Know the Difference: Two “Live Oaks,” Two Different Trees

Sand Live Oak vs. Southern Live Oak

Although their common names are similar, these are distinct species with different characteristic forms, habitats, and landscape needs. **Sand live oak is a native, dominant foundation species of Florida's maritime hammock ecosystems.** Decisions about retaining Sand Live Oaks should be based on the characteristics of *Quercus geminata*—not on the much larger dimensions commonly associated with *Quercus virginiana*.

Characteristic	Sand Live Oak	Southern Live Oak
Scientific name	*Quercus geminata*	*Quercus virginiana*
Characteristic form	Generally smaller and more compact; may be multi-trunked or shrubby on exposed sites	Large, broad-spreading canopy with massive horizontal limbs
Typical habitat	Deep, dry sand; scrub, dunes, sandhills, coastal hammocks, and pine uplands	Coastal plains and other sites with enough room for a large shade tree
Reported size	UF/IFAS reports that it can generally reach about 50 feet tall; **exposed coastal plants may remain much smaller**	UF/IFAS reports approximately 60–80 feet in height and 60–120 feet in spread
Leaves	Thick and leathery, often cupped, with distinctly rolled-under edges, deeply impressed veins, and a grayish or whitish underside	Usually flatter and less strongly rolled under
Growth and tolerance	Generally slow-growing and highly drought-tolerant; adapted to dry, sandy conditions	Moderate growth and best suited to locations that can accommodate a very broad crown
Landscape scale	Often compatible with sandy coastal residential settings when properly located	Requires substantial room to develop its characteristic mature form

The UF/IFAS Sand Live Oak profile states that Sand Live Oak grows in sandy scrub habitat and "does not reach the towering dimensions" of Southern Live Oak. It describes the species as a small native evergreen tree generally reaching about 50 feet, while recognizing that unusually tall specimens exist.[1] (https://ask.ifas.ufl.edu/publication/FR311/pdf)

The UF/IFAS Southern Live Oak profile describes Southern Live Oak as a large-scale landscape tree reaching approximately 60–80 feet tall with a 60–120-foot spread.[2] (https://ask.ifas.ufl.edu/publication/ST564/pdf)

Why Sand Live Oak Fits Our Coastal Setting

Sand Live Oak is native to Florida's sandy coastal environments. It occurs in dunes, scrub, sandhills, coastal hammocks, and other deep sandy soils. Its thick leaves, drought tolerance, compact coastal form, and ability to grow in nutrient-poor sand make it particularly well suited to established residential lots in our community. The Florida Native Plant Society plant profile identifies Sand Live Oak as generally smaller and slower-growing than Southern Live Oak and notes its hurricane-wind resistance and wildlife value.[3]

What Tree Retention Does—and Does Not—Mean

Retaining a Sand Live Oak does not mean that every tree must remain on every lot.

The objective is straightforward:

Allow reasonable use of residential property while retaining healthy, well-situated native canopy trees when they do not conflict with structures, improvements, utilities, or public safety.

The Decision Before the Town

The question is not whether a homeowner must preserve an enormous Southern Live Oak in the path of a home or plant this species in place of one taken down to allow for building. The question is whether a healthy **Sand Live Oak**, located outside the construction and improvement area and presenting no documented unacceptable risk, should be retained as part of the Town's native coastal canopy or a new Sand Live Oak serve as a replacement for canopy trees lost for construction.

Same common name. Different species. The ordinance should address the tree actually under consideration.

1. *UF/IFAS Extension, "Quercus geminata, Sand Live Oak"*
2. *UF/IFAS Extension, "Quercus virginiana: Southern Live Oak"*
3. *Florida Native Plant Society, "Quercus geminate, Sand Live Oak"*



Figure 1. Quercus geminata, Sand Live Oak



Figure 2. Quercus virginiana: Southern Live Oak

© 2026 Florida Native Plant Society, Inc.

sand live oak

Quercus geminata

Fagaceae

USDA Zones

Suitable to grow in:

10A 10B 8A 8B 9A 9B

Plant Specifics

Size:	Height is largely a function of fire frequency, 20–30 ft tall if not burned. , Crown width about half the height
Life Span:	long-lived perennial
Phenology:	Evergreen. Inconspicuous flowers in early spring. Acorns mature in autumn of same year
Noted For:	Hurricane Wind Resistance, Interesting Foliage
Native Habitats:	Scrub, sandhill, scrubby flatwoods, flatwoods, coastal hammocks. Increases in flatwoods under winter burn management

Landscaping

Light:

Full Sun Part Sun

Moisture:	Short very dry periods
Soil/Substrate:	Sand
Salt Spray:	Some tolerance to salty wind but not direct salt spray

Wildlife

Caterpillars, Birds, Mammals

Scan for more info

The Argument for a 50% Native Plant Requirement. Prepared by the EAB October, 2026.

