

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Comprehensive Plan Amendment 24S.11 (24SS00013)
Township 29, Range 38, Section 10*

Property Information

Owner / Applicant: **Christopher L. Espanet / Kimberly B Rezanka Attorney**

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

Requested Future Land Use Map Designation: Residential 2 (RES 2)

Acreage: 0.7 acres

Tax Account #: 2963382

Site Location: West side of Highway A1A 150 ft north of Casseekee TR

Commission District: 3

Current Zoning: RP (Residential Professional)

Requested Zoning: No Change

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Residential 1 (RES 1) to Residential (RES 2) on 0.7 acres to construct a single-family home. RES 2 permits up to two (2) units per acre. The subject property's current configuration would require a RES 2 FLU designation to be suitable for development as a single-family home. A Binding Development Plan (BDP) was submitted with this request limiting the density to one (1) unit.

Procedurally, because this property is located within the Area of Critical State Concern – Brevard Barrier Island Area, Section 380.0553, Florida Statutes, this request is subject to the process established pursuant to Section 163.3184(2)(c), Florida Statutes, which provides, in pertinent part, as follows:

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS. –

(c) Plan amendments that are in an area of critical state concern designated pursuant to [Section 380.05, Florida Statutes] . . . must follow

the state coordinated review process in [Section 163.3184(4), Florida Statutes].

As a result, this request will be transmitted to the Florida Department of Commerce under the State-coordinated review process for comprehensive plan amendments. Should the Board of County Commissioners decide to approve transmittal to the State, the adoption hearing date will be scheduled at a future date, which will allow time for the applicant to address any comments or responses from any of the State review agencies prior to final adoption of this request by the Board.

On August 15, 2024, staff advised the applicant that the request for RES 2 would represent a density increase, which is inconsistent with the Coastal Management Element of the Comprehensive Plan. Staff also advised the applicant that the use of a BDP under the circumstances was also improper. Pursuant to Section 62-1157, Brevard County Code, the purpose of a BDP is to address conditions imposed on a rezoning or conditional use permit application. The Board should not consider the BDP as a mechanism to restrict density associated with a Future Land Use Map amendment. The approval of this request would constitute an increase in residential density which is not consistent with the Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities. Policy 7.1, states that “Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.”

The subject property has no direct road frontage on a County maintained right-of-way and will need to meet the requirements found in Section 62-102 for access and issuance of a building permit.

On May 27, 1992, the Board of County Commissioners adopted the South Beaches Small Area Study. The study, at a minimum, was to address the issues of public facility and service availability, environmental constraints, hurricane evacuation capabilities, land use compatibility, and the character of each planning area. The study area encompassed 12 miles of the barrier island from the southern limits of Melbourne Beach south to the County line. This property was included in the study area.

In 1992, in accordance with the South Beaches Small Area Plan, amendment **92B4.2** changed the FLUM of the subject property from the Mixed Use District to RES 1. At the time of the amendment, the subject property was 1.71 acres. The RES 1 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan limits development to one (1) unit per acre. **Approval of the RES 2 will create an inconsistency between the RP zoning classification and future land use designation which will necessitate the applicant to seek a zoning change.**

On July 31, 1995, a zoning change from BU-1 to RP was approved under action **Z-9546** on 1.71 acres. The original request was BU-1 to BU-1-A. Zoning action **Z-10749(6)**, November 7, 2002, removed CUP **Z-4931** for sewer facilities. At the time of the 1995

rezoning, the area of the subject property was under one (1) Parcel ID described as 788, totaling 1.71 acres; therefore, the request was consistent with the RES 1 FLU designation.

Subsequently, the subject property was created as one of two units within a condominium development known as Casseekee Trails, A Condominium containing a total of 1.71 acres. The condominium declaration was recorded on May 2, 2005, via ORB 5460 PGs' 2504-2530. Within the document (page 4, Paragraph 3.1), the subject is described as "Unit 1 contains approximately seven tenths (7/10th) of an acre of land and may have constructed thereon one (1) single family residence". Unit 2 is described as follows, "Unit 2 contains approximately one (1) acre of land and may have constructed thereon either one (1) commercial office building or one (1) single family residence". It further states "in no event shall any building improvements be constructed on the northerly seventy-five feet (75') of Unit 2." According to the Brevard County Property Appraiser's Office website, the property was purchased by the current property owner on July 15, 2005. Pursuant to Section 718.105, Florida Statutes, the Clerk of the Court is responsible for the review and approval condominium plats, and the process does not involve County staff. There is a single-family home on Unit 2, constructed in 2017.

