

Attachment D

Draft language based on Task Force consensus is in *italics*.

ARTICLE XIII. DIVISION 2. LANDSCAPING, LAND CLEARING AND TREE PROTECTION

Section 62-3631. Purpose and Intent.

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 establishment, management and conservation of native vegetative communities.*
- (2) *Promote visual and aesthetic buffers between-land uses.*
- (3) *Encourage the protection of champion, heritage or specimen trees.*
- (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 while protecting property rights.*

Section 62-3632. Definitions

To be completed

Section 62-3633. Applicability

This Article shall be applicable to all land alteration and development in unincorporated Brevard unless otherwise exempted.

Section 62-3634. Exemptions

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

- (1) *Per the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, F.S. if such activity is regulated through implemented best management practices, interim measures, or regulations developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district and adopted under chapter 120 as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.*
- (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.*

- (4) *Linear Projects.*
- (5) *Emergency removal of a dead or seriously damaged tree that adversely affects the health, safety and welfare of the property owner or the general public.*
- (6) *When the proposed land clearing activity is regulated by another state or federal agency, which regulations may supersede those of the county*
- (7) *The removal of vegetation that has been ordered by the county, pursuant to the provisions of chapter 114, article II. Prior to issuing the order for removal of vegetation pursuant to the provisions of chapter 114, article II, if the removal conflicts with the requirements or intent of this division, the county manager or designee shall negotiate a resolution of the conflict.*
- (8) *All lands which have an existing land clearing permit, approved site plan or building permit shall be exempt from the requirements of this division that are inconsistent with the previous ordinance.*

Section 62-3635. Violations

To be Completed

Section 62-3636. Permit Application Requirements and Review Process

To be Completed

Section 62-3637. Performance Standards

To be Completed

**Section 62-3638. Permit, Certificate of Occupancy or Certificate of Completion Issuance
Criteria**

To be Completed

Section 62-3639. Variances and Appeals.

To be Completed