



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 (321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 26Z00006**

Underwood’s Equipment Repair, LLC (Kim Rezanka)

BU-2 (Retail, Warehousing and Wholesale Commercial) with a Binding Development Plan (BDP) to BU-2 (Retail, Warehousing and Wholesale Commercial) with removal of the BDP

Tax Account Number: 2316318
 Parcel I.D.: 23-36-22-00-767
 Location: East side of N. Courtenay Pkwy., approximately 431 feet north of E. Crisafulli Rd. (District 2)
 Acreage: 1.71 acres
 NMI Special District Board: 6/11/2026
 Planning and Zoning Board: 6/15/2026
 Board of County Commissioners: 7/9/2026

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	BU-2 w/ BDP	BU-2
Potential*	FAR of 1.0 51 dwelling units**	FAR of 1.0 51 dwelling units**
Can be Considered under the Future Land Use Map	Yes CC	Yes CC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

** Development potential at 30 units per acre pursuant to F.S. 125.01055 (Live Local Act).

Background and Purpose of Request

The applicant is requesting to remove the existing Binding Development Plan (BDP) associated with zoning action **14PZ00118** (see the full list of conditions in the zoning history section below)

on the 1.71-acre subject property, which is currently zoned BU-2 (Retail, Warehousing and Wholesale Commercial), effectively rezoning the subject property from BU-2 with a BDP to BU-2. Removal of the BDP would eliminate the existing restriction limiting the property to BU-1 permitted uses and would allow all uses permitted within the BU-2 zoning classification, including (but not limited to) the proposed outdoor boat and RV storage use depicted in site plan application **25SP00048**.

While there are other BU-2 zoned properties in the vicinity, the surrounding BU-2 properties are similarly constrained by BDPs that limit or prohibit more intensive commercial uses. As such, the prevailing development pattern in the area functions more consistently with lower-intensity BU-1 commercial zoning rather than unrestricted BU-2 zoning. The nearest property with unrestricted BU-2 zoning is located approximately 0.25 miles from the subject property.

Accordingly, approval of the request would introduce the potential for a broader range of more intensive BU-2 uses into an area that has historically developed with use limitations intended to maintain compatibility with adjacent residential and lower-intensity commercial properties.

The parcel abutting the subject property is also associated with the same BDP that the applicant is seeking to remove from the subject parcel, under **14PZ00118**, but has different ownership than the subject property. Directly across N. Courtenay Parkway to the west is another BU-2 zoning classification, which includes a BDP under **16PZ00082** and encompasses a total of three (3) parcels. This BDP excludes the use of cemeteries, mausoleums, crematoriums, railroad motor trucks, water freight, passenger stations, testing laboratories, recovered materials processing facilities, seafood processing plants, substations and transmission facilities, dry cleaning plants, and fertilizer storage and sales. Shall comply with the October 2005 North Courtenay Parkway Corridor Study draft, provided, however, that the LU-3 (Land Use Recommendation No. 3) dealing with visibility of sheet metal buildings from North Courtenay Parkway shall not apply to the existing sheet metal building on the property. The property shall also include a 6 ft. high opaque fence 25 ft. of the right-of-way line, and there shall be no storage of boats or trailers on the 20 ft. immediately west of the opaque fence. Furthermore, stacking boats and trailers over one another so that they may be visible from N. Courtenay Parkway shall be prohibited.

The closest BU-2 zoning classification which does not include a BDP restricting uses is located approximately 0.2 miles north of the subject property on the west side of N. Courtenay Parkway and approximately 0.2 miles south of N. Tropical Trail and N. Courtenay Parkway intersection.

The subject property is constrained by multiple environmental and floodplain-related regulatory overlays, including FEMA Special Flood Hazard Area (SFHA AE) designation and the Indian River Lagoon Nitrogen Reduction Overlay. The parcel's location on North Merritt Island, north of Hall Road, subjects the site to additional floodplain performance standards under Section 62-3724(4) of the Brevard County Land Development Code, including compensatory storage requirements and professional engineering certification verifying that the proposed development will not adversely impact surrounding properties through increased flooding conditions.

Zoning History:

General Use (GU) was the original zoning classification on the property when the zoning code was established in May 1958.

On October 4, 1962, the property had an approved rezoning under **Z-837**, from GU to IU.

On September 10, 1964, the property had a denied request under **Z-1492** for a Special Use Permit (SUP) for liquor, beer and wine.

