



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2583, **Version:** 1

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### **Subject:**

Acceptance, Re: Binding Development Plan with 4725 Fay Blvd Land Trust

### **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 December 3, 2020, the Board approved a rezoning request from BU-1-A (Restricted Neighborhood Commercial) with a BDP, to BU-1 (General Retail Commercial) and an amendment to the existing BDP. The conditions of the BDP include, but are not limited to, the following:

- Notwithstanding the uses permitted in BU-1, the Developer/Owner agrees that only the following uses shall be permitted: Hardware store with outdoor garden center. Developer shall retain the right to all permitted uses listed in the BU-1-A zoning classification pursuant to Brevard County Code, Section 62-1481, with the exception of the following uses, which shall be prohibited: adult entertainment, package liquor stores, gaming rooms, adult arcade, internet café, billiard hall, single-family residence, group homes, foster homes, resort dwellings, and coin laundromat.
- The Developer/Owner may open the previously closed Adams Place driveway, which is located on the southwest corner of property and shall identify this driveway with signage stating, "Delivery Use Only - Not for Customer Traffic" and provide a gate that shall be opened and closed only for such deliveries. Additionally, no deliveries using this entrance shall occur to the Property one hour before school starts and one hour after school dismisses.

**Clerk to the Board Instructions:**

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