

Staff has prepared a draft framework per the direction from the Task Force. As the Task Force considers each section or makes changes, a revised version will be prepared. Staff suggestions for the Task Force's consideration will be in *italics*.

### **Article XIII. Division 2. Landscaping, Land Clearing and Tree Protection**

#### **Section 62-3631. Purpose and Intent.**

*Description of the intent of the regulations and what community goals are being implemented through the regulation. Based on the task force comments at the 4/6/05 meeting, staff has prepared a draft Purpose and Intent Section.*

The Brevard County Board of County Commissioners finds that the health, safety and welfare of its citizens can best be protected by land use regulations that support and enforce the following community goals:

- (1) promote the preservation of trees and native vegetative communities.
- (2) provide visual and aesthetic buffers between incompatible land uses.
- (3) encourage the protection of champion, heritage or specimen trees.
- (4) mitigate the effects of urban heat islands.
- (5) promote water conservation and aquifer recharge.
- (6) encourage creative landscape designs.
- (7) protect life and property by appropriately planting trees and vegetation
- (8) preserve property values.
- (9) control soil erosion and mitigate heat, air and water pollution.
- (10) provide regulations that are user-friendly, flexible and minimize conflicts with other land development regulations.

#### **Section 62-3632. Definitions**

*Staff recommends that this section be one of the last developed by the task force since it depends on the language used elsewhere in the ordinance.*

#### **Section 62-3632. Applicability**

*Description of how, where and when the regulation is applied.*

#### **Section 62-3632 Exemptions**

*Description of what activities or land uses are exempt from the regulations. Based on the task force comments at the 4/6/05 meeting, staff has prepared a draft Exemption Section. The task force may want to consider exemptions for the removal of hazardous trees and trees within utility corridors.*

The following land uses and/or activities shall be exempt from the requirements of this Article:

- (1) Commercial agricultural or silvicultural lands that have received an agricultural exemption from the Property Appraiser's Office.
- (2) Single-family properties less than 2.5 acres that have a homestead exemption from the Property Appraiser's Office and the minimum landscaping and tree preservation as may be required by this Article is maintained.

- (3) The removal of any plant that is listed in the Florida Exotic Pest Plant Council 2003 List of Invasive Species, as amended.

**Section 62-3633. Violations**

*Description of the penalties and how they are applied. Need to be consistent with County's unified Code Enforcement Regulations and Penalties as amended by Ordinance #04-28..*

Penalties and enforcement for violations of this Article shall be as specified in Chapter 2, Brevard County Code, as amended. Each quarter acre, or fraction thereof, of land clearing illegally shall constitute a separate violation. If protected trees are cut down on or removed from the site, each tree shall constitute a separate violation. In addition, restoration shall be required. The director of the natural resources management office shall be responsible for reviewing and approving all restoration plans. The provisions of this section are an additional and supplemental means of enforcing county codes and ordinances. Nothing in this section shall prohibit the county from enforcing this section by injunctive relief, or by any other means provided by law. Such fines as are collected will be put into a trust fund to be utilized for re-vegetation of public lands or for the purchase of environmentally sensitive lands. All acquisitions made through this program shall be voluntary acquisitions.

**Section 62-3634. Permit Application Requirements and Review Process**

*Application and information requirements.  
Review process and time period.*

**Section 62-3635. Performance Standards**

*Description of the minimum landscaping, land clearing and tree protection standards for permit approval.*

**Section 62-3636. Variances.**

*Description of who, when, where, how, and/or why variations from the minimum standards will be considered and reviewed.*

**Section 62-3637. Appeals**

*The County's Land Development Code Appeals Process is contained within Ch. 62-507, BCC.*

Any appeals relating to any administrative decision or determination concerning implementation or application of the provisions of this Article shall be filed in accordance with the provisions set forth in Section 62-507, Brevard County Code.