Living on a fragile Barrier Island such as Melbourne Beach is a gift that comes with the responsibility of recognizing where we live and to help to restore the years of development, land clearing, pollution and lack of knowledge that has occurred for many years.

Fl Senate Bill 302-Coastal Resiliency Act became effective on 7/1/26. This legislation is a statewide framework directing coastal communities to manage erosion, flooding and storm surge with Nature Based Solutions in conjunction with DEP. This includes the use of native plantings as part of the researched solution. *see attachment.

On Florida Friendly vs Native Landscaping: " Native is always better, basically they don't become invasives": Sally Scalera-MS, Master Garden coordinator and Urban Horticulture Agent UF/Ag extension: Oct, 2026 emails to EAB. Sally also "Strongly champions natives near the IRL stating superior support for local ecosystems: Florida Today article Aug. 2, 2024.

Ocean Friendly Gardens, a Space Coast Surfrider Foundation program supports nature based solutions to restore imperiled native plant communities. *see attachment.

Brevard County Natural Resources Best Management practices states "Make your home the solution to Stormwater pollution via native plants and grasses. *see attachment.

KBB (Keep Brevard Beautiful) established Lagoon Friendly Lawns program in 2016 that earned the National Keep America Beautiful award in 2018 and partners with the IRL Estuary Program, UF/Ag extension offices locally and with FIT to certify individuals and landscape contractors to implement native landscaping. Their goal is to educate on Basing your landscaping with native plant communities that minimize negative impacts on ecosystems and seek to restore benefits. *see attachment.

Melbourne Beach published a Habitat Restoration Initiative in 1995 to promote Restoration of native habitats. This work was created through grants with Florida Coastal Management Program and NOAA. Ref: Grant # NA37OZO427. The work was submitted by MRC of East Fl.

Our Comprehensive Plan for Melbourne Beach was updated in August, 2021 and is easily available online. Some highlights include Policy 7.2: "The Goal is to encourage the preservation of natural features in existing and future developments." This statement is also supported by Objective 14.0: "Periodically review and revise the tree preservation and landscape ordinance to encourage use of indigenous plants. Chapter 6: Coastal Management Element/Objective 1 states "Protect existing native vegetation as development and redevelopment occurs". Policy 1:1 and 1:3 further support and detail this goal.

In short; the science is there, our own Town goals have outlined the need, the State is now mandating the action and a 50% native requirement is easily obtainable. Combined with a 50% FFL we can have a Win-win, Beautiful Yards, Stormwater Management and wildlife diversity.

The Florida Senate

CS/CS/SB 302, 1st Eng. — Coastal Resiliency

by Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senators Garcia, Avila, and Sharief

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Prepared by: Environment and Natural Resources Committee (EN)

The bill requires the Department of Environmental Protection (DEP) to initiate rulemaking by January 1, 2027, to establish a statewide permitting process for the use of nature-based methods to improve coastal resiliency. The rules must include, among other things, criteria for implementing nature-based methods; procedures for reviewing applications; general permits that avoid significant adverse impacts; incentives for the use of new strategies and technologies, such as 3D printing; and permitting processes that allow failed coastal infrastructure to be replaced with nature-based infrastructure following storm events.

The bill directs DEP to develop design guidelines and standards for the use of green infrastructure or hybrid green-gray infrastructure to address coastal resiliency. The bill also requires DEP and local governments to promote public awareness and education regarding the value of nature-based solutions for coastal resiliency.

In addition, the bill authorizes nature-based solutions to improve coastal resiliency within aquatic preserves, including living seawalls, shoreline and vegetation planting, seagrass planting, wave attenuation devices, and green or hybrid green-gray stormwater infrastructure. It also authorizes the placement of living shorelines and seawalls within the Biscayne Bay Aquatic Preserve and permits minimum dredging and filling to restore and enhance natural systems.

The bill prohibits dredging or filling within the Terra Ceia Aquatic Preserve, except for public navigation projects; activities necessary to enhance the preserve or eliminate public health hazards or stagnant waters; and the construction or maintenance of marinas, public boat ramps, piers, and docks. The bill requires that certain authorized dredging or filling be approved by the Board of Trustees of the Internal Improvement Trust Fund only after public notice.

