



# **TOWN OF MELBOURNE BEACH**

## **PLANNING & ZONING BOARD MEETING**

**TUESDAY, JULY 1, 2025**

**AGENDA PACKET**

**Town of Melbourne Beach**  
**PUBLIC NOTICE**  
**AGENDA**  
**PLANNING & ZONING BOARD MEETING**  
**TUESDAY, JULY 1, 2025 @ 6:30 PM**  
**COMMUNITY CENTER – 509 OCEAN AVENUE**

**Board Members:**

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

**Alternate Board Members**

Alternate Todd Albert  
Alternate Jason Judge

**Staff Members:**

Town Manager Elizabeth Mascaro  
Town Clerk Amber Brown  
Building Official Roberto Moreno

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
  - A. May 6, 2025 minutes
- 4. NEW BUSINESS**
  - A. Discussion on pervious/impervious ratios
    - i. Town Code of Ordinances
    - ii. Document from the Environmental Advisory Board
  - B. Discussion on adding a finger pier/dock at the Sixth Ave boat ramp
    - i. Documents from the June Regular Town Commission Meeting agenda packet
- 5. PUBLIC HEARINGS**
- 6. OLD BUSINESS**
  - A. Review of the Environmental Advisory Board's proposed changes to the tree ordinance
- 7. PUBLIC COMMENT**

Please limit comments to items that are not on the agenda
- 8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY**
- 9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS**
- 10. ADJOURNMENT**

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.

# Town of Melbourne Beach

## MINUTES

### PLANNING & ZONING BOARD MEETING

### TUESDAY, MAY 6, 2025 @ 6:30 PM

### COMMUNITY CENTER – 509 OCEAN AVENUE

#### Board Members:

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

#### Alternate Board Members

Alternate Todd Albert  
 Alternate Jason Judge

#### Staff Members:

Town Manager Elizabeth Mascaro  
 Town Clerk Amber Brown

#### 1. CALL TO ORDER

Chairman David Campbell called the meeting to order at 6:30 p.m.

#### 2. ROLL CALL

Deputy Clerk Cyd Cardwell conducted the roll call.

#### Present:

Chairman David Campbell  
 Vice Chairman Kurt Belsten  
 Member April Evans  
 Member Dan Harper  
 Member Gabor Kishegyi  
 Alternate Todd Albert  
 Alternate Jason Judge

#### Staff Present:

Town Manager Elizabeth Mascaro  
 Town Planner Corey O’Gorman  
 Deputy Clerk Cyd Cardwell

#### 3. APPROVAL OF MINUTES

A. April 8, 2025 minutes

**Member Kurt Belsten made a motion to approve; Member April Evans seconded; Motion carried 5-0.**

#### 4. NEW BUSINESS

A. Site plan approval for 394 Riverview Lane – New single-family home

Member Gabor Kishegyi had a question about the lot being non-confirming that was answered by a previous Board of Adjustment meeting.

Chairman David Campbell confirmed that the Board of Adjustment had approved the non-conformity.

Member Gabor Kishegyi discussed the ordinance passed in March to clarify how the Town measures maximum building height and questioned whether this new construction is conforming.

Member Dan Harper said that when he went over the plans, he believed the measurements given fit within the maximum allowed.

Member April Evans asked whether the new ordinance for height had been codified.

Member Gabor Kishegyi said the ordinance was codified on March 19, 2025 and was Ordinance 2025-01.

Town Planner Corey O’Gorman said the overall height is conforming based on the new ordinance and his calculations.

Member Dan Harper said that he is unable to find the finished floor elevation on the plans.

Town Planner Corey O’Gorman confirmed that while it’s not on the plans, the survey does show the proposed finished floor elevation at 7.53’.

Member Dan Harper stated that he was unfamiliar with the flood zone requirement and asked the Town Planner for clarification.

Town Planner Corey O’Gorman advised that FEMA regulations state the minimum finished floor elevation must be base flood plus 1’.

Member Gabor Kishegyi asked for confirmation that their calculation for overall height starts with the crown of the road at 6’, finished floor elevation at 1.53’ above the crown, and then 27.1’ above that.

Town Planner Corey O’Gorman confirmed Member Gabor Kishegyi’s calculations.

Vice Chairman Kurt Belsten asked how long the variance on the property was valid for.

Town Planner Corey O’Gorman did not see an expiration listed in the final order for the variance.

Member April Evans asked if the board could approve the site plan contingent on confirmation that variance is still valid.

Town Planner Corey O’Gorman replied that he believed they could do so.

**Member April Evans made a motion to approve contingent on confirmation that the variance is still valid; Member Kurt Belsten seconded; Motion carried 5-0.**

**5. PUBLIC HEARINGS**

**6. OLD BUSINESS**

**7. PUBLIC COMMENT**

**8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY**

A. Update regarding courts (tennis, pickleball, etc.)

No discussion

Town Manager Elizabeth Mascaro stated that she was contacted by the Environmental Advisory Board (EAB) again about the tree ordinance; they are still working on it. She told the EAB they need to submit a plan to tell us what they want to do, and it needs to be timely and precise.

Town Manager Elizabeth Mascaro advised that the Town interviewed an individual for the Building Official vacancy and are checking his references. She also advised that the RFQ for private provider Building Official services drops Friday (05/16/2025) and will go in front of the Commission next.

**9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS**

**10. ADJOURNMENT**

**Member April Evans motioned to adjourn; Member Dan Harper seconded; Motion carried 5-0.**

The meeting adjourned at 6:44 p.m.

**ATTEST:**

---

**David Campbell**  
Chairman

---

**Cyd Cardwell**  
Deputy Town Clerk

## § 7A-30. DISTRICT REGULATIONS ESTABLISHED.

District regulations shall be set forth in the following sections, and as set forth in §§ 7A-50 through 7A-69.

(‘75 Code, Appendix A, Art. VI) (Ord. passed 9-26-72)

This following table is to provide general information regarding zoning criteria, specific language included in each section of the Zoning Ordinance takes precedence over this table.

### 1-RS, 2-RS, AND 3-RS SINGLE FAMILY RESIDENTIAL DEVELOPMENT ZONING CRITERIA

CRITERIA <sup>(1)</sup>	Lot Area (min sq ft)	Lot Width (min ft at building line)	Lot Depth (min ft)	Lot Coverage (max % by principal structure only)	Minimum Pervious Area % per Lot	Living Area (min sq ft excluding garage and porch)	Height (maximum)	Minimum Yards (feet)			
DISTRICT								Front	Side Interior	Side Corner	Rear
1-RS	12,000	100	120	30	30	1,800	28	25	15	25	25
2-RS	11,250	90	100	30	30	1,600	28	25	15	25	25
3-RS	10,000	90	100	30	30	1,400 <sup>(2)</sup>	28	25	15	25	25

(1) Compliance with applicable supplementary regulations provided in §§ 7A-50 through 7A-69, and Chapter 9A is required.

