

Zoning

Parcel Property

□ Parcels

0
0

Sources: Esri, HEF
FAO, NPS, NRCAI

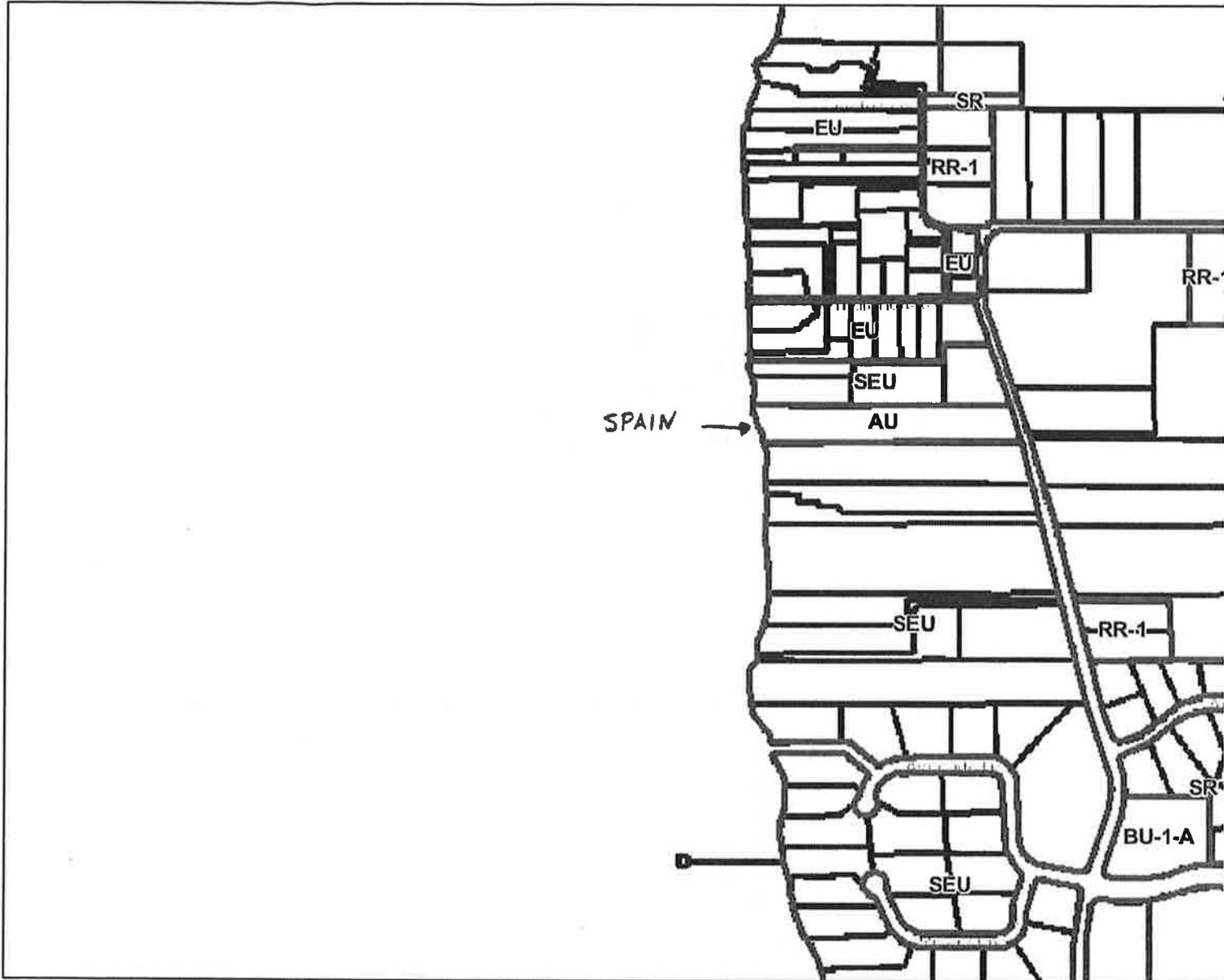
2/28/2018, 10:50:09 AM

Brevard County Property Appraiser



February 28, 2018

0
T
0
B
2



Zoning

Parcel Property



Parcels

0
0

Sources: Esri, HEF
FAO, NPS, NRCAI

PREPARED BY:
Laura M. Young Esq.
Dean Mead
7380 Murrell Road, Ste. 200
Viera, Florida 32940