Nature-based solutions for runoff pollution

Surfrider's Ocean Friendly Gardens (OFG) program offers simple and beautiful nature-based solutions to protect clean water and support resilient coasts and communities. OFGs restore the natural functions of healthy watersheds by contouring landscapes for rainwater retention, directing water back into the ground instead of storm drains. The robust root systems of native plants help naturally filter pollutants and sponge up extra water while restoring biodiversity to our urban landscapes.

By returning nature to our urban spaces, OFGs support climate resiliency goals by sequestering carbon, reducing air and water pollution, and avoiding climate emissions from energy-intensive maintenance practices. OFGs provide an opportunity to build equitable access to nature within neighborhoods and communities that lack green space while empowering volunteers with the skills to grow a more resilient future.

For more information or questions:

Kathryn Dressendorfer, Ocean Friendly Gardens Program Manager

kdressendorfer@surfrider.org



As stormwater flows over driveways, lawns, and sidewalks, it picks up debris, chemicals, dirt, and other pollutants. Stormwater can flow into a storm sewer system or directly to a lake, stream, river, wetland, or coastal water. Anything that enters a storm sewer system is discharged untreated into the waterbodies we use for swimming, fishing, and providing drinking water. Polluted runoff is the nation's greatest threat to clean water.



By practicing healthy household habits, homeowners can keep common pollutants like pesticides, pet waste, grass clippings, and automotive fluids off the ground and out of stormwater. Adopt these healthy household habits and help protect lakes, streams, rivers, wetlands, and coastal waters. Remember to share the habits with your neighbors!

Healthy Household Habits for Clean Water

Vehicle and Garage

- Use a commercial car wash or wash your car on a lawn or other unpaved surface to **minimize** the amount of dirty, soapy water flowing into the storm drain and eventually into your local waterbody.



- Check your car, boat, motorcycle, and other machinery and equipment for leaks and spills. Make repairs as soon as possible. Clean up **spilled fluids** with an absorbent material like kitty litter or sand, and don't rinse the spills into a nearby storm drain. Remember to properly dispose of the absorbent material.
- **Recycle** used oil and other automotive fluids at participating service stations. Don't dump these chemicals down the storm drain or dispose of them in your trash.

Lawn and Garden

- Use pesticides and fertilizers **sparingly**. When use is necessary, use these chemicals in the recommended amounts. Avoid application if the forecast calls for rain; otherwise, chemicals will be washed into your local stream.
- Select **native** plants and grasses that are drought- and pest-resistant. Native plants require less water, fertilizer, and pesticides.
- **Sweep up** yard debris, rather than hosing down areas. Compost or recycle yard waste when possible.
- Don't overwater your lawn. Water during the cool times of the day, and don't let water run off into the storm drain.
- Cover piles of dirt and mulch being used in landscaping projects to prevent these pollutants from blowing or washing off your yard and into local waterbodies. **Vegetate** bare spots in your yard to prevent soil erosion.

Home Repair and Improvement



- Before beginning an outdoor project, locate the nearest storm drains and **protect** them from debris and other materials.
- **Sweep up** and properly dispose of construction debris such as concrete and mortar.
- Use hazardous substances like paints, solvents, and cleaners in the **smallest amounts possible**, and follow the directions on the label. Clean up spills **immediately**, and dispose of the waste safely. Store substances properly to avoid leaks and spills.
- Purchase and use **nontoxic, biodegradable, recycled,** and **recyclable** products whenever possible.
- Clean paint brushes in a sink, not outdoors. Filter and reuse paint thinner when using oil-based paints. Properly dispose of excess paints through a household hazardous waste collection program, or donate unused paint to local organizations.
- **Reduce** the amount of paved area and increase the amount of vegetated area in your yard. Use native plants in your landscaping to reduce the need for watering during dry periods. Consider directing downspouts away from paved surfaces onto lawns and other measures to increase infiltration and reduce polluted runoff.

Pet Care

- When walking your pet, remember to **pick up** the waste and dispose of it properly. Flushing pet waste is the best disposal method. Leaving pet waste on the ground increases public health risks by allowing harmful bacteria and nutrients to wash into the storm drain and eventually into local waterbodies.

Swimming Pool and Spa

- **Drain** your swimming pool only when a test kit does not detect chlorine levels.
- Whenever possible, drain your pool or spa into the **sanitary** sewer system.
- Properly **store** pool and spa chemicals to **prevent** leaks and spills, preferably in a covered area to avoid **exposure** to stormwater.

