



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3722, **Version:** 1

Subject:

Acceptance, Re: Binding Development Plan with The Heather Calligan Trust (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & 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 December 2, 2021, the Board approved a change of zoning classification from RU-1-11 (Single-Family Residential) with a BDP, to RU-1-7 (Single-Family Residential) with a BDP, including, but not limited to the following stipulations:

- Developer/Owner shall limit gross density on the property to a maximum of 198 units. Minimum unit size shall be 1,800 square feet or larger. The minimum lot size for the project shall be 6,000 square feet. Any increase in site density will require an amendment to this agreement and will require public hearings and notice as provided in the Code of Ordinances of Brevard County, Florida.
- Developer/Owner shall construct a berm with an average height of 4 feet (varies from 3 feet to 5 feet high) along the length of the Property that fronts on Turpentine Road. The berm will be located in the buffer area contiguous to Turpentine Road. This area will also include a 6-foot high wood fence or opaque vegetative landscaped buffer. The berm shall be irrigated and maintained by the Developer/Owner and/or its assigns. The berm will be constructed along with the initial phase of construction.
- Developer/Owner shall provide a 300-foot-wide buffer along the east approximately 1,600 feet of the south Property line, which shall be placed in a conservation easement. The conservation easement

may be used for mitigation of wetlands with the St. Johns River Water Management District (SJRWMD). In that case, the easement will be in favor of the SJRWMD only. The remaining (western) portion of the south Property line shall keep a minimum 30-foot natural vegetative buffer between the property boundary line and the rear property line of the lot(s). The homes abutting Wherry Rd. will be required to build a 6-foot wood or vinyl fence at the back of the lot. This requirement shall be enforced and maintained by the Property's Homeowners Association documents.

- Developer/Owner shall provide a 25-foot wide buffer along the south Property line of Bar "C" Ranchettes where it is contiguous to the Property and along the contiguous property line of the Property with the 2 parcels as recorded in ORB 298, page 409 and ORB 2314 page 2137 of the public records of Brevard County, Florida. The Developer/Owner shall install a 6-foot high opaque wooden fence along this contiguous property line and along the southeast 350 feet of Bar "C" Ranchettes east of boundary line which is contiguous to the Property. In addition to the wood fence, a 6-foot high landscaped buffer will be provided along Bar-C Ranchettes south property line where it is contiguous to the Property. A buffer area for the undisturbed area will be provided no less than 50 feet extending south from the north 300 feet of Bar "C" Ranchettes east property line which is contiguous to the Property. The area between the north 300 feet and the south 350 feet on east property line shall be a minimum of a 50-foot buffer. Property abutting S.R. 46 will provide an opaque vegetative buffer no less than 50 feet east of the 150-foot buffer and extend from the south side of S.R. 46 which is contiguous to the property. Existing vegetations shall remain intact in the buffer area unless invasives are required to be removed. The Developer/Owner shall provide replacement vegetation in this area if the existing non-invasive vegetation is destroyed.
- The BDP shall replace the 1999 and 2005 BDPs recorded on 12/10/99 at ORB 4100, Page 3354, and 05/25/05 at ORB 5472, Page 3172.

Clerk to the Board Instructions:

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