(2) One half of the garage area, not to exceed 200 square feet, excluding porches may be used to meet minimum square footage requirements.

(Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2019-04, adopted 9-18-19)

## Florida Beachside Communities – Impervious Surface Comparison

Community	Impervious Surface Limit	Purpose / Key Impact	Effect on Large Homes	Notes
<b>North Palm Beach</b>	50% front yard; up to 55% w/ waiver	Stormwater control, aesthetic preservation, protect privacy in small-lot areas	2,500 sq. ft. max on 5,000 sq. ft. lot — discourages oversized homes	Requires 30% landscaping; 2-story/30 ft height cap
<b>Vero Beach</b>	35–40% in beachside zones	Maintain small-town, eco-friendly coastal feel	3,000 sq. ft. max on 7,500 sq. ft. lot — favors modest footprints	Based on decades of zoning rollbacks since 1978
<b>Miami-Dade (Unincorp. / Key Biscayne)</b>	40–50% (new ordinance, Mar 2025)	Resilience and flood mitigation in coastal zones	2,400 sq. ft. max on 6,000 sq. ft. lot — limits overbuilding	Permits now required for all impervious installations
<b>Pinellas County (Unincorp.)</b>	~40–50% (varies by zone)	Protect water quality; incentivize stormwater management	2,000 sq. ft. max on 5,000 sq. ft. lot — restricts driveway/house coverage	ERU system assigns runoff value per lot
<b>Seaside (Walton Co.)</b>	40–45% (form-based code)	Support walkability, green space, New Urbanist design	1,600 sq. ft. max on 4,000 sq. ft. lot — enforces quaint, compact homes	Strict architectural guidelines
<b>Sanibel Island</b>	Varies (up to 45% in GC zones)	Environmental preservation, stormwater filtration	Smaller homes required due to lower coverage allowance	Overhangs excluded from impervious calc.

### Key Insights

- **40% impervious surface caps** are increasingly common in **environmentally sensitive areas** to reduce runoff, preserve aesthetics, and restrict massive homes on small lots.
- Communities like **Vero Beach, Seaside, Sanibel, and Pinellas County** lead with stricter ratios, effectively limiting large-scale development.
- Areas without explicit caps (e.g., **Naples, Boca Raton**) often rely on **stormwater permits and landscaping rules** to achieve similar outcomes.
- The "**60 vs. 40**" debate highlights how much more restrictive a 40% limit is: on a 5,000 sq. ft. lot, **60% allows 3,000 sq. ft. impervious**, while **40% allows only 2,000 sq. ft.**

Below is a list of Florida beachside communities that have implemented or are known for stricter impervious surface limits, focusing on those with regulations leaning toward lower percentages (e.g., 40% or similar) to prevent overdevelopment. Details are based on available zoning codes, ordinances, and related regulations, with an emphasis on coastal areas.

1. North Palm Beach Impervious Surface Limit: 50% for front yards, with a possible 5% waiver for circular driveways (e.g., up to 55%). This applies to residential properties, effectively limiting the footprint of homes and associated paving. Details: The village has zoning rules to address concerns about large two-story homes overwhelming smaller lots, particularly in coastal neighborhoods. Requires 30% of a property to be landscaped, ensuring permeable surfaces like grass or mulch, which discourages expansive home footprints. Height restrictions (two stories, 30 feet) complement impervious limits to control development density. These rules aim to preserve aesthetics and privacy in neighborhoods with smaller lots near the coast. Impact on Large Homes: A 50% impervious limit on a small lot (e.g., 5,000 sq. ft.) restricts the total impervious area to 2,500 sq. ft., including the home, driveway, and patios. This forces smaller home designs and more open space, preventing oversized structures. Source: North Palm Beach zoning updates Contact: Village of North Palm Beach Planning Department for specific lot regulations.

2. Vero Beach Impervious Surface Limit: Varies by zoning district, but residential beachside zones (e.g., R-1A, R-1AA) often limit impervious surfaces to around 40–50% to preserve coastal character. Details: Vero Beach's zoning code, revised in 1978 after community pushback against high-rise and dense development, emphasizes low-density residential zones along the coast. Site plan requirements include stormwater management and permeable surface mandates, often capping impervious areas at 40% in single-family zones to ensure adequate green space. The city reduced residential density and building intensities over decades, focusing on maintaining a small-town, eco-friendly coastal vibe. Example: In R-1A districts, lot coverage (including buildings and impervious surfaces) is typically limited to 35–40%, with additional landscaping requirements. Impact on Large Homes: On a 7,500 sq. ft. lot, a 40% limit allows 3,000 sq. ft. of impervious surfaces, constraining home size and accessory structures. This encourages modest homes and prevents lot-maximizing designs. Source: Vero Beach Zoning & Land Development Regulations Contact: City of Vero Beach Planning Division for precise zoning district rules.

3. Miami-Dade County (Unincorporated Coastal Areas, e.g., Key Biscayne) Impervious Surface Limit: New ordinance (effective March 31, 2025) establishes impervious surface permits with minimum permeability requirements, often targeting 40–50% impervious limits in residential zones to manage stormwater. Details: Applies to single-family and duplex properties in coastal unincorporated areas, including beachside communities like



**Key Biscayne.** Impervious surfaces (e.g., concrete, pavers, roofs) require permits to ensure runoff doesn't flood neighboring properties. Permeability standards often translate to 40–50% impervious caps in practice. The ordinance aims to enhance resilience and water quality, critical in low-lying coastal zones prone to flooding. Key Biscayne, an island village, has sophisticated zoning that balances development with environmental preservation, often enforcing strict lot coverage and impervious limits. **Impact on Large Homes:** A 40% limit on a 6,000 sq. ft. lot restricts impervious surfaces to 2,400 sq. ft., forcing smaller home footprints and more permeable landscaping. This prevents oversized homes that dominate small coastal lots. **Source:** Miami-Dade Impervious Surface Ordinance **Contact:** Miami-Dade County Department of Regulatory and Economic Resources for specific coastal zoning details.

