

Land Use, Planning, Zoning And Development

Icard Merrill has a nationally recognized land use, planning, transportation and environmental law practice and is committed to excellence in the representation of public and private sector clients. We offer a wide range of professional services and are constantly alert to the progress of our work. We communicate regularly with clients to assess the status of a project and to identify opportunities to enhance the project goals.

We provide a complete range of land use services to private sector clients and can assist with issues at any stage in the development process, or with the redevelopment of existing uses. We represent private sector clients throughout Southwest Florida and statewide, dealing with issues from pre-purchase due diligence to complex development of regional impact approvals.

In addition, our lawyers' extensive knowledge of the "transactional" side of real estate development is a critical asset in designing land use controls which are both practical and sophisticated, and which encourage creative, high quality development consistent with regulatory objectives and community vision.

Balancing our private sector work with work for public sector clients provides a well-balanced approach that is important to maintain the firm's credibility as a participant and advisor in land use and governmental decisions, as well as its familiarity with both public and private sector perspectives and realities. We have represented more than 50 public sector clients in 10 different states as special or general counsel on land use and governmental matters that range from the development of impact fee ordinances to writing land development regulations or comprehensive plans. Icard Merrill public planning projects have received awards from the Florida and Colorado Chapters of the American Planning Association as well as a national award and recognition from the American Planning Association. Such perspective and experience enables and qualifies us to provide sound counsel to governing bodies making far-reaching decisions which often impact property rights.

Administrative Law - State and Local

The Administrative practice area deals with issues which arise between clients and a variety of local and state boards, commissions and agencies. Virtually every business is subject to a variety of licensing, permits, supervision and compliance requirements, and our administrative lawyers are well equipped to advise and represent clients before administrative agencies, including public hearings of administrative agencies.

Code Enforcement

Icard Merrill represents clients in defending clients in enforcement action brought by city and county officials enforcing building codes and other ordinances. Our expertise and positive relationships with state and local government officials and administrators allow us to design creative solutions for our clients that have excellent prospect for approval by governmental authorities, complemented by our experience in litigating and appealing adverse code enforcement decisions when negotiations fail.

Environmental Law

Icard Merrill's land use law group is staffed by attorneys with specialized training and expertise to handle the wide range of environmental issues found in Southwest Florida. Whether it be the permitting of industrial discharges or the defense of unauthorized mangrove trimming, Icard Merrill's environmental attorneys possess the experience and creativity to effectively represent their clients in this ever-changing field.

Proximity to the coastal waters of the Gulf of Mexico has allowed Icard Merrill's environmental attorneys to gain specialized knowledge of coastal construction permitting, marina permitting, use of state-owned submerged lands, dredging and filling, construction and riparian rights issues.

We represent clients before state and federal regulatory agencies, local governments, and state and federal courts and routinely appear before: the Florida Department of Environmental Protection, The Board of Trustees of the Internal Improvement Trust Fund, the Department of Community Affairs, Regional Planning Councils, the Southwest Florida Water Management District, the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers and most local governments along the Southwest coast of Florida.

With a greater emphasis now being placed on environmental enforcement by both the state and by local governments, Icard Merrill is pleased that its environmental law group includes an attorney who was among the first environmental prosecutors in the State of Florida. That unique experience, coupled with the support from the firm's litigation department, offers our clients the opportunity for skilled representation during critical times.

Governmental Law

Our land use practice includes a wealth of experience in negotiating and cooperating with governmental agencies and officials who determine land use policies and determine the course of many land use decisions. Our attorneys have developed excellent rapport with many governmental administrators and elected officials over many years. Icard Merrill attorneys regularly appear before appointed and elected boards to participate in the development of ordinances and regulations, the adoption or amendment of comprehensive plans, and other governmental matters that affect our clients' rights.

Land Use and Zoning

Our attorneys represent clients in all aspects of land use and zoning issues, including due diligence on properties prior to acquisition, zoning and re-zoning requests and hearings, permitting and variance

requests, appeals of administrative and governmental decisions concerning land use, and filings and advocacy at all levels of the land use and planning process. By bringing together in a single land use group the experience and perspective that comes from representing both public and private sector clients, Icard Merrill has the ability to handle the most complex land use matters and to provide effective counsel as well as effective representation.

Land Use Litigation and Appeals

We represent clients in litigation and appeals of land use decisions by administrative and governmental entities, as well as litigation involving non-governmental private parties. Our knowledge of the administrative processes and our depth of experience with land use regulations make us effective advocates clients seeking just results in the land use process.

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