On November 5, 1964, the property had a denied request under **Z-1555** for a Conditional Use Permit (CUP) for liquor, beer and wine.

On August 02, 1973, the property had an administrative rezoning under **Ord. 73-13** from IU to BU-1 zoning classification.

On April 28, 1997, the property had an approved rezoning under **Z-9885**, from BU-1 to BU-2 w/ BDP limiting the uses on the property to all BU-1. This BDP had the following conditions:

1. Provide a 30-foot buffer on west portion of the property and shall be of natural vegetation,
2. A 20-foot opaque buffer on the east side shall always be there,
3. Use limited to mini-warehouse and restricted to storage and no manufacturing.
4. Shall limit density to N/A units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
5. Ingress and egress shall be limited to a single access drive from N. Courtenay Pkwy.

On May 1, 2015, a new BDP was approved under **14PZ00118** retaining the BU-2 zoning classification. BDP conditions are as follows:

1. Uses limited to only permitted uses under the BU-1 zoning classification.
2. 20-foot opaque buffer on the east side shall always be there.
3. Shall limit density to N/A units per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. Ingress and egress shall be limited to a single access drive from N. Courtenay Pkwy.
5. Replaced prior BDP under **Z-9885**.

The CC FLU designation originated from the adoption of the Brevard County Comprehensive Plan on September 8, 1988.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses land devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. BU-2 requires a minimum 7,500 square foot lot with a minimum width and depth of 75 feet. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

In 2023, the Live Local Act was enacted and was revised in 2024. The Act is intended to address the state's growing housing affordability crisis through significant land use, zoning, and tax benefits. Pursuant to Florida Statute 125.01055, a county must authorize multifamily and mixed-use as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are designated as affordable under the State of Florida affordability guidelines. In unincorporated Brevard County, the Live Local Act effectively allows for the development of up to 30 dwelling units per acre. The subject property, encompassing 1.71 acres with approval of rezoning to BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 51 multi-family units as stipulated by the Live Local Act.

The subject property is currently undeveloped with no current code enforcement complaints and has direct access to N. Courtenay Parkway, a state-maintained roadway.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Vacant land	BU-2	CC
South	Auto service shop	BU-1	CC
East	Single-family residence	RR-1	RES 1
West	N. Courtenay Pkwy.	N/A	N/A

North of the subject property is one parcel, 1.73 acres, vacant with BU-2 zoning classification with CC FLU.

South of the subject property is one parcel, 1.14 acres, developed with an auto service shop which has BU-1 zoning classification with CC FLU.

East of the subject property is one parcel, a flag lot on 1.5 acres, developed with a single-family residence with RR-1 zoning classification with CC FLU.

West of the subject property is N. Courtenay Pkwy., a four-lane state-maintained roadway.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses land devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. BU-2 requires a minimum 7,500 square foot lot with a minimum width and depth of 75 feet. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. BU-1 requires a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling.

RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on a minimum one acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

Future Land Use

The BU-2 zoning classification can be considered consistent with the CC Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan of the Future Land Use (FLU) Element.

Applicable Land Use Policies

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

FLUE Policy 2.2 - The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses land devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. BU-2 requires a minimum 7,500 square foot lot with a minimum width and depth of 75 feet. Off-site impacts such as noise, light, traffic and other potential nuisance factors associated with BU-2 activities should be considered. The BU-2 zoning classification allows outside storage of retail items including, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.

- B. Existing commercial zoning trends in the area;

AU is the predominant commercial zoning classification on the east side of N. Courtenay Pkwy within 0.5 miles of the subject property. Several properties throughout the 1960’s had approved rezoning’s from AU to Light Industrial (IU). On August 2, 1973, several properties that had IU zoning classification were

reclassified under ORD 73-13 to BU-1. There have been several commercial rezonings from 1973 to today, with commercial properties and uses predominantly abutting the N. Courtenay Pkwy. corridor, within the surrounding area of the subject property between E. Crisafulli Rd. and N. Tropical Trail. Commercial uses in the area include but are not limited to an auto service center abutting the property to the south, and a liquor store approximately 360 feet directly north of the subject property. Additionally, approximately 575 feet north of the subject property is a retail shirt making store.

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

The subject property is part of an 11.4-acre community commercial cluster. Within the surrounding area located east of the subject property are single-family detached residences on predominantly larger lots of at least 0.6 acres, mixed with vacant lands. Abutting the N. Courtenay Pkwy. corridor are primarily commercial properties. Where the property abuts a residential zoning classification, the maximum height threshold of any building or structure shall be 35 feet. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

It is not anticipated that the proposed development would cause a deficiency in adopted LOS standards for roads and solid waste based on the preliminary concurrency analysis.