**4. Pinellas County (Unincorporated Coastal Areas, e.g., near Clearwater) Impervious Surface Limit:** Varies, but single-family properties are assessed based on impervious area, with median impervious surfaces around 2,339 sq. ft. (Equivalent Residential Unit). Zoning often caps impervious coverage at 40–50% in coastal residential zones. **Details:** Pinellas County's Surface Water Assessment uses impervious area to calculate fees, incentivizing lower impervious coverage to reduce runoff. Coastal communities like those near Clearwater (e.g., Tiny Town community) have zoning that encourages smaller homes, with impervious limits often around 40% to protect water quality and reduce flooding. Small lots in unincorporated areas must balance building footprints with permeable surfaces like grass or permeable pavers to meet stormwater regulations. **Impact on Large Homes:** On a 5,000 sq. ft. lot, a 40% limit allows 2,000 sq. ft. of impervious surfaces, significantly restricting home size and paving. This promotes smaller, eco-friendly homes in beachside areas. **Source:** Pinellas County Surface Water Assessment **Contact:** Pinellas County Planning Department for zoning ordinances in specific coastal areas.

**5. Seaside (Walton County) Impervious Surface Limit:** While exact percentages vary, Seaside's form-based code emphasizes low-impact development, often limiting impervious surfaces to 40–50% in residential zones to maintain a pedestrian-friendly, eco-conscious community. **Details:** Seaside, a planned community along Highway 30A, is known for its New Urbanist design and strict zoning to preserve coastal aesthetics. Zoning encourages small-lot homes with significant green space, using permeable materials and landscaping to manage runoff. Lot coverage (including buildings and impervious surfaces) is typically capped at 40–45% in single-family zones, with additional open-space requirements. The community's design code prioritizes small, cottage-style homes over large estates, aligning with the goal of preventing oversized homes on small lots. **Impact on Large Homes:** On a 4,000 sq. ft. lot, a 40% limit allows 1,600 sq. ft. of impervious surfaces, ensuring modest home sizes and ample permeable areas. This maintains Seaside's quaint, low-density character. **Source:** Seaside

community description Contact: Walton County Planning and Development Services for Seaside's specific code. Notes and Limitations Lack of Explicit "60 vs 40" Data:

I focused on communities with lower impervious limits (40–50%) that achieve the goal of restricting large homes on small lots. The 60% figure may reflect older or less restrictive codes in some areas, but 40% is more common in environmentally sensitive coastal zones. Variation by Zoning District: Impervious surface limits vary by municipality and zoning district. Exact percentages require checking local zoning codes, often available through city or county planning departments.

**Tiny Home Communities:** Some beachside tiny home communities (e.g., Tiny House Siesta in Siesta Key, Orlando Lakefront) inherently limit impervious surfaces by promoting small footprints (under 1,000 sq. ft.). However, specific impervious ratios are not always documented and may align with county standards (e.g., 40–50%).

**Nonconforming Lots:** In some communities, older lots may be grandfathered under less restrictive rules, allowing higher impervious coverage. New developments, however, face stricter limits. **Environmental Context:** Impervious limits are critical in coastal areas to reduce runoff, flooding, and ecological damage.

Studies show that areas with over 30% impervious cover can harm local water bodies, supporting the trend toward 40% or lower limits. **Recommendations** To confirm exact impervious surface limits and their impact on home size, contact the planning or zoning departments of the listed communities. They can provide detailed ordinances, especially for specific lots or zoning districts. For example: North Palm Beach: Planning Department (561-841-3389) Vero Beach: Planning Division (772-978-4550) Miami-Dade County: Regulatory and Economic Resources (305-375-2800) Pinellas County: Planning Department (727-464-8200) Walton County: Planning and Development Services (850-892-8110)

## Regular Town Commission Meeting Agenda

Section: New Business  
Meeting Date: June 18, 2025  
Subject: Finger pier (dock) at 6<sup>th</sup> Ave Boat Ramp  
Submitted by: Robert Baldwin, Commissioner

### Background Information

The boat ramp at Melbourne Beach has traditionally served small boats, kayaks and paddleboards. With a water depth of only 12-16 inches at the ramp, it accommodates shallow-draft boats that are 20 feet long or shorter, providing access to the Indian River Lagoon. On both the northern and southern sides of the ramp, there is a seawall that is currently in poor condition and will need to be replaced at some point. To mitigate potential failure, the town has placed coquina boulders in front of the seawall on the southern side.

For those unfamiliar with launching a boat at a boat ramp, and especially for those unfamiliar with the 6<sup>th</sup> Ave. ramp, here is the general procedure for launching a boat and boarding passengers there:

1. Back the trailer down the ramp until the boat can float off into the Indian River Lagoon.
2. If there's a second person, that person gets in the boat, starts it and waits for the driver to park the vehicle and trailer before moving the boat. If they are uncomfortable with starting the boat, then they must wade into the water and hold the boat away from the concrete ramp and coquina rocks to avoid damage to the boat's hull.
3. If there are other passengers, they will need to wade into the water, trying not to slip on the slimy ramp (this is one reason ramps have grooves in the concrete but that does not guarantee that a slip won't happen because slime still grows there).
4. Upon returning, the boat driver approaches the ramp, forcing the passengers and the vehicle driver to jump down onto the slimy ramp. The driver then retrieves the vehicle and trailer and backs down the ramp.
5. Finally, the boat is loaded back onto the trailer.

If a single person is trying to launch or recover their boat, this process is much more difficult as there is no place, such as a sandy beach to nose the boat up on or a dock to which to tie the boat.

This method of operation is notably different from standard boat ramps found throughout the county and state. Typically, such ramps feature a dock where the boat can be securely tied up after launching, allowing passengers to board safely before heading out. These common finger piers are also used to secure the boat while the driver retrieves the vehicle and trailer.

Since the addition of the coquina rocks, the process of loading passengers onto the boat has become more difficult and poses a risk of damage to the boat and potential accidents. Currently, the only way to access the boat is by wading into the water and climbing aboard, which can be hazardous due to slippery algae on the concrete ramp and may not be possible for some people with disabilities.

To enhance safety and streamline the boarding process, we recommend constructing a 4-foot wide by 30-foot-long loading dock on the southern side of the ramp per the attached drawing. This addition would significantly improve the ease of launching boats and safely loading passengers. We do NOT propose placing a deck at the end of the dock; this should diminish the attractiveness of the dock as a gathering place, alleviating privacy concerns of the neighboring residents. The pier would be able to accommodate one boat on either side.

Melbourne Beach resident, engineer and dock/seawall company owner, Mike Kalajian, has graciously offered to install the finger pier at no charge to the town. He has also offered to repair it in the event it is damaged in a storm.

**Recommendation:** Approve construction of the 30' x 4' finger pier at the 6<sup>th</sup> Ave boat ramp at no cost to the Town.