Septic System Use and Maintenance

- Have your septic system **inspected** by a professional at least every 3 years, and have the septic tank **pumped** as necessary (usually every 3 to 5 years).
- Care for the septic system drainfield by **not** driving or parking vehicles on it. Plant only grass over and near the drainfield to avoid damage from roots.
- Flush responsibly. Flushing household chemicals like paint, pesticides, oil, and antifreeze can **destroy** the biological treatment taking place in the system. Other items, such as diapers, paper towels, and cat litter, can clog the septic system and potentially damage components.

Storm drains connect to waterbodies!

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EPA 833-B-00-003
January 2003

http://www.brevetorm.org/
(321) 633-2016
Viera, FL 32940
2725 Judge Fran Jamieson Way, Bldg. A
Brevard County Natural Resources Management Office

Remember: Only rain down the drain!

For more information, visit
www.epa.gov/npdes/stormwater
or
www.epa.gov/nps



Make your home
The
SOLUTION TO STORMWATER POLLUTION!

A homeowner's guide to healthy habits for clean water



EPA

Through the Lagoon Friendly Lawns program, we can all be part of a community-level solution by making positive behavior changes when it comes to the care and keeping of our lawns.

The Four Core Concepts:

1. Minimize Nutrient Pollution



Nutrients released in your yard have the ability to enter the lagoon by making their way into stormwater or groundwater.

Make sure you follow all local fertilizer ordinances, including the rainy season fertilizer ban from June-Sept, and during the rest of the year, apply phosphorous only if a soil test shows it's needed. Use a fertilizer with at least 50% slow release nitrogen fertilizer and don't apply more than one pound of nitrogen per 1000 square feet.

Also be sure to keep lawn clippings off of impervious surfaces like cement and out of water bodies and storm drains. Other nutrient sources include pet waste, pesticides and herbicides, and soaps like those used to wash cars. Please check out the following resources:

- Fertilizer restrictions and ordinances
- Lawn care best practices



The best landscapes don't just minimize our negative impacts on ecosystems; they seek to restore lost ecosystem benefits.

Basing your landscaping on native plant communities provides food and habitat for wildlife, plus native plants are perfectly adapted to our area, meaning they largely don't require watering or fertilizer.

Removing exotic invasive plants from your property also helps to keep our ecosystems healthy, and for waterfront residents, incorporating a "living shoreline" community of plants and animals like mangroves, spartina grass and oysters can help to prevent erosion and naturally filter lagoon water.

-Native plants for your area

-Invasive Plants To Remove

-Living Shorelines Information

Click each block above to learn more about the concepts underlying our Lagoon Friendly Lawns certification program for property owners. General Members focus on nutrient pollution reduction, while Silver Award winners also tackle turf area reduction and stormwater retention, and Gold Award winners use each of the four strategies. For additional help with lawn problems, contact our partners at UF/IFAS.

Town of Melbourne Beach Comprehensive Plan, August 2021
Pertinent Goals, Objectives, and Policies

Chapter 2

GOAL: Encourage the preservation of natural features in existing and future developments.

OBJECTIVE 14.0: Periodically review and revise the tree preservation and landscape ordinances, to encourage the use of indigenous vegetation.

Chapter 6

GOAL: Preserve, protect and enhance the coastal resources as development or redevelopment occurs in Melbourne Beach.

OBJECTIVE 1: Protect existing native vegetation as development or redevelopment occurs.

POLICY 1.1: Consider amending the Land Development Regulations if needed to remove invasive species and preserve native vegetation communities such as those located in dunes along the ocean and along the lagoon to the west to be incorporated in any development or redevelopment project.

POLICY 1.3: As needed, the Town will consider amendments to the Land Development Code to require that the plant material used in landscaping of any development or redevelopment project shall be predominately native, Florida Friendly, and include a list of recommended native plant species adapted to the coastal environment of the area.

Chapter 7

GOAL: Protect and/or enhance existing coastal resources.

OBJECTIVE 3.0: Protect the Indian River lagoon system, its fisheries and marine habitat from further water quality degradation where such protection is within the Town's jurisdiction.

POLICY 3.3: When appropriate, the Town will coordinate its activities directed toward protecting the Indian River Lagoon with the Town of Indialantic, Brevard County, and other units or local and regional government.