Connections to centralized water and sewer is available in this area with Brevard County Utilities.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and the following land use issues were identified:

The subject property is located within a FEMA-designated Special Flood Hazard Area (SFHA AE) and is therefore subject to the development criteria contained within Conservation Element Objective 4, its associated policies, and the Floodplain Ordinance, including compensatory storage requirements. Chapter 62, Article X, Division 6 of the Brevard County Code provides that “No site alteration shall adversely affect the existing surface water flow pattern,” while Section 62-3723(2) further requires that development within floodplain areas not adversely impact adjoining properties.

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road, where Section 62-3724(4) establishes enhanced floodplain protection standards, including compensatory storage requirements and written certification

from the engineer of record verifying that the proposed development will not create adverse flooding impacts on surrounding properties.

The property is also located within the Indian River Lagoon Nitrogen Reduction Overlay; however, centralized water and sewer service is available through Brevard County Utilities. Protected and Specimen trees likely exist on the parcel, and a tree survey will be required prior to site plan design to identify significant vegetative resources and incorporate preservation measures into the development layout.

Federally and/or state protected species may also be present on or near the site. A mapped area of Florida Scrub Jay occupancy is located approximately 43 feet north of the property. If applicable, the applicant shall obtain any required permits, surveys, or clearance letters from the U.S. Fish and Wildlife Service and other applicable regulatory agencies prior to development approval.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-1483, Section 62-4342 and Sections 62-2251 through 62-2272.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

This request is related to a current site plan, 25SP00048, to develop outdoor RV and boat storage. This property will need to comply with the regulations of Section 62-1483 and 62-4342 of the Brevard County Code. In addition, the performance standards within Sections 62-2251 through 62-2272 will be reviewed at the site plan stage should the zoning change be approved.

The corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed request increases the percentage of MAV utilization by 0.11%. Specific concurrency issues related to any future development will be addressed at the time of site plan review.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed request.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There are several FLU designations within the 0.5-mile radius of the subject property: RES 1, NC, and CC. RES 1 is the predominant FLU designation on the east side of N. Courtenay Pkwy. RES 1:2.5 is the predominant FLU designation on the west side of N. Courtenay Pkwy.

There have been no FLUM amendments within one-half mile of the subject property in the past three years.

There are several zoning classifications within a 0.5-mile radius of the subject property: AU, RR-1, SR, IN(L), GML, GML(I), EU, BU-1, and BU-2, with the predominant residential zoning classification being AU and BU-1 being the predominant commercial zoning classification. It should be noted that some of the parcels with BU-2, including those closes to the subject parcel, have potential uses restricted through a BDP.

The existing pattern is a mixture of single-family residential dwellings with commercial uses along N. Courtenay Pkwy. There are a few vacant properties blended in.

2. actual development over the immediately preceding three years; and

No new development has occurred within 0.5 miles of the subject property within the last three years.

3. development approved within the past three years but not yet constructed.

No development has been approved within the last three years but not yet constructed. However, there have been two zoning actions:

- **23Z00032: On 7/13/2023, denied rezoning from BU-1 and BU-2 to all BU-2 on 2.98 acres.**
- **23Z00048: On 9/7/2023, approved rezoning from AU & BU-1 to all AU on 26.84 acres.**

There are also two pending zoning actions:

- **26Z00007:** On 01/30/2026, applicant has requested to rezone from GML (I) and TR-1 to RVP on 28.37 acres. The request also has a companion Small Scale Comprehensive Plan Amendment (SSCPA) application under 26SS00001, to change the FLU from PUB, RES 1 and RES 2-DIR to all CC. This parcel is approximately 0.5 miles north of the subject property.
- **26Z00017:** On 04/06/2026, applicant has requested to rezone from AU to RR-1 on 2.0 acres. This parcel is approximately 995 ft. north of the subject property.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

A preliminary traffic concurrency review indicates the proposed use is not an introduction of commercial activity within the area as there are several commercial properties abutting N. Courtenay Pkwy. The maximum development potential from the proposed rezoning has a minimal effect on the percentage of MAV utilization. The corridor is anticipated to operate at the current level of 47.39% of capacity daily which will not create a deficiency in LOS.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The area is considered an established area with commercial and residential properties intertwined with vacant land. There are clearly established boundaries, such as roads and open spaces.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The request involves a commercial use, however, it is not located in an existing residential neighborhood. The area to the east of the subject property can be considered a residential area.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

This area is presumed to be mixed with residential and commercial uses along with vacant land. Commercial uses are primarily found along the N. Courtenay Pkwy. corridor. The subject property is part of an 11.4-acre community commercial cluster.