The subject property (Unit 1) of 0.7 acres, under Tax Account number 2963382 and Parcel ID 788 in its current configuration meets the RP lot size requirements. Unit 2 is described as Parcel ID 788.B under tax account number 2963383 as one (1) acre. RP zoning classification allows no more than one (1) detached dwelling on a minimum lot area of 7,500 square feet, with 75 feet of width and depth. The current configuration of the subject property described as Unit 1 meets the RP zoning requirements. However, while the subject property complied with both the applicable zoning classification and land use designation prior to 2005, once the property was split into a substandard lot in 2005, in violation of Section 62-2102, Brevard County Code, the property failed to meet the standard of one (1) unit per acre applicable to the RES 1 FLU designation.

Additionally, when Units 1 and 2 were created with a 75' ingress/egress easement in 2005 by the above referenced recorded Condominium documents, the approval process for the easement was never reviewed by Brevard County. As such, County staff was not able to assist in preventing a transaction that would result in a land locked property, which appears to have occurred with respect to the subject property. An access easement would need to have approval to construct a single-family home.

The subject property falls within the boundaries of an Area of Critical State Concern. Pursuant to **Sections 163.3187(1) and 163.3184(2)(c)**, Florida Statutes, this request will be processed and transmitted to the Florida Department of Commerce under the State Coordinated review process. This is a two-step process, with the first step being the transmittal to Florida Department of Commerce. Should the Board choose to transmit the proposed amendment, the adoption hearing date will be scheduled for a future Board meeting date, which will allow time for the applicant to address any comments or responses from any of the State reviewing agencies, prior to adoption by the Board.

Pursuant to **Section 380.0553(5)**, Florida Statutes, which established the Brevard Barrier Island Area (BBIA) and took effect July 1, 2023, staff provides the following analysis:

(5) GUIDING PRINCIPLES FOR DEVELOPMENT.—State, regional, and local agencies and units of government in the Brevard Barrier Island Area shall coordinate their plans and conduct their programs and regulatory activities to be consistent with all of the following guiding principles for development within the area:

(a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

There would be minimal impacts from development of this property on resources critical to sea turtle habitat. The subject property is located approximately 475 feet west of the shoreline across Highway A1A, therefore policies regarding no new shoreline hardening structure and existing state and county coastal construction regulations are not applicable.

(b) Prioritizing water quality restoration projects in the Indian River Lagoon.

The proposed does not involve a water quality restoration project in the Indian River Lagoon.

(c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

The subject property is located approximately 1,250 feet east of the Indian River Lagoon. 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. Approval of this request may have nutrient contribution impacts from adding another Onsite Sewage Treatment and Disposal system (OSTDs) to the area.

(d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.

Development plans supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration were not submitted with this request. The subject property is located approximately 475 feet west of the Atlantic Ocean shoreline across Highway A1A, therefore no adverse impacts are anticipated.

(e) Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093.

The proposed single-family residential unit is not defined as a critical asset according to Section 380.093, Florida Statutes. However, the subject property is located within a Category 4 Storm Surge area.

(f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

The subject property is located approximately 475 feet west of the Atlantic Ocean shoreline across Highway A1A, therefore there would be no adverse impacts from development of this property on shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats. Furthermore, there are no mapped wetlands on the subject property.

(g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

The subject property does not contain, nor does it abut, any upland resources.

(h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the Indian River Lagoon.

This property contains Palm Beach sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. Furthermore, the request would allow an additional Onsite Sewer Treatment and Disposal system, which includes a septic system, for sewer and an additional well for potable water.

(i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

The intent of the applicant is to construct a single-family residence and is not anticipated to enhance natural scenic resources which would promote the aesthetic benefits of the natural environment. Enhancing natural scenic resources involves a combination of conservation, restoration, and sustainable management of the natural environment. RP zoning allows a for a maximum height of 35 feet which may impact the visual corridor to the ocean for the residences situated to the west of the subject property.