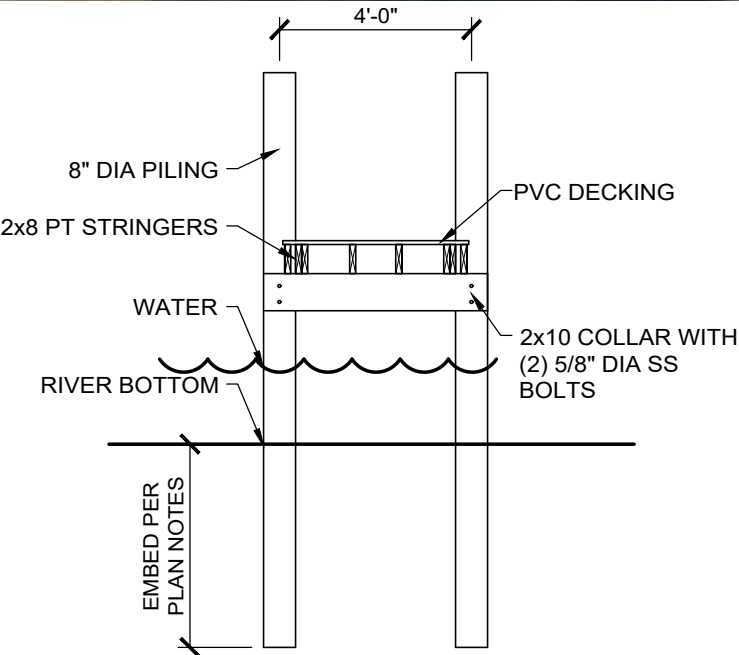
**Attachment:** aerial view of proposed finger pier.



# STRUCTURAL NOTES

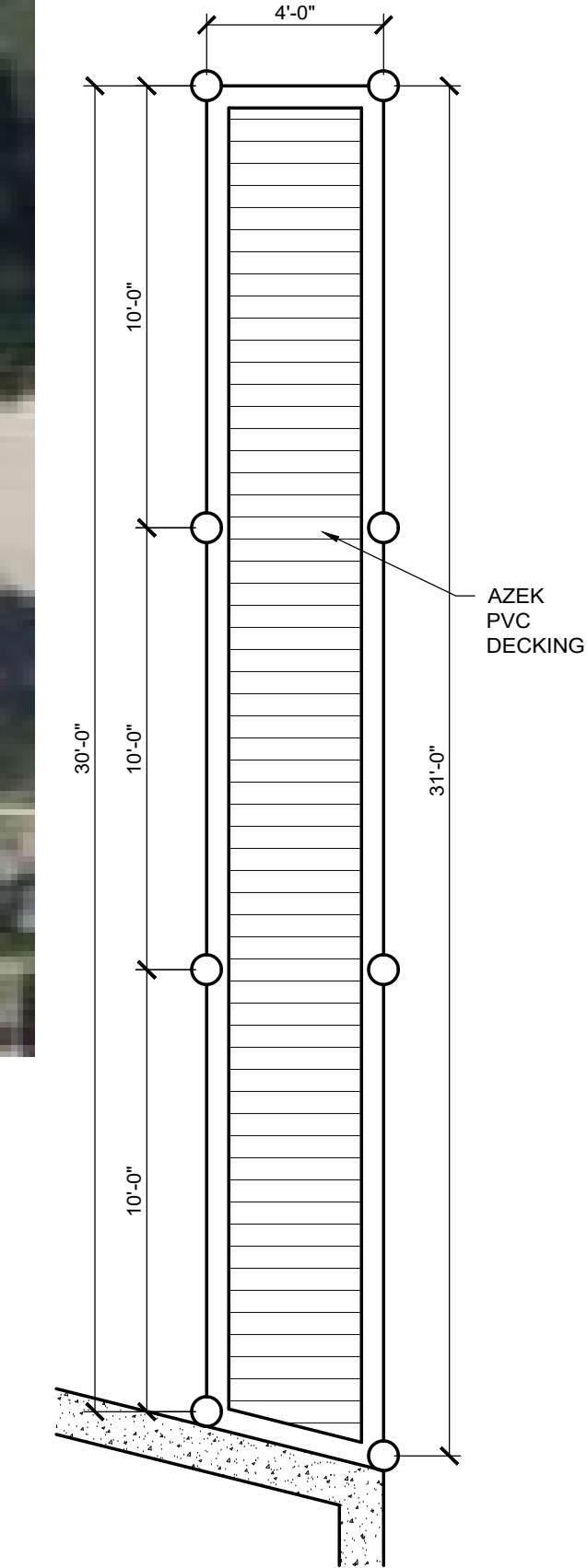
## DESIGN CRITERIA

- D-1 CODES: - FLORIDA BUILDING CODE 2023, ASCE 7-22 "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES"
- D-2 DESIGN WIND SPEED: 150 MPH (3 SECOND GUST)  
EXPOSURE 'C', OPEN STRUCTURE, GCPI = 0
- D-3 DESIGN LOADS:  
DECK LIVE LOAD: 50 PSF



