



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3328, **Version:** 1

Subject:

Acceptance, Re: Binding Development Plan with North Pad, LLC (f.k.a. Cooltural Land, LLC) (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 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 May 27, 2021, the Board approved a change of zoning classification from BU-1 to BU-2, with a BDP to include a 20-foot vegetative buffer with no administrative waiver, on the entire north and east boundaries; to include a 25-foot use buffer on the entire north and east boundaries; to include an 8-foot opaque PVC or wood fence, from finished floor elevation, or a 12-foot opaque PVC or wood fence, from filled grade, at the entirety of the north and east boundaries at the 25-foot use buffer location, not at the property edge; and to preclude the following uses as defined in Section 62-1483(1)(b): aquariums; auditoriums; automobile hire; automobile repairs (as defined in Section 62-1102); automobile washing; billiard rooms and electronic arcades; bottling beverages; bowling alleys; cafeterias; child or adult day care centers; colleges and universities; commercial schools offering instruction in dramatic, musical, or other cultural activity, including martial arts; conservatories; convenience stores, with or without gasoline sales; dancing halls and academies; dry cleaning and laundry pickup stations; dry cleaning plants; dyeing and carpet cleaning; fertilizer stores; foster homes; fraternities and sororities; funeral homes and mortuaries; furriers; group homes, levels I and II; hospitals; ice plants; kindergartens; laundries; nursing homes; paint and body shops; parking lots (commercial); pawn shops; pet kennels; pet shops; resort dwellings; sale of alcoholic beverages, package only; seafood processing plants; sharpening and grinding shops; television and broadcasting stations; theaters; tobacco stores; and welding repair. The following uses as defined in Section 62-1483(1)(c) are also precluded: assisted living facility; automobile and motorcycle repair (major) and paint and body work; automobile tires and mufflers (new) (sales and service); boat service; cemeteries and mausoleums; commercial entertainment

and amusement enterprises; crematoriums; engine sales and service; farm machinery sales and services; garage or mechanical service; gasoline service stations; manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain products; motorcycle sales and service; railroad; motor truck and water freight and passenger stations; recovered materials processing facility; service station for automotive vehicles and U-Haul service; substations and transmission facilities; tourist efficiencies and hotels and motels; and treatment and recovery facilities.

Clerk to the Board Instructions:

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