



## Ellen M. Avery-Smith

### Shareholder

100 Whetstone Place  
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### Practice Areas:

- Environmental
- Government and Regulatory
- Land Use, Zoning, and Concurrency
- Real Estate
- Title Insurance

### Education:

University of Florida, B.S., 1988

Florida State University College of Law, J.D., 1997

Ms. Avery-Smith practices in the areas of land use, environmental and real estate law, including all aspects of real estate transactions from pre-purchase due diligence to entitlement of land to purchase and development of property. She often serves in a strategic management role of consultant teams on large and complex projects and has negotiated development orders, development agreements, school concurrency agreements, mitigation agreements and other documents establishing development rights. Ms. Avery-Smith also represents private landowners in obtaining federal, state and local permits associated with wetland impacts from construction projects and with creation of wetland mitigation and conservation banks. She is a member of the firm's Regulatory and Real Estate departments.

### Board Association Memberships:

The Florida Bar, Section Memberships:

- Environmental & Land Use Law
- Real Property, Probate and Trust Law
- Local Government Law

### Awards & Distinctions:

- AV Preeminent Rating®, Martindale-Hubbell
- *The Best Lawyers in America*® (Environmental Law), 2019-2022
- *The Best Lawyers in America*® (Land Use and Zoning Law), 2016-2022
- *The Best Lawyers in America*® (Litigation – Land Use and Zoning), 2018-2022
- *The Best Lawyers in America*® (Government Contracts), 2022
- *Florida Trend Magazine*, “Legal Elite” (Government & Administrative), 2021
- Editor, Author, Florida State University Law Review
- Editor, Author, Florida State University Journal of Land Use and Environmental Law
- “2010 Economic Development Member of the Year”, St. Johns County Chamber of Commerce

### Professional and Community Involvement:

- Member, Memorial Presbyterian Church
- Member, St. Johns County Chamber of Commerce Economic Development
- Member, St. Johns County Chamber of Commerce Board of Directors
- Member, Society for the Preservation of the Historic Flagler Memorial Presbyterian Church
- Guardian ad Litem/Pro Bono matters

### Client Successes:

- Obtained first Development of Regional Impact Essentially Built-Out Agreement in North Florida.
- Negotiated Development of Regional Impact Development Order modifications to tie transportation mitigation to building permits, not dates certain.
- Represents residential, commercial and mixed-use developers in obtaining development of regional impact, comprehensive plan, zoning and other land use entitlements.
- Represents private property owners in obtaining wetland impact, mitigation bank and conservation bank permits.
- Obtains marina permits from local, state and federal agencies on behalf of riparian landowners.

## **Ellen M. Avery-Smith**

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- Routinely appears before municipal, county, water management district and other local and state governing bodies to obtain permits and other approvals for clients
- Represents clients in administrative hearings before Division of Administrative Hearings, Florida Land and Water Adjudicatory Commission and other agencies.
- Counsels clients on pre-purchase due diligence matters through post-purchase horizontal and vertical development.
- Counsels clients on redevelopment of existing projects.
- Handles complex real estate transactions.
- Represents developers in formation of homeowners associations, commercial property owners associations, community development districts and condominiums.