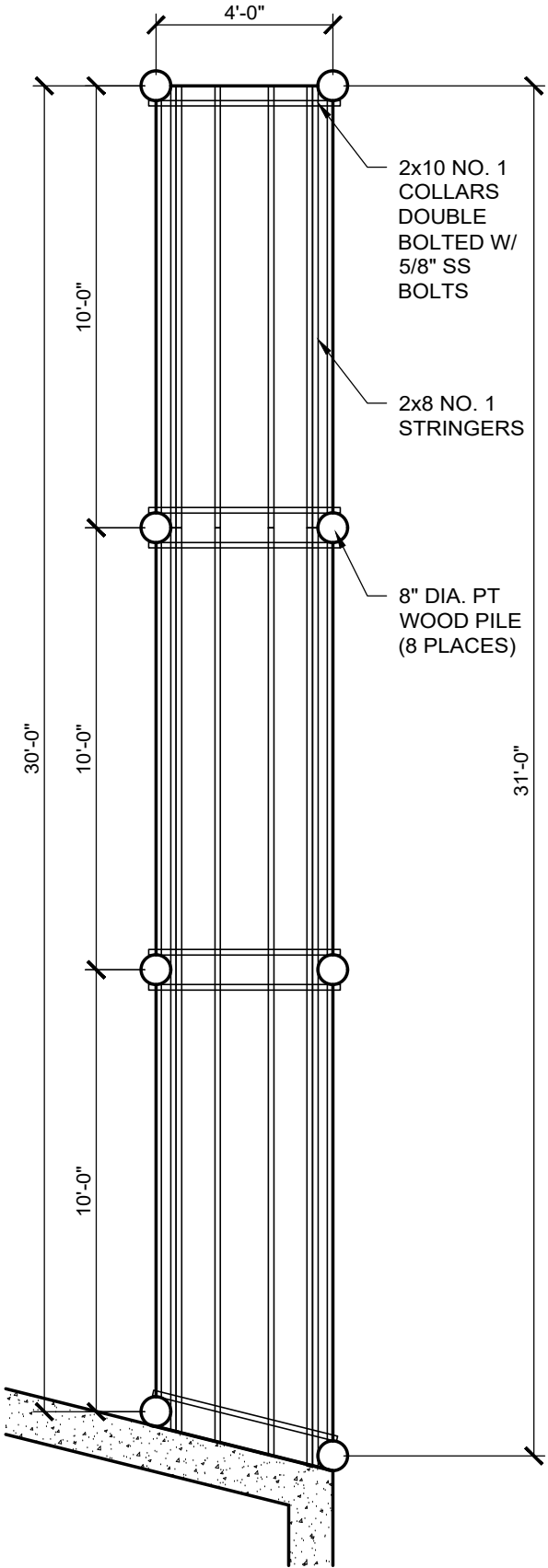
TYPICAL DOCK SECTION

SCALE: 1/4"=1'-0"



DECKING LAYOUT

SCALE: 1/4"=1'-0"



DECK FRAMING PLAN

SCALE: 1/4"=1'-0"

PROPOSED COST ESTIMATE TO BUILD LOADING PIER AT 6TH AVE BOAT RAMP IS \$9,000. THE DOCK WILL BE CONSTRUCTED BY SHORELINE MARINE CONTRACTORS AT NO COST TO THE TOWN.

SHORELINE  
MARINE  
587 WEST EAU GALLIE  
BLVD SUITE 201  
MELBOURNE, FL 32935



MELBOURNE BEACH  
BOAT RAMP DOCK  
MELBOURNE BEACH, FL 32951

587 WEST EAU GALLIE BLVD  
SUITE 201  
MELBOURNE, FL 32935  
P: 321.600.0672 OR 321.574.2702  
www.mksfructural.com

Certificate of Authorization #  
CA 27800



issued for PROPOSAL  
date 06/5/2025

revisions  
description

sheet number

S1

drawn by: MAK  
checked by: MAK

by MK Structural Engineering, LLC. all rights reserved. When plotted at full size, this sheet measures 11" x 17"

## ARTICLE I. LANDSCAPING

### § 9A-1. DEFINITION.

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Canopy Tree:** A tree that has layers of leaves, branches, and stems that provide shade and cover the ground when viewed from above and will develop a crown spread of 25 feet or greater at maturity.

**Certified Arborist:** A professional who has been trained in the art and science of planting, caring for, and maintaining trees. To become certified, an arborist must pass an exam administered by the International Society of Arboriculture (ISA), which tests knowledge in areas such as tree biology, diagnosis, pruning, soil management, and pest control.

**Diameter at Breast Height (dbh):** Diameter at breast height measured four feet six inches (4' 6") above grade. Diameter is calculated by dividing the circumference of the tree at that height by 3.14.

**Drip Line:** Refers to the area on the ground directly beneath the outermost edges of the tree canopy. Tree roots often extend beyond this area.

**Florida Friendly Landscaping:** Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. It is defined by § 375.185(b), Fl. Stat. and by the University of Florida's *Institute of Food and Agricultural Sciences (IFAS)*.

**Invasive (or Noxious):** A plant species that is non-native to a specific geographic area, was introduced intentionally or unintentionally, and does or can cause harm to the environment, economy, or humans. (UF/IFAS Invasive Species Council, 2021)

**Landscape Officer:** Any person hired and appointed by the Town as Landscape Officer with the authority and responsibility to administer the provisions of this Code. The Landscape Officer shall receive such training in arboriculture and code enforcement as is deemed necessary by the Town Administration.

**Native (Tree or Plant):** A species whose natural range included Florida at the time of European contact (1500 AD). Such species are understood as indigenous, naturally occurring prior to significant human impacts and alterations of the landscape. Categorized lists of many Florida native plant species are provided in section 9A-14.

**Protected Tree:** Large native trees 10 years or older, and mangroves of any age, identified as Protected Tree in paragraph 9A-14.



### § 9A-3. APPLICABILITY.

The terms and provisions of this article shall apply to all real property in all zoning districts.

(` 75 Code, § 22-18) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

### § 9A-4. PERMIT REQUIRED FOR ~~CUTTING-DOWN~~REMOVING TREES.

No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, remove, move or effectively destroy through damaging any live scrub oak of any size, or any non-invasive tree with a trunk diameter four inches (4") dbh or greater, situated on property in any zoning district without first obtaining a permit as herein provided. Tree removal on any property in any zoning district shall be in accordance with the standards mandated in the most recent edition of the *Best Management Practices - Tree Risk Assessment* published by the International Society of Arboriculture or a certification from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect as to substantial compliance with such standards. Any tree which poses an unacceptable risk may qualify for removal without a permit pursuant to Fla. Stat. § 163.045 or as such section may be amended. A current list of Certified Arborists with a tree risk assessment qualification is maintained by the Town manager.

(` 75 Code, § 22-19(a)) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17; Ord. 2023-01, adopted 3-15-23)

### § 9A-5. APPLICATION FOR PERMIT; REVIEW OF APPLICATION.

(a) Application. Permits for removal, relocation, or replacement of trees covered herein, shall be obtained by making application for a permit to the Building Official. The application shall be accompanied by a written statement indicating the reason for removal, relocation, or replacement of trees, a mitigation plan, and two copies of a legible site plan drawn to a minimum scale of one inch (1") equals 20 twenty feet (20'), indicating the following:

(1) Location of all existing or proposed structures, improvements, and sites used, properly dimensioned and referenced to property lines, setback, and yard requirements;

(2) Location of existing or proposed utility services, when known;

(3) The location of all trees on the site designating the trees to be retained, removed, relocated, or replaced. Groups of trees in close proximity may be designated as clumps of trees with the predominant type and estimated number and average diameter noted. Only

d. It is in the welfare of the general public that the tree be removed for a reason other than set forth above.

e. Protected Trees shall not be permitted to be removed without Town Commission approval. Protected Tree determination will be conducted by the Landscape Officer during on-site inspection.

