



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**25Z00029**

**Michael Palo**

**BU-1 (General Retail Commercial) and RU-1-7 (Single-family residential) to BU-2 (Retail, Warehousing, and Wholesale Commercial) with a BDP (Binding Development Plan)**

Tax Account Number: 2611657, 2611658  
Parcel I.D.: 26-37-32-52-\*-13  
26-37-32-52-\*-16  
Location: 4268 N Highway 1, approximately 394 feet north of West Elm Drive (District 4)  
Acreage: 3.37 +/- acre

Planning & Zoning Board: 9/15/2025

Board of County Commissioners: 10/02/2025

**Consistency with Land Use Regulations**

- Current zoning cannot 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) \*

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	BU-1/RU-1-7	BU-2 w/BDP***
<b>Potential*</b>	FAR 1.00 or 45 single-family dwelling units	FAR 1 or 101 Multi-family Units***
<b>Can be Considered under the Future Land Use Map</b>	Yes/ YES CC/ RES 15	YES** CC

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

\*\*Approval is pending approval of companion request **25SS00007**, which proposes to amend the Future Land Use designation from Community Commercial (CC) and Residential 15 (RES 15) to all CC.

\*\*\* 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 a change of zoning classification from BU-1 and RU-1-7 to BU-2 with a BDP to limit uses to all BU-1 and BU-2 uses limited to contractor's offices, plants, and storage yards on two (2) parcels totaling a 3.37-acre property.

The applicants' proposed use falls under a permitted use with conditions under Section 62-1483. The use specifically is found in Section 62-1833.5 (a), which has the condition: Storage yards must be enclosed with a six-foot wall, louvered fence, or chain-link fence.

The applicant has a companion Small Scale Comprehensive Plan Amendment application, **25SS00007**, requesting a FLUM change from Community Commercial (CC) and Residential 15 (RES 15) to all CC. Approval of the requests will provide a unified zoning and FLU across both properties.

The subject property is currently undeveloped and located on the west side of Highway 1, a state-maintained road, approximately 394 feet north of West Elm Drive.

The RU-1-7 is a single-family residential zoning classification that allows for a minimum floor area of 700 square feet. BU-1 zoning classification is devoted to general retail shopping, offices, and personal services to serve the needs of the community. BU-1 does not permit warehousing and wholesale. The proposed BU-2 zoning classification permits retail, wholesale, and warehousing commercial. BU-2 zoning is the county's most intense commercial zoning classification due to the intensive nature of commercial activities permitted. 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, but not limited to, motor vehicles, utility sheds, nursery items such as plants and trees, boats, and mobile homes. The applicant wishes to mitigate negative impacts by offering a BDP to limit the commercial uses.

The subject property comprises of two parcels, which were combined under one deed on March 7, 2007, as recorded in ORB 5775, PG 5913.

On July 29, 1971, RU-1-7 portion of the subject property was administratively rezoned under **Z-2980**, to replace the RU-1 zoning classification. The BU-1 portion is the original zoning established in 1958.

RES 15 is the original FLU designation established by the 1988 Brevard County Comprehensive Plan. The 2004 U.S.1 Corridor Study recommended extending the CC and NC land use on the western portion of Highway 1. from Post Road to Pineda Causeway. The Board adopted the recommendation under Comprehensive Plan Amendment **2005A.5**. As a result, approximately 0.8 acres of the subject property FLU designation was changed to CC.

Approval of the BU-2 zoning classification would also allow the applicant or their successors to develop affordable housing residential units, up to 30 units per acre, under **BCC Policy-100 (Live Local Act)**.

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. 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 3.37 acres with approximately 0.5 acres zoned BU-1, allows for development options that include either commercial use with a Floor Area Ratio (FAR) of 1.00 or 11 multi-family units as stipulated by the Live Local Act. With the approval of the rezoning of 3.37 acres, this would allow a commercial use with FAR of 1.00 or 101 multi-family units as stipulated by the Live Local Act.

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). North Highway 1 is an MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments before the allowance of any impacts. Board approval may be required for impacts.

This property contains aquifer recharge soils and Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. A portion of the north parcel is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area

At this time, there are no active code enforcement issues associated with the subject property.

