding Development Plans (BDPs) following a zoning action by the Board.

Where a rezoning action has been approved by the Board subject to a BDP, the applicant shall submit the signed BDP in recordable form to staff within 60 days from the date of approval of the zoning action. Upon the Board's satisfaction that the BDP meets the conditions agreed upon by the applicant and the Board, staff shall schedule a BDP as a consent item on a regularly scheduled Board meeting agenda. Upon approval of the BDP by the Board, staff shall coordinate with the applicant to assure the BDP is recorded in the public records within the 120-day time frame referenced in Section 62-1157(1)g.

The amended policy clarifies that the 120-day time frame starts at the public hearing at which the zoning action was approved.

CLERK TO THE BOARD INSTRUCTIONS:

Please forward signed original BCC-52 to the County Manager's Office.

ATTACHMENTS:

Description

- ▣ **Sunset Review Form**
- ▣ **Strike Through and Underlined Copy**
- ▣ **Clean Copy**



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July 24, 2019

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item F.2., Board Policy Review for BCC-52, Approval of Binding Development Plans

The Board of County Commissioners, in regular session on July 23, 2019, granted amendment to continue Board Policy BCC-52, Approval of Binding Development Plans. Enclosed is a fully-executed Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Planning and Development Director



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-52
Cancels: July 12, 2016
Approved: July 23, 2019
Originator: Planning &
Development/County
Attorney
Review: July 23, 2022

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(1) e. and g.

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 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 chairman 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)g.

IV. Effective Date

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

ATTEST:



Scott Ellis, Clerk



BRYAN A. LOBER, VICE CHAIR
Board of County Commissioners
Brevard County, Florida
As approved by the Board on July 9, 2019

SUNSET REVIEW

Policy or Administrative Order Number: BCC-52

Policy or Administrative Order Name:

Approval of Binding Development Plans.

Pursuant to Board Policy BCC-31, the review process for programs, services, and existing ordinances shall be performed at three levels:

1. Department (Please review with recommendations to the County Manager and/or advisory board(s).

Planning and Development Department and County Attorney's Office

2. Citizen Group (Recommendation to be submitted to the Board of County Commissioners)

N/A

3. County Commission: To receive results of Department and Citizen Group reviews.

Review to include, but not limited to, the following:

1. What is the need being met and who benefits: (Quantify)

BCC-52 establishes a procedure for approval of Binding Development Plans (BDPs). The Board of County Commissioners and the applicant benefit from BCC-52 by allowing a final approval of the BDP prior to its recording in the public records.

2. Is this Policy or Administrative Order duplicative?
If yes, please explain.

Yes

No

3. Can another agency perform this function?
If yes, please explain.

Yes

No

4. County funding:

Yes

No

County funding is in advertising of ordinances.

5. Should this Policy or Administrative Order be:

Eliminated

Modified

Continued

6. Is there an acceptable alternative?
If yes, please explain.

Yes

No

The date(s) the citizen group or advisory board will review:

The date the Board of County Commissioners will review results: 07/23/2019

S/ Tad Calkins

Tad Calkins, Director, Planning and Development

07/08/2019

Date

6. Is there an acceptable alternative?
If yes, please explain.

Yes

No

The date(s) the citizen group or advisory board will review:

The date the Board of County Commissioners will review results: 07/23/2019

S/ Tad Calkins

Tad Calkins, Director, Planning and Development

07/08/2019

Date



BOARD OF COUNTY COMMISSIONERS

POLICY

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- F. Upon approval of the BDP by the Board of County Commissioners, the chairman 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 ~~the~~ 120-days of the date of the meeting where the zoning action was approved subject to the BDP as ~~timeframe~~ referenced in Section 62-1157(1)g.

IV. Effective Date

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

ATTEST:

Scott Ellis, Clerk

Kristine Isnardi, Chair
Board of County Commissioners
Brevard County, Florida
As approved by the Board on July 9, 2019