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this _____ day of March , 2018 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "**County**") and ALEX B. ALTMAN and MELISSA ALTMAN (hereinafter collectively referred to as "**Developer/Owner**").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "**Property**") in Brevard County, Florida, as more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested the Rural Residential (RR-1) zoning classification(s) and desires to locate up to two (2) horses on the Property, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors and/or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.
2. Developer/Owner shall not, nor shall Developer/Owner permit any of its invitees, licensees, tenants or other person or entity occupying all or any portion of the Property with the consent of Developer/Owner, nor shall any future owner or possessor of all or any portion of the Property be permitted to engage in any significant

V.A

On motion by Commissioner Barfield, seconded by Commissioner Smith, the following resolution was adopted by a 3:2 vote, with Commissioners Tobia and Isnardi voting nay:

WHEREAS, ALEX B. AND MELISSA ALTMAN have applied for a change of classification from EU (Estate Use) to RR-1 (Rural Residential), and removal of two BDP's (Binding Development Plan), on property described as Tax Parcels 529 & 531, as recorded in ORB 8042, Pages 1301 – 1304, of the Public Records of Brevard County, Florida. (2.58 acres) Located on the east side of U.S. Hwy 1, approx. .30 mile north of Portofino Lane. (6555 N. U.S. 1, Melbourne); and

Section 18, Township 26S, Range 37E, and,

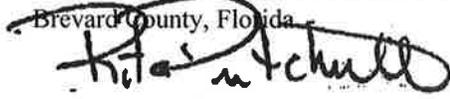
WHEREAS, a public hearing of the Brevard County Planning & Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning & Zoning Board recommended that the application be denied; and,

WHEREAS, the Board, after considering said application and the Brevard County Planning & Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be Denied; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of classification from EU to RR-1, and removal of two BDP's, be DENIED, due to incompatibility with the character of the surrounding land uses and existing development pursuant to Administrative Policies 3 and 4 of the Future Land Use Element of the Brevard County Comprehensive Plan, and that the zoning classification relating to the above described property remain unchanged.

BE IT FURTHER RESOLVED that this resolution shall become effective as of March 1, 2018.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida



by Rita Pritchett, Chair
Brevard County Commission
As approved by Brevard County Commission on March 1, 2018.

ATTEST:


SCOTT ELLIS, CLERK
(SEAL)

(P&Z Hearing – February 5, 2018)

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one (1) year of approval or if construction does not commence within two years of approval. A PUD Preliminary Development Plan expires if a final development plan is not filed within three years.

THE GRANTING OF THIS ZONING DOES NOT GUARANTEE PHYSICAL DEVELOPMENT OF THE PROPERTY. AT THE TIME OF DEVELOPMENT, SAID DEVELOPMENT MUST BE IN ACCORDANCE WITH THE CRITERIA OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND OTHER APPLICABLE LAWS AND ORDINANCES.

agricultural pursuits on the Property. For the purposes of this Agreement, the phrase “agricultural pursuits” shall be deemed to include those activities currently contemplated under Brevard County Code Section 62-2100.5(2); provided, however, that nothing contained in this Agreement shall be construed or have the effect of preventing any occupant of all or a portion of the Property from (i) maintaining a small personal fruit and vegetable garden or gardens on the Property, or (ii) maintaining a reasonable number of mast bearing trees for personal use and consumption on the Property.