### Surrounding Area

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	State-owned vacant land	GU, RU-1-7, BU-1	RES 15, CC
<b>South</b>	Multi-Family Residential	RU-2-10(6), BU-1	RES 15, CC
<b>East</b>	Highway 1	N/A	N/A
<b>West</b>	Mobile home park	TR-3	RES 15

North is three (3) properties: One (1) property is 0.93 acres, undeveloped with GU and BU-1 zoning classification with RES 15 and CC FLU designation. The second (2) property is 0.91 acres, undeveloped with RU-1-7 and BU-1 zoning classification with RES 15 and

CC FLU designation. The third property is 1.5 acres, undeveloped with RU-1-7 and BU-1 zoning classification, and has RES 15 and CC FLU designation. The State of Florida owns all three (3) parcels.

South is one (1) property, 1.17 acres, developed with a single-family residence built in 1951, a duplex built in 1973, and the placement of a mobile home in 1975. RU-2-10(6) and BU-1 zoning classification with RES 15 and CC FLU designation.

East is Highway 1, a four-lane state-maintained roadway.

West is one (1) property of 33.01 acres, developed as a mobile home park, considered non-conforming by design, with approximately 218 units zoned TR-3 with a RES 15 FLU designation.

There is a mixture of zoning classifications in the surrounding area, and the following provides a brief description:

GU classification is a holding category that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five-acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

RU-1-7 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 minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

BU-1 classification allows retail commercial land uses on a minimum 7,500 square foot lot. The BU-1 classification does not permit warehousing or wholesaling

RU-2-10 classification medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet

### **Future Land Use**

The subject property's BU-1 zoning classification can be considered consistent with the CC Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The subject property's RU-1-7 zoning classification can be considered consistent with the RES 15

Future Land Use designation. The proposed BU-2 zoning classification can be considered consistent with the requested CC FLUM designation.

### **Applicable Land Use Policies**

#### **FLUM Policy 2.2 Role of Zoning Regulations in the Designation of Commercial Lands**

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;

**BU-2 zoning classification permits retail, wholesale, and warehousing commercial land uses on minimum 7,500 square feet lot.**

- B. Existing commercial zoning trends in the area;

**Within the County limits, this area on the west side of the Highway 1 corridor is primarily commercial, abutting the roadway. Beyond the commercial properties are single-family and mobile home residences, along with a mobile home park. There are at least two (2) properties with residential zoning that abuts the roadway.**

**Currently, there are two (2) properties with BU-2 commercial zoning within the area. One has split zoning of BU-2 & BU-1 with used car auto sales, and the other has a mobile home park office.**

**There have been no commercial rezonings in the area since 2020. West of Highway 1, the most recent approved commercial rezoning, under 20PZ00032, involved a property approximately 0.2 miles south of the subject property and changed from BU-1, RU-2-10, and RU-1-7 to all BU-1 on 0.92 acres. The request also included an SSCPA to amend the FLUM from RES 15 and NC to CC on 0.68 acre portion of the property. No development plans have been submitted.**

**In 2001, a property approximately 0.1 miles south of the subject property was rezoned from BU-1 to BU-2. However, at that time, it was owned by the VFW. It appears that portion of the property was sold to the car dealership prior to the VFW annexing into the City of Melbourne.**

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

**The Board may consider if the request is compatible with the surrounding area. The proposed FLU designation can be considered an intensification and encroachment into the residential area. The applicant wishes to mitigate negative impacts by offering a Binding Development Plan in conjunction with the rezoning action. There are two BU-2 zoned properties in the area. One has split zoning of BU-2 & BU-1 with used car auto sales, and the other has a mobile home park office. There is no interconnectivity, as this is a separate development with no other proposed or existing commercial abutting it.**

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

**The subject property is serviced by the City of Melbourne for potable water. The property is serviced by Brevard County Utilities for sewer.**

**Roadway LOS for the proposed will increase the percentage of MAV utilization by 0.49%. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change.**

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

**A majority of the subject parcel contains wetlands or hydric soils. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along “Mitigation Qualified Roadways” (MQRs). North Highway 1 is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts.**

**This property contains aquifer recharge soils and Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. Impacts will be reviewed during the site plan process to ensure adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems.**

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

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

**This subject property will need to comply with Brevard County Performance Standards noted within Sections 62-1483 and 62-2251 through 62-2272 of Brevard County Code.**

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

**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;

**Staff analysis indicates the request is not located within an existing neighborhood. The area is a mixture of mobile homes, a mobile home park office, used automobile sales, single-family residences, and vacant land. The Board should consider the array of intense uses permitted under the BU-2 zoning classification and the applicant's proposed BDP to limit the impacts.**

**Any proposed commercial use shall be subject to compliance with all performance standards within Sec. 62-2251 through Sec. 62-2272 will be reviewed at the site plan stage should the zoning change be approved.**

