



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 1304, **Version:** 1

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### **Subject:**

Acceptance, Re: Binding Development Plan with Kim Fischer and Brian Scott Hall (19PZ00113) (District 1)

### **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 to 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 5, 2019, the Board approved a change of zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail, Warehousing, and Wholesale Commercial) with a BDP (Binding Development Plan) to all BU-2, with a BDP limiting outdoor storage to the south 200 feet of the property. The BDP submitted by the applicants prohibits outdoor storage on the north 100 feet of the property. The property is 300 feet deep; therefore, prohibiting outdoor storage on the north 100 feet accomplishes limiting outdoor storage to the south 200 feet.

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

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