



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 3703, **Version:** 1

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### **Subject:**

Acceptance, Re: Binding Development Plan with James Eric Preece (District 5)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and 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 December 2, 2021, the Board approved a rezoning request from RU-1-11 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential), with a BDP. The conditions of the BDP include, but are not limited to, the following:

- Developer/Owner agrees not to use the Property for resort dwelling purposes and, therefore, such use is prohibited.
- Developer/Owner shall limit density to two units, constructed as a duplex, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
- Developer/Owner shall limit ingress and egress to one unit to Franklyn Avenue and one unit to Gross Pointe Avenue.

### **Clerk to the Board Instructions:**

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