



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.3.

12/20/2022

Subject:

Board Policy Review, Re: BCC-82, Continued Use of Temporary Residence after Issuance of Certificate of Occupancy.

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners continue Board Policy BCC-82, Continued Use of Temporary Residence after Issuance of Certificate of Occupancy.

Summary Explanation and Background:

Pursuant to BCC-31 (Sunset Review of Programs, Services, Ordinances, Policies, and Administrative Orders), staff has reviewed BCC-82 and requests that the Board continue the policy to December 20, 2025, with no substantive changes. BCC-31 requires the review of Board Policies every three (3) years to determine if a policy is relevant.

BCC-82 is relevant in that it establishes a procedure by which a temporary residence may be utilized for up to forty-five (45) days after issuance of a Certificate of Occupancy to ease the transition of the resident into the newly constructed residence. It is not the intent of the Policy to permit permanent residency of two (2) structures to occur on a single-family residential lot.

The County Manager, or designee, is hereby authorized to approve the continued use of a temporary residence for up to forty-five (45) days to permit the resident to move into the newly completed residence.

Minor changes to BCC-82 are reflected in the attached strike-through version.

Clerk to the Board Instructions:

Please forward signed original BCC-82 to the County Manager's Office.



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Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 21, 2022

MEMORANDUM

TO: Frank Abbate, County Manager

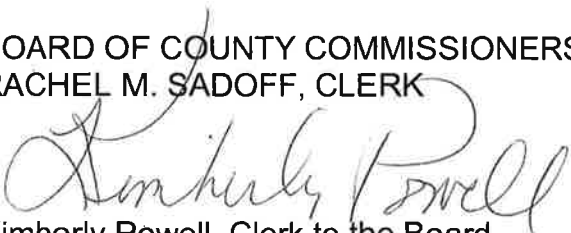
RE: Item F.3., Board Policy Review for BCC-82, Continued Use of Temporary Residence after Issuance of Certificate of Occupancy

The Board of County Commissioners, in regular session on December 20, 2022, approved and continued Board Policy BCC-82, Continued Use of Temporary Residence after Issuance of Certificate of Occupancy. Enclosed is the fully executed Board Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Planning and Development



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-82
Cancels: July 9, 2019
Approved: ~~July 9, 2019~~ Dec. 20, 2022
Originator: Planning & Development
Review: ~~July 9, 2022~~ Dec. 20, 2025

TITLE: Continued Use of Temporary Residence after Issuance of Certificate of Occupancy

I. Objective

To establish a procedure by which a temporary residence may be utilized for up to forty-five (45) days after the issuance of a Certificate of Occupancy to ease the transition of the resident into the newly constructed residence. It is not the intent of this Policy to permit permanent residency of two (2) structures to occur on a single-family residential lot.

II. Definitions and References

Certificate of Occupancy – As defined within the Florida Building Code and the Administration Section adopted in Chapter 22 of the Code of Ordinances of Brevard County.

Temporary Residence – A temporary mobile home, travel trailer, or recreational vehicle utilized during construction of a residence as defined within Chapter 62 of the Code of Ordinances of Brevard County, or an existing residence occupied during construction of a replacement residence on the same property.

Section 62-1842.6 of the Code of Ordinances of Brevard County, as may be amended, Temporary living quarters during construction of a residence.

III. Directives

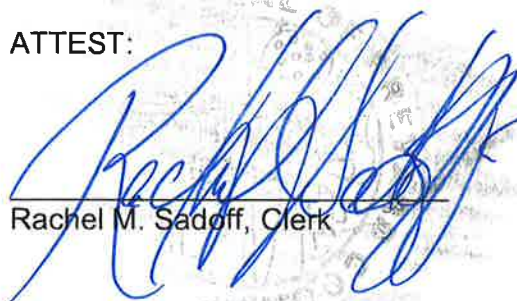
- A. In accordance with the regulations outlined in Section 62-1842.6, † the County Manager, or designee, is hereby authorized to approve the continued use of a temporary residence for up to forty-five (45) days to permit the resident to move into the newly completed residence.
- B. A temporary Certificate of Occupancy may be issued by the Building Official while the temporary residence is still in place to permit the resident to move into the newly completed structure.
- C. For temporary mobile homes, the County Manager, or designee, shall establish a date after which the temporary mobile home shall be removed from the subject property. If the temporary mobile home is not removed as required, Brevard County shall begin Code Enforcement action.

- D. A demolition permit shall be issued for the existing site built home prior to the issuance of temporary Certificate of Occupancy for the replacement residence. The demolition permit shall be executed pursuant to Administration Section 104.5.1.5 as adopted in Chapter 22, Code of Ordinances of Brevard County.

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 December 20, 2022

SUNSET REVIEW

POLICY/ADMINISTRATIVE ORDER NUMBER: BCC-82

POLICY/ADMINISTRATIVE ORDER NAME: Continued Use of Temporary Residence after Issuance of Certificate of Occupancy

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

Department: Planning & Development

Please review with recommendations to the County Attorney, County Manager, and Advisory Board, if applicable.

Citizen Group: Recommendation to be submitted to the Board of County Commissioners

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

REVIEW TO INCLUDE (BUT NOT LIMITED TO):

1. What is the need being met and who benefits: (Quantify)
BCC-82 establishes a procedure by which a temporary residence may be utilized for up to 45 days after issuance of a Certificate of Occupancy. The resident benefits from BCC-82 because it allows for an easy transition of the resident into the newly constructed residence.
2. Is this Policy/Administrative Order duplicative? ☐ Yes ☒ No
If yes, please explain.
3. Can another agency perform this function? ☐ Yes ☒ No
If yes, please explain.
4. County Funding ☐ Yes ☒ No
5. Should this Policy/Administrative Order be ☐ Eliminated
☐ Modified
☒ Continued
6. Is there an acceptable alternative? ☐ Yes ☒ No
If yes, please explain
7. Has this Policy/Administrative Order been reviewed by the County Attorney's Office? ☒ Yes ☐ No

Alex Gause
Reviewed by

11/29/22
Date

The date(s) the Citizen Group/Advisory Board will review. N/A

The date the Board of County Commissioners will review results. 12/20/22

<u>H. C. Lewis</u>	<u>Director</u>	<u>12/5/22</u>
Name,	Title	Date