**Traffic from the proposed development will increase the percentage of MAV utilization by 0.49%. The corridor is anticipated to operate at 66.74% of capacity daily. To note: Concurrency is completed using Highway 1 from Post Road to Pineda Causeway. Specific concurrency issues 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;

**The proposed use would be located between residential uses. And may be inconsistent with the existing residential pattern. Historically, this area is mostly commercially zone BU-1 within approximately the first 100 feet from the west side of Highway 1 corridor. Additionally, there are residentially zoned properties abutting to the north and south, such as GU and RU-2-10(6). Other zoning classifications within a 0.5 mile radius include BU-2, TR-3, TR-1, RP, RU-1-9, RU-2-15, and RU-1-7.**

**There are four (4) FLU designations within a 0.5-mile radius of the subject property: Residential 15 (RES 15), Residential 6 (RES 6), CC, and NC. The predominant FLUM designation for commercial is CC, while the predominant residential FLU is RES 15.**

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

**Please note, this analysis only includes unincorporated areas of Brevard County.**

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

**Staff analysis has determined there were two single-family residences developed, in 2024 and 2023, within 0.5 miles of the subject property in the preceding three years.**

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

**It appears no changes in actual development have occurred in the immediate area within the last three years.**

- **There is one property developed as a marina that is currently going through the review process for a minor site plan change under 24AD00014.**

**To note: There is one property developed as a marina that is currently going through the review process for a minor site plan change under 24AD00014.**

- 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.

**Staff analysis indicates the request is not located within an established residential neighborhood but rather a residential area. The proposed will introduce commercial activity not already present within the immediate area.**

**However, a preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service.**

- 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.

**Staff analysis indicates the subject property is not located in an established residential neighborhood. There are clearly established boundaries, such as roads and open spaces, in the area.**

- 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 considered neighborhood commercial.**

- 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.

**The area is primarily residential. Within the previous five years, there have been one (1) commercial rezoning approximately 1000 feet to the south:**

- **20PZ00032: Approved rezoning on 0.92 acres from BU-1, RU-2-10 and RU-1-7 to all BU-1 on July 9, 2020.**

**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.

**A majority of the subject parcel contains wetlands, or hydric soils. It is also mapped as containing aquifer recharge soils and Type 3 Aquifer Recharge areas, which are subject to impervious area restrictions. This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A. A portion of the north parcel is located within the Coastal High Hazard Area (CHHA). Federally and/or state-protected species may be present on the property.**

**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 U.S. 1, between Post Road and Pineda Causeway, which has a Maximum Acceptable Volume (MAV) of 39,680 trips per day, a Level of Service (LOS) of D, and currently operates at 66.24% of capacity daily. The proposed rezoning increases the percentage of MAV utilization by 0.49%. The corridor is anticipated to operate at 66.74% of capacity daily. The proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be addressed at the time of site plan review. This is only a preliminary review and is subject to change. The concurrency analysis was based on a trade contractor with an estimate of an approximate 30,000 square foot building.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

Centralized potable water service is available to this property from the City of Melbourne. In addition, centralized sewer service is available from Brevard County Utilities.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- 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 can consider if the request is consistent and compatible with the surrounding area, recognizing existing development trends.

The Board may also consider whether the proposed BDP is sufficient to mitigate potential impacts to the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 25Z00029**

**Applicant:** Landon Sheer (Owner: Michael Palo)

**Zoning Request:** BU-1 and RU-1-7 to all BU-2 w/ a BDP

**Note:** to unify the zoning and FLU across the properties

**Zoning Hearing:** 09/15/2025; **BCC Hearing:** 10/02/2025

**Tax ID No.(s):** 2611657 & 2611658

- 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:**

- Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

**Land Use Comments:**

**Wetlands**

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) wetlands; an indicator that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). North Highway 1 is a MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in accordance with Section 62-3696.

Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

### **Aquifer Recharge Soils**

This property contains Tavares fine sand, 0 to 5 percent slopes; and St. Lucie fine sand, 0 to 5 percent slopes, classified as aquifer recharge soils. Additionally, the mapped topographic elevations show that the property falls within Type 3 Aquifer Recharge areas, which are subject to 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.

### **Coastal High Hazard Area**

A portion of the north parcel is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

### **Floodplain Protection**

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, 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. 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."

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The western portion of this 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 ( $\geq 10$  inches in diameter) and Specimen ( $\geq 24$  inches in diameter) 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. 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.