



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2145, **Version:** 1

Subject:

Acceptance, Re: Binding Development Plan with The Daren T. Dempsey Revocable Trust (20Z00005) (District 2)

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 Chairman 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 August 6, 2020, the Board approved a change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential) with a BDP limiting the use of the property to a small scale plant nursery for the Developer/Owner's construction company, and that the Developer/Owner waive any and all claims to use the property for agritourism, as provided for in Chapter 570, Florida Statutes. As such, Developer/Owner, its grantees, successors or assigns shall not use the property for agritourism activity as defined in Section 570.86, Florida Statutes.

Clerk to the Board Instructions:

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