



BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS

**INTER-OFFICE
MEMORANDUM**

MEMORANDUM

To: Landscaping, Land Clearing & Tree Protection Task Force

From: Ernest N. Brown, Director, NRMO

Date: February 27, 2006

Subject: Items for Task Force review

Through continued examination of the draft regulations, Staff has identified several inconsistencies and potential concerns with regards to the existing draft language. Discussion items and suggestions are outlined in the attached topic pages. Staff respectfully requests Task Force consideration and direction.

Topic #1: Residential preservation requirements for small lots

During a recent review of single family residential lots, staff identified a potential burden placed on small (less than 2.5 acres) metes and bounds single family residential lots through the application of the proposed ordinance. While newly platted subdivisions are able to meet their preservation requirements on a subdivision-wide basis; metes and bounds lots are not part of a larger subdivision and therefore have to meet the requirement on lot or be subjected to substantial mitigation costs. In some cases, preservation may not be feasible on-site and may therefore make the lot unbuildable especially when subject to an alternative landscape enhancement plan.

Section 62-3634. Exemptions

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

- (2) Single-family properties 2.5 acres or less that have a certificate of occupancy and the minimum landscaping and tree preservation as may be required by this Article is maintained.

Section 62-3639. Canopy and Tree Preservation Performance Standards

Unless specifically exempted by Section 62-3634, all development shall meet the performance standards listed in this section.

- (1) The amount of canopy coverage preservation on each property shall be determined using the following standards based on the property's Buildable Area:

Land Use	Minimum Preservation of the buildable area	Canopy Achieved by Planted Trees of the buildable area	Total Percentage of the buildable area
Single-Family Residential	20%	10%	30%

Staff suggests the following language be considered:

Section 62-3634. Exemptions

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

- (2) Single-family properties, 2.5 acres or less, that are [part of a platted subdivision that have a certificate of occupancy](#) and the minimum landscaping and tree preservation is [provided or maintained as may be required by this Article.](#)
- (3) Single-family properties 2.5 acres or less, that are [established by metes and bounds and the minimum landscaping is provided or maintained as may be required by this Article.](#)

Section 62-3639. Canopy and Tree Preservation Performance Standards

Unless specifically exempted by Section 62-3634, all development shall meet the performance standards listed in this section.

- (1) The amount of canopy coverage preservation on each property shall be determined using the following standards based on the property's Buildable Area: [Proposed single-family residential subdivisions shall meet canopy coverage requirements on a subdivision-wide basis.](#)

Land Use	Minimum Preservation of the buildable area	Canopy Achieved by Planted Trees of the buildable area	Total Percentage of the buildable area
Single-Family Residential	20% <u>or existing canopy, which ever is less</u>	10%	<u>Up to</u> 30%

The above language would enable new subdivisions to address preservation on a subdivision-wide basis, rather than on individual lots. Older lots, 2.5 acres or less, created by metes and bounds, would only be subject to landscaping requirements rather than minimum landscaping and tree preservation.

Topic #2: Minimum tree planting requirement

The draft language contains minimum landscaping performance standards in addition to canopy coverage requirements. Smaller residential lots have seemingly conflicting requirements. For instance, a ¼ acre lot would be required to provide:

1.25 trees (5 trees/acre)
15" dbh (60" dbh/acre) or **15, 1" dbh trees** = 15" dbh AND
62.5 shrubs

Staff proposes the following changes to ensure that the landscape performance standards operate as a more fluid unit and are consistent with canopy coverage requirements.

- (3) All development shall meet the following standards through preservation, plantings, or a combination thereof:

Minimum Trees Per Acre of Buildable Area Minimum standard is three (3) inch dbh, twelve foot height <u>Lots containing less than one (1) acre of buildable area shall provide no less than 5 trees.</u>	5
<u>Minimum Inches of DBH per Acre of Buildable Area</u>	<u>60</u>
Minimum Number of Shrubs and Groundcovers, not including sod, per Acre of Buildable Area Minimum standard is three gallon fully rooted 15-18 inches in height shrub or equivalent. Preservation of 25 square feet of native understory is equal to one three gallon fully rooted 15-18 inches in height planted shrub.	250

All plantings shall be at least Florida No. 1 grade as defined by the "Grades & Standards" for Nursery Plants. 1998. Division of Plant Industry, Florida Department Agriculture and Consumer Services, as may be amended.

Topic #3: Minimum residential size requirement

The draft ordinance contains conflicting language regarding size requirements for residential parcels. Sec. 62-3640 (3) outlines a 3" dbh, 12' height requirement for "all development". Sec. 62-3640 (8) then outlines a 1" dbh, 8' height requirement for residential development. Staff suggests the following changes for clarity.

Section 62-3640. Landscaping Performance Standards

- (3) All development shall meet the following standards through preservation, plantings, or a combination thereof:

Minimum Trees Per Acre of Buildable Area Minimum standard is three (3) inch dbh, twelve foot height <u>Minimum size specifications shall be as outlined in Sec. 62-3640 (8).</u>	5
Minimum Inches of DBH per Acre of Buildable Area	60
Minimum Number of Shrubs and Groundcovers, not including sod, per Acre of Buildable Area Minimum standard is three gallon fully rooted 15-18 inches in height shrub or equivalent. Preservation of 25 square feet of native understory is equal to one three gallon fully rooted 15-18 inches in height planted shrub.	250

All plantings shall be at least Florida No. 1 grade as defined by the "Grades & Standards" for Nursery Plants. 1998. Division of Plant Industry, Florida Department Agriculture and Consumer Services, as may be amended.