(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 on the property~~ of the type that will attain an overall height of at least twelve feet (12') and have a trunk caliper of ~~at least four two inches (24") dbh 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 what was existing on the overall site before the beginning of construction.~~ A permit to relocate a tree will be granted only if there is a reasonable expectation that the tree will survive the relocation and thrive in the new location. The Town may require a recommendation from a Department of Agriculture Forester or a Certified Arborist to determine and assure that the tree is of a species which can be successfully moved at its current size and that all conditions for its survival are being met in the plan to relocate.

(` 75 Code, § 22-19(d)) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23) Penalty, see § 9A-12

#### § 9A-7. MINIMUM TREE PLANTINGS.

~~(a) Landscaping in all zoning districts.~~

~~(1) All developed lots within the Town shall be landscaped in accordance with the provisions of this section. All lots to be developed or re-developed shall be landscaped in accordance with this chapter prior to the issuance of a final building inspection or certificate of occupancy.~~

~~(2) All permeable and semi-permeable areas of the site shall be designed and maintained in a manner which allows water to percolate into the ground and prevents erosion from wind or rain.~~

~~(3) Landscaping plans must incorporate Florida-Friendly landscaping principles, including the use of drought-tolerant native plants, efficient irrigation systems, and soil amendments that promote water retention, consistent with the guidelines set~~



(2) A landscape buffer with a minimum of ten feet in width shall be provided along all road frontage of the site. The landscape buffer shall include a minimum of one canopy tree for every 25 feet of frontage, or fraction thereof.

(3) A continuous hedge shall be planted in all perimeter landscape buffer areas.

(4) Parking areas shall be designed so that there is a minimum of ~~two hundred~~ (200) square feet of open space, not including perimeter landscape buffer areas, at the end of each row of parking. In addition, a minimum of ~~two hundred~~ (200) square feet of open ~~permeable green~~ space shall be provided in the interior of the parking lot for each ten parking spaces, or fraction thereof. These open spaces shall be distributed throughout the parking lot in a manner that no more than ten parking spaces in a row shall be allowed without an intervening landscaped area.

(5) Minimum specifications for trees and hedge material shall be as follows:

a. Canopy trees at the time of planting shall have a trunk diameter of ~~two four~~ (4) inches ~~dbh measured four and one-half feet above grade~~. The trees shall be a minimum of eight feet in height and have a minimum spread of five feet. The trees are not required to be spaced evenly along property lines.

b. ~~Ornamental~~ Trees ~~smaller than canopy trees at the time of planting~~ shall ~~at the time of planting~~ have a trunk diameter of one and one-half inches measured four and one-half feet above grade. The trees shall be a minimum of six feet in height and have a minimum spread of four feet.

c. Palms at the time of planting shall have a minimum clear trunk of eight feet.

d. Hedge material at the time of planting shall be a minimum of ~~eighteen~~ (18) inches in height when planted. Individual plants shall be planted a maximum of 24 inches on center.

(6) All plant material shall be Florida Number 1 in quality and shall be planted according to sound landscape installation standards.

(7) All landscaping shall be maintained to present a neat and orderly appearance. Dead, deteriorating or missing landscape material shall be replaced with ~~substantially equivalent~~ landscaping as permitted ~~by the Land Development Code in 9A-7(a)~~. Replacement of landscaping material shall occur within ~~sixty~~ (60) days ~~of loss~~, unless said time is extended by the Town Manager for good cause shown.

(8) ~~Variations to landscape requirements~~ Exceptions shall be considered on an individual basis ~~based upon demonstrated unique characteristics of the site in question (for variations to landscape requirements)~~- Any such reduction or relocation shall comply

## § 9A-8. TREE PROTECTION.

### (a) Protection of trees during land-clearing.

(1) Trees ~~that are~~ retained during land-clearing ~~of an approved development or re-development project~~ can be applied toward total tree requirements for the property. Prior to land-clearing, on-site protection must be initiated by constructing suitable protective barricades around trees to prevent mechanical damage. Barriers should be constructed around individual trees or groups of trees that are susceptible to mechanical damage. ~~Protective barriers shall be placed around all trees to be retained on the site in accordance with the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) "Tree Preservation During Land Development" guidance to prevent the destruction or damaging of the trees. No disturbance or addition of soil will be made within the umbrella or drip line of retained trees. Any clearing within the umbrella or drip line of such trees shall be done with utmost care and avoid the use of heavy machinery.~~ Prior to any land-clearing activity, a visual inspection of the site will be made by the Building Official ~~and the Landscape Officer~~ before a land-clearing permit is issued. The land-clearing permit must be posted on-site. Only land-clearing is permitted ~~within~~ outside the drip line of the tree to be protected.

(2) On-site protection of trees may be barriers consisting of two-by four-inch lumber or flag rope and stakes visible to workers and equipment operators, but far enough from the tree to prevent soil compaction and large enough to include the area within the drip line of the tree ~~(drip line refers to the outer edges of tree limbs and branches).~~

(3) Should a deep filling around a tree be necessary, a dry well, retaining wall or terracing may be required. Procedures for these are available in the site planning and tree protection regulations available at the County Extension Office.

(b) Attachments to tree. No attachments or wires other than those of a protective nature shall be attached to any tree.

(c) Tree survival. Trees must survive on-site in a viable condition ~~for a minimum of three (3) years after the final building inspection or certificate of occupancy is issued, or after a permit is granted for any tree replacement otherwise.~~ Trees failing to meet this survival requirement must be replaced within 45 days after a written notification ~~of code violation is received by the property owner from the town issued by the Town.~~ Replacement trees must be tagged or indicated on the as built plans on file with the Town and reinspected for continued viability annually for three (3) years by Code Enforcement.

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.

Removal of any mature oak or similar trees without first obtaining a permit from the Town as required in § 9A-4 shall constitute prima facie evidence of a violation which is irreparable or irreversible in nature for the purposes of enhanced fine assessment provided for in § 11-21(b)(1) or as otherwise amended. Photography (either ground, areal, or geospatial) or other applicable data may be used as prima-facie evidence of the existence of trees on a site prior to any unapproved removal.

Fee structure for removal of protected trees is provided below.

PROTECTED TREE		FEE FOR UNLAWFUL REMOVAL			
Common Name	Scientific Name	Min	Per inch, 5-10" dbh*	Per inch, 10-20" dbh*	Per inch >20" dbh*
Black mangrove	Avicennia germinans	\$1,000			
Gumbo limbo	Bersera simaruba	\$1,000	\$200	\$400	\$800
Laurel oak	Quercus hemisphaerica	\$500	\$100	\$200	\$300
Live oak	Quercus virginiana	\$1,000	\$200	\$400	\$800
Longleaf pine	Pinus palustris	\$1,000	\$200	\$400	\$800
Magnolia	Magnolia grandiflora	\$500	\$100	\$200	\$300
Red mangrove	Rhizophora mangle	\$1,000			
Sand live oak	Quercus geminata	\$2,000	\$400	\$600	\$1,200
Slash pine	Pinus elliottii	\$1,000	\$200	\$400	\$800
White mangrove	Laguncularia racemosa	\$1,000			

\* As measured at dbh or existing stump size if tree is already down.