FLUE Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

The subject property is located within a FEMA-designated Special Flood Hazard Area (SFHA AE) and is therefore subject to the development criteria contained within Conservation Element Objective 4, its associated policies, and the Floodplain Ordinance, including compensatory storage requirements. Chapter 62, Article X, Division 6 of the Brevard County Code provides that “No site alteration shall adversely affect the existing surface water flow pattern,” while Section 62-3723(2) further requires that development within floodplain areas not adversely impact adjoining properties.

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road, where Section 62-3724(4) establishes enhanced floodplain protection standards, including compensatory storage requirements and written certification from the engineer of record verifying that the proposed development will not create adverse flooding impacts on surrounding properties.

The property is also located within the Indian River Lagoon Nitrogen Reduction Overlay; however, centralized water and sewer service is available through Brevard County Utilities. Protected and Specimen trees likely exist on the parcel, and a tree survey will be required prior to site plan design to identify significant vegetative resources and incorporate preservation measures into the development layout.

Federally and/or state protected species may also be present on or near the site. A mapped area of Florida Scrub Jay occupancy is located approximately 43 feet north of the property. If applicable, the applicant shall obtain any required permits, surveys, or clearance letters from the U.S. Fish and Wildlife Service and other applicable regulatory agencies prior to development approval.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is N. Courtenay Pkwy. (S.R.3), between Hall Rd. and N. Tropical Trail, which has a Maximum Acceptable Volume (MAV) of 39,170 trips per day, a Level of Service (LOS) of D, and currently operates at 47.28% of capacity daily. The maximum development potential from the proposed rezoning has a minimal effect on the percentage of MAV utilization. The corridor is anticipated to operate at the current level of 47.39% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues related to any future development will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the proposed project is commercial development and not intended for residential uses.

The subject property is serviced by the Brevard County Utilities for centralized water and sewer. The property owner should be aware that the North Indian River Lagoon Basin Management Action Plan Injunction prohibits septic tanks in this area. In the context of onsite sewage treatment and disposal systems, "Available" is defined in F.S. 381.0065 (2)(a) and the requirements to connect to an existing onsite sewage treatment and disposal system to central sewerage system are defined in F.S. 381.00655 (1)(a). Brevard County has the exclusive right to furnish the sewer service per Section 110-181 BCCO because this is within the Brevard County Utility Services Department Service Area.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues

- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board may wish to consider whether the proposed zoning request is consistent and compatible with the surrounding area.

In particular, the Board may wish to consider whether removing the BDP will allow for an introduction of more intensive uses which could be considered incompatible with the surrounding area, and whether the applicant might be willing to voluntarily enter into a new BDP that would

be more consistent with the surrounding area. Conditions of such a BDP might include (based on historical BDP's on the subject property):

1. Limit BU-2 zoning classification use to only outdoor storage of RV and boats while allowing all uses in BU-1 zoning classification.
2. 20-foot opaque buffer on east side of the property.
3. Ingress and egress shall be limited to a single access drive from N. Courtenay Pkwy.
4. Replaces current BDP under **14PZ-00118**

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00006

Applicant: Kimberly Rezanka (Owner: Underwood's Equipment Repair, LLC)

Zoning Request: Removal of BDP (14PZ-00118)

Note: to develop outdoor RV and boat storage (25SP00048 site plan under review)

NMI Hearing: 06/11/2026; **Zoning Hearing:** 06/15/2026; **BCC Hearing:** 07/9/2026

Tax ID No.: 2316318

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Floodplain Protection in North Merritt Island
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Land Use Comments:

Floodplain Protection in North Merritt Island

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development. **The applicant is encouraged to contact NRM prior to any plan or permit submittal or prior to performing any land clearing activities.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected and Specimen trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. There is a large area of mapped Florida Scrub Jay occupancy approximately 43 feet north of the property. If applicable, the applicant should obtain any necessary permits or clearance letters from the U.S. Fish and Wildlife Service (FW4FLESRegs@fws.gov) prior to any plan, permit submittal, or development activity, including land clearing.