



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3452, **Version:** 1

Subject:

Acceptance, Re: Binding Development Plan with 395 East, 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 August 5, 2021, the Board approved a change of zoning classification from SEU to EU, with a BDP containing the following conditions:

- A maximum of four single-family residences shall be constructed upon the Property.
- Home or portion thereof shall not exceed a height of 35 feet.
- No guest houses shall be constructed on the Property.
- Ingress/egress shall be by newly constructed driveway to both South Courtenay Parkway and South Tropical Trail.
- Ingress/egress or use of Curry Dell Lane to access the Property is prohibited.
- Each residence must connect to the sanitary sewer system if available at time of permitting and if sewer is unavailable at the time of permitting, each residence must be plumbed to an advanced septic system providing not less than 65% nitrogen removal.

The BDP is consistent with prior Board action and contains all the provisions agreed upon by the parties.

Clerk to the Board Instructions:

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