(j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

The proposed single-family residence may be considered compatible with the area. The surrounding area can be considered residential in nature as there are developed properties with townhomes, single-family residences and condominiums that range from one detached dwelling unit on a one acre

parcel to 81 condominium units on 11 acre parcel and approximately 129 townhome units on approximately 25.7 acres.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Townhomes	SEU	RES 1
South	Private road	RU-2-10	RES 1
East	Single-family Residential	RP	RES 1
West	Multi-family Condominium	RU-2-10	RES 1

North of the subject property are single-family attached townhomes having fee simple ownership. The current zoning is SEU with RES 1 FLU. August 5, 1982, zoning action **Z-6105** rezoned approximately 7.5 acres from TU-1 with a Cap of 20 units per acre to TU-1 with a Cap of 22 units per acre. Zoning action **Z-6304** approved a zoning change on 24.29 acres from RU-2-10 with a Cap of 8 units per acre to RA-2-10 with a binding site plan on April 7, 1983. The density of the property preceded the 1988 Comprehensive Plan and the 1992 South Beaches Study.

South of the subject property is a private road for the condominiums that are located West of the subject property. It is zoned RU-2-10 and has a RES 1 FLU.

East of the subject property is a single-family home zoned RP with a RES 1 FLU constructed in 2017. This property as well as the subject lot have been established as a condominium development with 2 lots total per the Casseekee Trail condominium recorded documents. Condominium documents are not reviewed or approved by Brevard County prior to recording or, in this case, the property split.

West of the subject property is the Lighthouse Cove Condominium. This property is within a RES 1 FLU. It contains 81 condominium units on 11 acres. Zoning action **Z-1425** approved RU-3 zoning on June 4, 1964. ORD 73.13 administratively reclassified the zoning from RU-3 to RU-2-10. Under zoning action **Z-4931** a zoning change from BU-1 to RU-2-10 on 1.2 acres with a Conditional Use Permit (CUP) for a sewer facility on June 7, 1979. Under zoning action **Z-10749(6)**, the previously approved CUP, under zoning action **Z-4931**, for the sewer facilities, was removed on November 7, 2002.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

FLUE Policy 1.8 – The Residential 2 Future Land Use designation. The Residential 2 land use designation permits low-density residential development with a maximum density of Two (2) unit per acre, except as otherwise may be provided for within the Future Land Use Element.

Criteria:

- A. Areas adjacent to existing Residential 2 land use designation; or

There is no existing RES 2 in the surrounding area.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

The request could be considered an introduction of Res 2 due to the surrounding area having a FLU designation of RES 1 except four parcels, approximately 0.36-0.5 acres each, totaling approximately 1.78 acres, across Highway A1A to the Northeast of the subject property approximately 0.1 miles (528 feet) which have RES 4 Directive FLU designation. The surrounding area FLU allows one dwelling unit to the acre while the proposed request would allow two dwelling units to the acre. Therefore, there would be no transition between existing land uses or land use designations to the east or west.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Not applicable.

- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities, states that Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet. This policy does not allow for density bonuses, regardless of whether those properties are located within the CHHA.

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

Administrative Policy 3 - Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered.

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;

The applicant proposes to construct a single-family residence in an existing residential area. The proposed use is not anticipated to diminish the enjoyment, safety, or quality of life in this existing residential area.

The proposed use would be evaluated pursuant to performance standards during building permitting review. Specifically, performance standards within Sections 62-2251 through 62-2272 will be reviewed at the permitting stage.

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

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed use(s).

- 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;

RES 1 is the predominant FLU designation within the immediate surrounding area. To the east along the ocean frontage is an area of RES 4 Directive. PUB-CONS are located to the north and south of the subject property within the half mile radius.

The existing pattern of surrounding development to the north and northwest are single family detached and single family attached with RA-2-10 and SEU with RES 1 FLU designation. RES 1 FLU was applied to the property in 1992 under the South Beaches Small Area Study FLU amendment 92B4.12. However, on October 10, 1995, the Board approved the owner Vested Rights (VR08) which allowed amendment to the site to a maximum of 98 units consistent with RA-2-6 zoning.

