



BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

**INTER-OFFICE
MEMORANDUM**

To: Landscaping, Land Clearing and Tree Protection Task Force (LLTP)

From: Amanda Elmore – Environmental Permitting Supervisor
Natural Resources Management Office (NRMO)

Date: May 18, 2005

Re: Incentives for preservation and disincentives for land clearing

On May 11, 2005, the LLTP Taskforce requested examples of incentives and disincentives with regards to land clearing.

Incentives:

Example 1: The current Brevard County Landscaping Code encourages developers to preserve trees by awarding increased landscape points depending on tree size. This incentive offsets the amount of required landscape trees.

POINT SCHEDULE FOR PRESERVED TREES

Species Classification	DBH	Credit Points
Large/medium	Up to 4 inches	15
	Greater than 4 inches up to and including 8 inches	30
	Greater than 8 inches up to and including 16 inches	45
	Greater than 16 inches	60
Small	Minimum height 6 feet	10
Palms	Minimum height 6 feet	10
Removal of undesirable species in preserved areas	500 square feet	10

For instance, if a homeowner or developer preserves just one, 16" dbh tree, this one preserved tree equals six (6) trees that the owner would not be required to plant. The bonus is even greater in

parking areas where the code is designed to encourage shading and mitigation of the heat island effect: 75 points or 7.5 trees.

Example 2: Broward County's Functional Landscaping and Xeriscaping Code provides credit for preservation, replacement, or relocation of existing trees on a one-for-one basis against the minimum landscape code requirements (Sec. 39-83 (f)).

Example 3: Palm Beach County's Vegetation Preservation and Protection Code gives the County Commission authority to establish Natural Area Preserve Incentive Programs for single-family landowners otherwise exempted by the code.

Disincentives:

Example 1: St. John's County pursues the destruction or removal of each tree or plant as a separate violation and prosecutes in the same manner as they would a misdemeanor. Each violation is subject to a fine up to \$500 and/or 60 days in prison.

Example 2: The City of Atlanta pursues each tree removed or injured (improper pruning) as a separate violation. The first offense is \$500/violation, subsequent offenses are \$1,000/violation. Each day that the violation continues also constitutes a separate offense. Compensation to a tree fund is required and is calculated through a variety of formulas based on how much information is available regarding the number of trees removed and diameter at breast height. If the code enforcement officer cannot establish the number of trees or diameter removed, the compensation value is \$30,000/acre.

Example 3: Flagler County can issue a stop work order to any person found cutting down, destroying, damaging, or removing trees in violation of the regulation. Fines are up to \$500 and/or confinement in county jail up to 60 days. Also, fines escalate based on repeat violations; \$250/day for first time offenders and \$500/day for repeat offenders. Replacement of trees within 90 days is also required.

Example 4: Brevard County's existing land clearing regulations establish each 1/4 acre cleared and each protected tree as separate violations. Fines are deposited in a trust fund designated for the purchase or reforestation of environmentally sensitive lands. The current regulations do not require restoration.