

# Town of Melbourne Beach

## PUBLIC NOTICE

### AGENDA

#### JOINT WORKSHOP PLANNING & ZONING BOARD AND ENVIRONMENTAL ADVISORY BOARD

**TUESDAY, NOVEMBER 12, 2024 @ 6:30 PM-7:00 PM**  
**COMMUNITY CENTER – 509 OCEAN AVENUE**

**PNZ Board Members:**

Chairman David Campbell  
Vice Chair Kurt Belsten  
Member April Evans  
Member Dan Harper  
Member Gabor Kishegyi

**EAB Board Members**

Chairman Curtis Byrd  
Vice Chair Jamie Guth  
Member Leslie Maloney  
Member Karen Fenaughty  
Member Crystal Cain

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Amber Brown  
Building Official Robert Bitgood

**PnZ Alternate Board Members**

Alternate Todd Albert  
Alternate Jason Judge

**PnZ Alternate Board Members**

Alternate Kelli Hunsucker  
Alternate Brent Washburn

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. NEW BUSINESS**
  - A. Discussion on code revisions to 9A Landscaping and Trees
- 4. PUBLIC COMMENT**

Please limit comments to items that are not on the agenda
- 5. ADJOURNMENT**

**Planning and Zoning Meeting**  
**Submittal from Environmental Advisory Board**  
**November 6, 2024**

**Sections:** 9A-2; 9A-6; 9A-7; 9A-8; 9A-10; 9A-12; 11A-2; 7A-31

**Meeting Date:** 11/12/24

**From:** Environmental Advisory Board

**RE:** Cutting down of mature native trees

**Background Information:**

We have observed many mature native trees being taken down, seemingly unnecessarily. Town residence have approached us to find out what is going on.

- Many clear-cut/nearly clear-cut lots around town.
- Two very old scrub oaks taken down at 322 Fourth Ave, on Oak St, taken down where a new fence was installed, though likely at least one of these extremely slow-growing native trees could have remained in part.
- Two very large oak trees removed at 314 Third Ave. (Owner stated this was for insurance reasons.)
- Several large oaks/gumbo limbos at ~506 Third Ave.
- Several mangroves have been removed north and south of the Third Avenue river access.

**Recommendations:**

9A-2

The intent of this article is to preserve trees whenever and wherever they exist and to provide trees wherever they are sparse or do not exist, thus enhancing the health, welfare and beautification of the Town.

- **More specifics on the benefits of trees like flood control, filters the air, reduce stormwater runoff etc.**
- **“intent to include encouragement of... ‘Florida Friendly Landscaping’ and ‘Florida Native Landscaping’ ”- Weak to have only the intuition written here and should be specified within specific sections.**

9A-6 (b) (1) a

The tree is located in a buildable area or yard where a structure or improvements may be placed where inability to remove the tree would unreasonably restrict the permitted

use of the property and the tree removal has been authorized by the Town as part of a site plan review

- **“where...improvements may be placed...” Is building a perimeter fence an acceptable reason for removal? Personal observation of two very, very old scrub oaks being taken down for a fence at 322 Fourth Avenue. Fence should be required to work around such growth that can not be replaced in many generations.**

#### 9A-6 (b) (2)

Relocation or replacement. As a condition to the granting of a permit, the applicant may be required, where practical, to relocate the tree being removed or be required to replace the tree being removed with a tree somewhere within the site of the type that will attain an overall height of at least twelve feet (12') and have a trunk caliper of at two inches (2") at planting, measured four and one-half feet (4.5') above grade. The green areas left after all building and parking lot requirements have been met shall contain a tree density equal to or greater than that existing on the overall site before the beginning of construction.

- **2" caliper is weak and should be larger.**
- **Specify native trees where native or Florida friendly trees.**
- **Provide motivation for native trees (maybe with lesser size requirements).**

#### 9A-7 (b) (7)

Replacement of landscaping material shall occur within 60 days, unless said time is extended by the Town Manager for good cause shown.

- **Short-term and long-term (year-out?) follow up with fines for not establishing and assuring replacement trees as code requires**

#### 9A-7 (b) (10)

Clusters of three palms shall be an acceptable substitute for up to 50% of the required canopy trees and 50% of the required ornamental trees.

- **Too much emphasis on palms. Exclude palms as meeting tree requirements.**
- **Focus on oak or similar native replacements, which support a great amount of wildlife.**

#### 9A-8 (a) (1)

Only land-clearing is permitted within the drip line of the tree to be protected. Tree survival. Trees must survive on-site in a viable condition. Trees failing to meet this

survival requirement must be replaced within 45 days after a written notification is received by the property owner from the town.

- **Who is checking to make sure the drip line is being protected during clearing?**

9A-10 (d)

The types of trees included on the current Florida Noxious Weed List and Florida Exotic Pest Council's List of Invasive Plant Species shall be exempt from the terms and provisions of this article and shall not be used to meet any replacement or planting requirements.

- **Is code enforcement very familiar with the lists above and can visually spot invasive or noxious weeds or have a reliable source in Town that they can consult?**

9A-12

The improper removal of each tree shall constitute a separate offense under this chapter. Violation of this chapter and imposition of the penalty shall be determined and imposed by the Code Enforcement Special Magistrate or by a court of proper jurisdiction.

- **Spell out the general fines as a deterrent. This is too vague and doesn't sound serious.**
- **Make violation fine amount significant enough such that they are not ignored.**

11A-2 (a)

During the review of a site plan or any other plan for development, the Town Manager shall use the Natural Wetlands Inventory maps, the Brevard County Soil Survey, the Town Comprehensive Plan, aerial photography or other applicable data in order to determine the potential existence of wetlands on or adjacent to the site.

11A-2 (b)

If a review of the above documents indicates that wetlands may exist on or adjacent to the site, an inspection will be performed by the Town Manager.

- **Is the Town Manager an expert in Wetlands evaluation?**

7A-31 through 35

- **Disallow zero-lot-line construction**

**Additional suggestions:**

- **Create a tree bank, where the money collected from fines for cutting mature native trees would be used toward new growth**
- **Require a 2 for 1 hard wood replacement requirement, given typical slow growth rate**
- **Provide special considerations (steeper fines?) for the removal of very old native species (e.g. scrub oak; native species great than specified size) which will be impossible to replace for many generations**
- **Increase the fines to a much larger amount to ensure native mature trees are properly protected.**
- **Allow the homeowner a scorecard – you can do some of this and some of that – to give some flexibility to get to the end goal**
- **Require the Town to have a tree survey completed every five years. This could be accomplished by aerial observation.**
- **Require the Town to have a certified arborist on staff or on contract to assist on decision making and to answer questions.**
- **Require a set percentage of plantings of trees and scrubs to be native to our area.**
- **Add landscape plan review before “clearing” and after, with, oversight, requiring the landscape beyond just the trees to be 50% native. Utilize and provide local resources for trees, plants, landscaping.**