Sand live oak	Quercus geminata
Slash pine	Pinus elliottii
White mangrove	Laguncularia racemosa

GRASSES				
Common Name	Scientific Name	Cold Tolerance		
Beach Grass	Panicum Amarulum	-	-	+
Muhly Grass	Muhlenbergia Capillaris	-	+	-
Seashore Dropseed	Sporobolus Virginicus	-	+	-
Dwarf Fakahatchee	Tripsacum floridanum	-	-	+
Salt meadow cord grass	Spartina Patens	+	-	-
Smooth Cord Grass	Spartina Alteriflora	-	-	+
Salt grass	Distichlis Spicata	-	+	-
Sand Cord grass	Spartina Bakeri	+	-	-
Eastern Gama Grass	Tripsacum Dactyloides	-	+	-
Love grass	Eragrotis spectabilis	-	-	+
Blue-eyed grass	Sisyrinchium atlanticum	+	-	-

GROUND COVER				
Common Name	Scientific Name	Cold Tolerance		
Adams Needle	Yucca Filamentosa	-	+	-
Beach Elder	Iva Imbricata	-	-	+
Bracken Fern	Pteridium Aquilinum	-	-	+
Coontie/Arrowroot	Integrifolia, Angustifolia	-	+	-
Coontie/Arrowroot	Zamia Floridana, Pumilia	-	+	-
Florida Beargrass	Nolina Atopocarpa	-	-	+
Florida Beargrass	Nolina Brittoniana	-	-	+
Glaswort	Salicornia Spp Native	-	-	+
Golden Creeper	Ernodea Littoralis	-	-	-
Gopher Apple	Licania Michauxii	-	-	+
Penny Royal	Piloblephis Rigida	-	-	+
Prickly Pear	Opuntia Humifusa Compressa	-	+	-
Prickly Pear	Opuntia Stricta	-	+	-
Rosemary	Creatiola Erocoides	-	-	+
Runner Oak	Quercus Pumila	-	+	-
Sea Oats	Uniola Paniculata	-	+	-
Spanish Dagger	Yucca Aloifolia	+	-	-
St Johns Wort	Hypericum Spp	-	+	-



PALMS				
<b>Common Name</b>	<b>Scientific Name</b>	<b>Cold Tolerant</b>		
Cabbage palm	Sabal Palmetto	-	+	-
Florida silver palm	Cocco thrinax-argentata	-	-	-
Parotis palm	Acoelorrhaphe wrightii	-	+	-
Royal palm	Roystonea elata	-	-	-

SHRUBS				
<b>Common Name</b>	<b>Scientific Name</b>	<b>Cold Tolerance</b>		
Firebush	Hamelia patens	-	-	-
Simpson stopper	Myrcianthes simpsonii	+	-	-
White stopper	Eugenia axillaris	-	+	-
Salt bush	Baccharis halimifolia	-	-	+
Myrtle oak	Quercus myrtifolia	-	-	+
Running oak	Quercus pumila	-	+	-
Wild lime	Zanthoxylum fagara	-	-	+
Beauty berry	Callicarpa americana	-	-	+
Blueberry	vaccinium native sp	-	-	+
Carolina aster	Aster carolinanus	-	+	-
Cassia	Cassia ligustrina	-	-	-
Cassia	Cassia chapmanii	-	-	-
Christmas berry	Lycium carolinianum	-	+	-
Coral bean	Erythrina herbacea	-	-	+
Dwarf live oak	Quercus minima	-	+	-
Fetter bush	Lyonia Lucida	-	-	+
Florida privet	Foresteria segretata	-	-	+
Frostweed	Verbesina virginica	-	-	+
Lantana	Lantana depressa	+	-	-
Lantana	Lantana involucrata	-	+	-
Marlberry	Ardisia escallonioides	-	-	+
Marsh elder	Iva imbricata	-	-	-
Necklace pod	Sophora tomentosa	-	-	-
Needle palm	Rhapidophyllum hystrix	-	+	-
Saw palmetto	Serenoa repens	-	+	-
Small privet	Foresteria pinetorum	-	-	+
Snow berry	Chiococca alba	-	+	-
Staggerbush	Lyonia ferruginea	-	+	-
Staggerbush	Lyonia fruticosa	-	+	-
Walters viburnum	Viburnum obovatum	-	-	+
Wax myrtle	Myrcia cerifera	-	+	-
Wild coffee	Psychotria nervosa	-	-	-

Gray Nickerbean	Caesalpinia Bonduc Crista	-		
Maypop	Passiflora incarnata	-	-	
Morning Glory	Ipomea Spp	-	+	
Railroad Vine	Ipomea pes-caprae	-	-	-
Virginia Creeper	Parthenocissus Quinque Folia	-	+	

WILDFLOWERS				
<b>Common Name</b>	<b>Scientific Name</b>	<b>Cold Tolerant</b>		
Beach Croton	Croton Punctatus		+	
Beach Sunflower	Helianthus Debilis		+	
Beach Verbenia	Verbenia Maritima		+	
Black eyed susan	Rudbeckia hirta	+		
Blazing Star	Liatris Tenufolia		+	
Blue Curl	Trichostema Dichotomum		+	
Blue Eyed Grass	Sysyrrinchium Atlanticum	+		
Firewheel	Gaillardia Pulchella			+
Goldenrod	Solidago Spp			+
Horse Mint	Monarda Puncata			+
Partridge Pea	Cassia Spp		+	
Pink Purslane	Portulaca Pilosa		+	
Purslane	Portulaca Rubricaulis			+
Sea Oxide Daisy	Borrchia Spp		+	
Sea Purslane	Sesuvium Portula Castrum		+	
Seaside Evening Primrose	Oenothera Humifusa		+	
Seaside Gentian	Eustoma Exaltatum		+	
Spider Lily	Hymenocallis Latifolia		+	
St. Johns Wort	Hypericum Spp	+		
Standing Cypress	Ipomopsis Rubra		+	
Tampa Verbenia	Verbenia Tempensis		+	
Tropical Sage	Salvia Coccinea		+	
Twin Flower	Dyschoriste Spp			
Wild Cotton	Gossypum Hirsutum			
Wild Petunia	Ruellia Caroliniensis			+
Wild Plumbago	Plumbago Scandens		+	
Yellow Top	Flaveria Linearis		+	

