



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3050, **Version:** 1

Subject:

Acceptance, Re: Binding Development Plan with Robert Van Horn and Gerald K. Houck. (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

In accordance with Section 62-1157, it is requested that the Board of County Commissioners accept, and the Chair sign, the Binding Development Plan.

Summary Explanation and Background:

A BDP (Binding Development Plan) is a voluntary agreement presented by the property owner to self-impose limits upon development of a property in support of a change of zoning or conditional use permit. Pursuant to Section 62-1157, a BDP shall be recorded in the public records within 120 days of the Board's approval of the zoning request. Following staff and legal review, the BDP is presented to the Board in recordable form as a Consent Agenda item in order to finalize the zoning action.

On April 15, 2021, the Board approved a rezoning request from RU-1-9 (Single-Family Residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial), with a BDP. The conditions of the BDP include, but are not limited to, the following:

- Owners agree to the BU-2 zoning designation with the following uses eliminated:
 - Aquariums, Auditoriums
 - Billiard Rooms and Electronic Arcades
 - Bottling Beverages
 - Bowling Alleys
 - Cafeterias
 - Dancing Halls and Academies
 - Fraternities and Sororities
 - Hospitals
 - Commercial Parking
 - Pet Kennels
 - Seafood Processing Plants
 - Theaters

Clerk to the Board Instructions:

Upon recordation, please return two certified copies of the BDP to Planning & Development.