The property to the west was established as RU-2-10 zoning classification on August 7, 1973 and June 7, 1979 under ORD 73-13 and Z-4931 respectively. The site is developed as 80 condominiums unit. Amendment 92B4.12 established the RES 1 FLU designation.

The property to the southwest of the subject property was established with RU-2-4 zoning on September 4, 1990 under Z-8658 (prior to the South Beaches Small Area Study). At that time, the FLU was Mixed Use District with Service Sector Designation of Urban Fringe, which established density at 4 units per acre. This site is developed as 23 single family units on approximately half acre lots. Amendment 92B4.12 established the RES 1 FLU designation.

The 1.29 acre property to the south is vacant with RR-1 zoning established on May 22, 1997. Amendment 92B4.12 established the RES 1 FLU designation.

The proposed residential use may be consistent with the existing pattern of surrounding development. However, the request to increase residential intensity from 1 unit per acre to 2 units per acre is not consistent with historical interpretation of Coastal Conservation Element Policy 7.1. which prohibits increase in residential density in this area.

- 2. actual development over the immediately preceding three years; and
There has been no new development within the past three years.
No FLUM amendments have been approved within the past three (3) years within one-half mile.**

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

Based on staff analysis, there does not appear to be any approved development projects within the past three (3) years that have not yet been constructed.

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

Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities, states that Brevard County “shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.” This request is a material violation of CM Policy 7.1, which is incorporated herein by this reference.

Administrative Policy 4

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 (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Approval of the requested FLUM amendment would permit the applicant to develop the property as a professional offices or one (1) single-family detached dwelling unit under RP zoning. RP zoning is a residential-professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage.

The introduction of a new single-family residence to area would require the applicant to have approved County access to the property using an easement over Unit 2 which would have minimal impact to the established residential neighborhood with regards to traffic. However, development of professional offices on the subject property may

potentially impact the established residential neighborhood to the west. Access to the professional offices would be required via the Casseekee Trail, which is a private road for the ingress/egress used by the residents of Lighthouse Cove condominium.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service based on the proposed use of a single-family dwelling.

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 has clearly established boundaries of a single-family residential subdivision, condominiums and multifamily developments. The subject property is located 1,250 feet east of the Indian River Lagoon and 475 feet west of the Atlantic Ocean across Highway A1A.

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 proposed use is not a request for a neighborhood commercial use. However, approval of this request would allow the site to be developed as professional offices. Meaning a building providing office space for use by a person or persons engaged in an occupation generally classified as being professional in nature, including but not limited to the following: appraisers, architects, attorneys, accountants, engineers, doctors, dentists, osteopaths, chiropractors, optometrists, realtors and other similar or related professions. Specifically excluded from such use is the display, sale, storage and delivery of goods and merchandise.

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.

There have been no commercial, industrial or other non-residential uses applied for and approved during the previous five years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR A1A between Heron Dr and Marlen Dr, which has a Maximum Acceptable Volume (MAV) of 24,200 trips per day, a Level of Service (LOS) of D, and currently operates at 36.16% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 36.20% of capacity daily. The proposal will not create a deficiency in LOS.

No school concurrency information has been provided as the development proposal is below the threshold.

There are no available public utilities in the area for approximately over 3 miles to the north.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species
- Coastal Management

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

The Board should consider whether it can make the following findings necessary for approval of this application to transmit an amendment from RES 1 to the requested RES 2:

1. Is consistent and compatible with the surrounding area, and
2. satisfies the locational criteria established in FLUE Policy 1.8, and
3. increasing the residential density designation is consistent with Coastal Management Element Policy 7.1, and
4. the request meets the intent of the Brevard Barrier Island Area Guiding Principles **Section 380.0553(5)**, Florida Statutes, which into effect July 1, 2023.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00013

Applicant: Kimberly Rezanka (Owner: Christopher Espanet)

Land Use Request: RES 1 to RES 2

Note: to develop the vacant condominium Unit 1 for residential use. The applicant is concurrently seeking a BDP to limit the development to 1 on the .7-acre parcel.

LPA Hearing: 11/18/2024; **BCC Hearing:** 12/12/2024

Tax ID No.: 2963382

- 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:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species
- Coastal Management

Land Use Comments:

Aquifer Recharge Soils

This property contains Palm Beach sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

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.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **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. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Coastal Management

The Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities, states that Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.