#### Legend

A	Aquatic
---	---------

W	Narrow-leafed sunflower	Helianthus angustifolius	+	+	-	-
A	Pickeralweed	Pontederia cordata	-	-	+	+
W	Rayless sunflower	Helianthus radula	-	+	-	-
P	Sabal palm	Sabal palmetto	-	-	+	+
G	Sand Cordgrass	Spartina bakeri	+	-	-	-
G	Sandweed	Hypericum fasciculatum	-	+	+	-
W	Sea ox-eye daisy	Borrchia frutescens	-	+	+	-
W	Sea purslane	Sesuvium portulacastrum	-	+	+	-
W	Seaside gentian	Eustoma exaltaum	-	+	+	-
A	Soft rush	Juncus effusus	-	-	+	+
W	Spiderwort	Tradescantia ohiensis	-	-	+	+
G	St. Andrews cross	Hypericum hypericoides	-	+	+	-
G	Sunshine Mimosa	Mimosa strigillosa	-	-	+	+
W	Swamp Milkweed	Asclepias incarnata	-	-	+	+
MT	Sweet bay	Magnolia virginica	-	+	+	-
W	Vanilla plant	Carphephorus paniculatus	-	+	+	-
W	Violets	Viola affinis	-	-	-	-
G	Water dropwort	Oxypolis filiformis	-	+	+	-
G	Water hyssop	Bacopa monnieri	-	+	+	-
W	Yellowtop	Flaveria linearis	-	+	+	-
G	Glaswort	Salicornia spp	-	-	+	+
-	Leather fern	Acrostichum dandefolium	-	-	+	-
S	Saltmarsh mallow	Kosteletzkaya virginica	-	+	+	-
LT	Bald cypress	Taxodium distichum	-	-	+	+

Plants approved for use along the 4RM AND 5RMO.	
Common Name	Scientific Name
Indian Hawthorne	Rhaphiolepis Indica "Alba"
Juniper—Parsoni	Juniperus chinensis "Parsonii"
Juniper—Torulosa	Juniperus chinensis "Torulosa"
King Sago	Cycas Revoluta
Buttonwood Green	Conocarpus erectus
Buttonwood Silver	Conocarpus erectus sericeus
Cord Grass	Spartina Bakeri
Necklace Pod	Sophora Tomentosa
Bird of Paradise	Strelitzia Reginae
Elaeagnus	Elaeagnus pungens

Hibiscus	Hibiscus
East Palatka Holly	<i>Ilex attenuata</i> "East Palatka"
Geiger Tree	<i>Cordia sebestena</i>
Foxtail Palm	<i>Wodyetia bifurcata</i>
Bismarkia Palm	<i>Bismarckia nobilis</i>
Paurotis Palm	<i>Acoelorrhaphe wrightii</i>
Fountain Grass	<i>Pennisetum setaceum</i>
Crinum Lily	<i>Crinum lily</i>
Society Garlic	<i>Tulbaghia violacea</i>
Indian Hawthorne	<i>Rhaphiolepis Indica</i> "Alba"
Juniper—Parsoni	<i>Juniperus chinensis</i> "Parsonii"
Juniper—Torulosa	<i>Juniperus chinensis</i> "Torulosa"
King Sago	<i>Cycas Revoluta</i>
Buttonwood Green	<i>Conocarpus erectus</i>
Buttonwood Silver	<i>Conocarpus erectus sericeus</i>
Cord Grass	<i>Spartina Bakeri</i>
Necklace Pod	<i>Sophora Tomentosa</i>
Bird of Paradise	<i>Strelitzia Reginae</i>
Elaeagnus	<i>Elaeagnus pungens</i>
Arbicola	<i>Schefflera Arboricola</i>
Coco Plum	<i>Chrysobalanus Icaco</i>
Natal Plum	<i>Carissa Macrocarpa</i>
Pittosporum Green/Varigated	<i>Pittosporum tobira</i>
Palmetto	<i>Sabal Palmetto</i>
Madagascar Olive	<i>Norohnia Emarginata</i>
Sea Oats	<i>Uniola Paniculata</i>
Gallardia	<i>Gaillardia pulchella</i>
Coontie	<i>Zamia Pumila</i>
Zamia	<i>Zamia Maritima</i>
Confederate Jasmine	<i>Trachelospermum</i> <i>Jasminoides</i>
Pindo Palm	<i>Butia Capitat</i>
Cabbage Palm	<i>Sabal palmetto</i>
Sprengeri Fern	<i>Asparagus densiflorus</i>
Fiddlewood	<i>Citharexylum spinosum</i>
Dune Sunflower	<i>Helianthus Debilis</i>
Gazania Daisey	<i>Gazania</i>

## ARTICLE I. WETLANDS PROTECTION



(4) Any other use deemed appropriate by the St. Johns River Water Management District or the Department of Natural Resources.

(Am. Ord. 2017-05, adopted 12-20-17)

**§ 11A-4. PROHIBITED USES IN WETLANDS.**

The following uses are specifically prohibited in wetlands:

(1) Residential, commercial, industrial and institutional uses, except as provided for in § 1A-3;

(2) Disposal of solid or liquid wastes, and the application or storage of pesticides and herbicides; and

(3) Any activity which impairs the function of the wetlands.

(Am. Ord. 2017-05, adopted 12-20-17)

**§§ 11A-5. – 11A-99. RESERVED.**

## Landscape Plan Policy

1. Owner/rep submits **Permit** request to Town >>>> Building Official looks at the landscaping of the lot prior to issuing permit.
2. Owner/rep submits **Site Plan** to Town >>>> Building Official reviews landscape plan to be sure the architect has placed/replaced trees, per code, on the plans, and to see that the plan meet pervious/impervious ratio.
  - Town sends EAB landscape design.
    - EAB Contact identifies Landscape Officer for approval.
    - Landscape Officer submits findings to EAB Contact, Architect, Engineer, and Building Official
3. Owner's Engineer submits **Drainage Calcs** to Town >>>> Town Engineer reviews for approval of water retention plan (8" of water will be retained on the site in a 24 hour period), once approved
  - Drainage Calcs >>>> Building Official
  - All documentation from Owner's engineer and Town engineer is submitted to DEP annually to comply with the BMAP requirements.
4. Building Official prepares **Full Package** for P&Z and sent to Town
  - Town to submit package to EAB at the same time the package is sent to P&Z
  - If Town receives package 3 weeks before P&Z meeting (first Tuesday of the month), package is present next P&Z meeting
  - If Town receives package <3 weeks before P&Z meeting, package is present next P&Z meeting