3. Developer/Owner shall not, nor shall Developer/Owner permit any of its invitees, licensees, tenants or other person or entity occupying all or any portion of the Property with the consent of Developer/Owner, be permitted to permanently keep more than (2) horses on the Property. Upon Developer/Owner’s transfer of the Property to an unrelated third party bona fide purchaser for value, the right to keep up to but no more than two (2) horses on the Property shall cease and become null and void and of no further force or effect. Further, no cattle, donkeys, goats, hogs, or other animal expressly prohibited by the Brevard County Code, as amended from time to time, may be kept on the Property. Appropriate stalls and animal retention facilities shall be assembled and kept on the Property as required by the Brevard County Code, as amended from time to time. All facilities shall be regularly maintained so as to eliminate waste accumulation and excess odor.

4. Developer/Owner shall comply with all regulations and ordinances of the County. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions related to landscape or other type of buffer in developing or improving the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or Land Development Regulations as they may apply to this Property.

5. Developer/Owner, upon execution of this Agreement, shall pay to the County the cost of recording this Agreement in the Public Records of Brevard County, Florida.

6. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, which successor or assign shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____ . In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.

7. Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 1.7 and 62-5, Code of Ordinances of Brevard County, Florida, as it may be amended.

8. Conditions Precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in ¶ 7 above.

[SIGNATURES TO FOLLOW]

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

“COUNTY”

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Scott Ellis, Clerk
(SEAL)

Rita Pritchett, Chair

As approved by the Board on _____

WITNESSES:

“DEVELOPER/OWNER”

(Witness Name typed or printed)

ALEX B. ALTMAN

(Witness Name typed or printed)

MELISSA ALTMAN

STATE OF _____ §

COUNTY OF _____ §

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by, _____ as ALEX B. ALTMAN and MELISSA ALTMAN, who are personally known to me or who have produced _____ as identification.

My commission expires
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

JOINDER OF MORTGAGEE/STATEMENT OF NO MORTGAGE

[TO BE INCLUDED]

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY
(SEE ATTACHED)

From: [Ragain, Rebecca](#)
To: [Jones, Jennifer](#)
Subject: FW: Meeting Disclosure
Date: Tuesday, February 27, 2018 12:42:26 PM

For the file.

From: Commissioner, D3
Sent: Tuesday, February 27, 2018 11:03 AM
To: Ragain, Rebecca
Cc: Bentley, Eden
Subject: Meeting Disclosure

Feb. 27, 2018

To: Rebecca Ragain, Brevard Planning & Development Assistant Director
CC: Eden Bentley, Deputy County Attorney
From: John Tobia, Brevard County Commissioner, District 3
Re: Meeting Disclosure

Ms. Ragain:

In regards to the upcoming agenda item IV.A for the Planning & Zoning meeting on March 1, 2018, please be advised in advance that a meeting that took place on Tuesday, February 27th, at 10:00 AM at Commissioner Tobias office, located at:

2539 Palm Bay Rd. NE
Ste. 4
Palm Bay, FL 32908

The parties present were Commissioner Tobia and Alex Altman, Melissa Altman, and Laura Young.

This meeting lasted approximately thirty minutes, during which the above individuals provided information on their desired change in zoning classification.

Sincerely,



John Tobia

County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS



BOARD OF COUNTY COMMISSIONERS

Disclosure

D1

17PZ00152 - Altman

Rita Pritchett, District 1 Commissioner

400 South Street, Suite 1A

Titusville, FL 32780

(321) 264-6750

www.brevardcounty.us

Planning and Development
Zoning Meeting February 29, 2018
Altman 17PZ00152

Commissioner Rita Pritchett met by conference call with Mr. & Mrs. Altman and Attorney Laura Minton Young on February 28, 2018 regarding the above zoning item. Attorney Young explained that the Altman's are requesting a change of classification from EU to RR-1 to allow them to have a pony at the property. The Altman's stated they would do whatever landscape buffer was required on the north side of the property to shield the area where they would put the horse. They only plan on the pony right now, however they may want to get another horse and would agree to limit to 2 horses.