OBJECTIVE 4.0: Protect plant and animal species that are endangered, threatened, and listed as species of special concern including the sea turtle, the manatee, other wildlife and wildlife habitat from the adverse effect of human interference and enhance Melbourne Beach as a wildlife breeding area.

POLICY 4.3: Maintain the Town's status as a bird sanctuary.

OBJECTIVE 10.0: Contribute to the reduction of greenhouse gases by implementing policies and strategies that encourage increased pedestrian activity, reduce vehicular dependency, and decrease energy consumption and carbon loading activities.

POLICY 10.6: Regulate land clearing and landscaping regulations to augment passive cooling by trees.

Requirements for Native Plants in Beachside/Neighboring Cities.

Our presented data was collected by the Town of Melbourne Beach for insured accuracy:

Town	Native requirement	Applies to
Indialantic	75%	New commercial, RP and R-3 multifamily
Satellite Bch	50%	All Zoning Districts
Vero Beach	75% appears in code as an optional standard.	

We have also attached Native plant requirements for Palm Bay and for Brevard County.

ON THIS PAGE

Palm Bay, FL Landscaping Rules: Native Plants (2026)

Some Restrictions

Compiled from the official code text · Editor Martyn O'Neill ·
Last verified September 2026

Key Facts

Native canopy quota 50% of trees added	Planting size 8 ft height, 2.5 in. DBH
Native shrub quota 50% of shrubs/hedges	Recommended species Live oak, slash pine, magnolia

ALSO IN PALM BAY

Fence Regulations: Height Limits | Water Restrictions | Tree Removal & Her

Summary

Palm Bay's landscaping code requires at least half of all trees added to a development site to be native canopy species, planted at a minimum 8-foot height.

PALM BAY CODE OF ORDINANCES § 175.027(D)(2) Quoted excerpt

Hide ordinance text ▲

ON THIS PAGE

Brevard County, FL Landscaping Rules: Native Plants (2026)

Some Restrictions Compiled from the official code text · Editor Martyn O'Neill · Last verified August 2026

Key Facts

Native tree minimum
50% of required trees

Native/Waterwise shrub minimum
50% of required shrubs

Invasive species
zero landscaping credit

Applies to
unincorporated Brevard development

Enforced by
Natural Resources Management Office

ALSO IN BREVARD COUNTY

Noise Ordinances: Quiet Hours | Noise Ordinances: Construction Hours | Fence Regulations: Heigh

Summary

New development in unincorporated Brevard must plant at least 50% native trees and 50% native or Waterwise-listed shrubs, with invasive species barred from credit.

⚠ **City-specific rules exist:** Melbourne, and Palm Bay have their own native plants rules that differ from Brevard County's county-level regulations. If you live in one of those cities, check the city-specific page instead.

BREVARD COUNTY CODE § 62-4341(4) Quoted excerpt Hide ordinance text ▲

> *At least 50 percent of trees required for preservation and planting shall be of native species. At least 50 percent of shrubs and groundcovers shall be native species or recommended by "Waterwise Florida Landscapes", 2004. Florida Water Management Districts, as may be amended. vegetation defined as nonnative*

> *invasive or undesirable plants per section 62-4332 shall not be credited towards fulfillment of preservation or planting requirements.*

Source: Brevard County Code of Ordinances (Municode)

View official code → (https://library.municode.com/fl/brevard_county/codes/code_of_ordinances)

Official source re-checked September 7, 2026: no newer edition of the code had been published (publisher's edition. Code of Ordinances: Supplement 135).

Full Breakdown

Brevard County's landscaping performance standards require at least 50 percent of trees planted or preserved for development to be native species, and at least 50 percent of required shrubs and groundcovers to be native or drawn from the state's "Waterwise Florida Landscapes" list. Plants classified as nonnative invasive or undesirable get zero credit toward the landscaping requirement. The rule governs new development, additions, and vehicular-use-area landscaping in unincorporated Brevard reviewed by the county's Natural Resources Management Office: it does not apply inside Palm Bay, Melbourne, Titusville, Cocoa, or the county's other incorporated cities, which administer their own landscape codes.

Violations & Fines

No certificate of occupancy or completion issues until the landscape plan meets the native-species ratios; noncompliant nonnative-invasive plantings get no credit and must be replaced before final inspection.

Frequently Asked Questions

Do I have to use native plants in my Brevard County yard?

Only if you're doing new development or a qualifying addition subject to a landscape plan: the code sets minimum native-species ratios for those plans, not for existing home landscaping.

Does this rule apply inside Melbourne or Palm Bay?

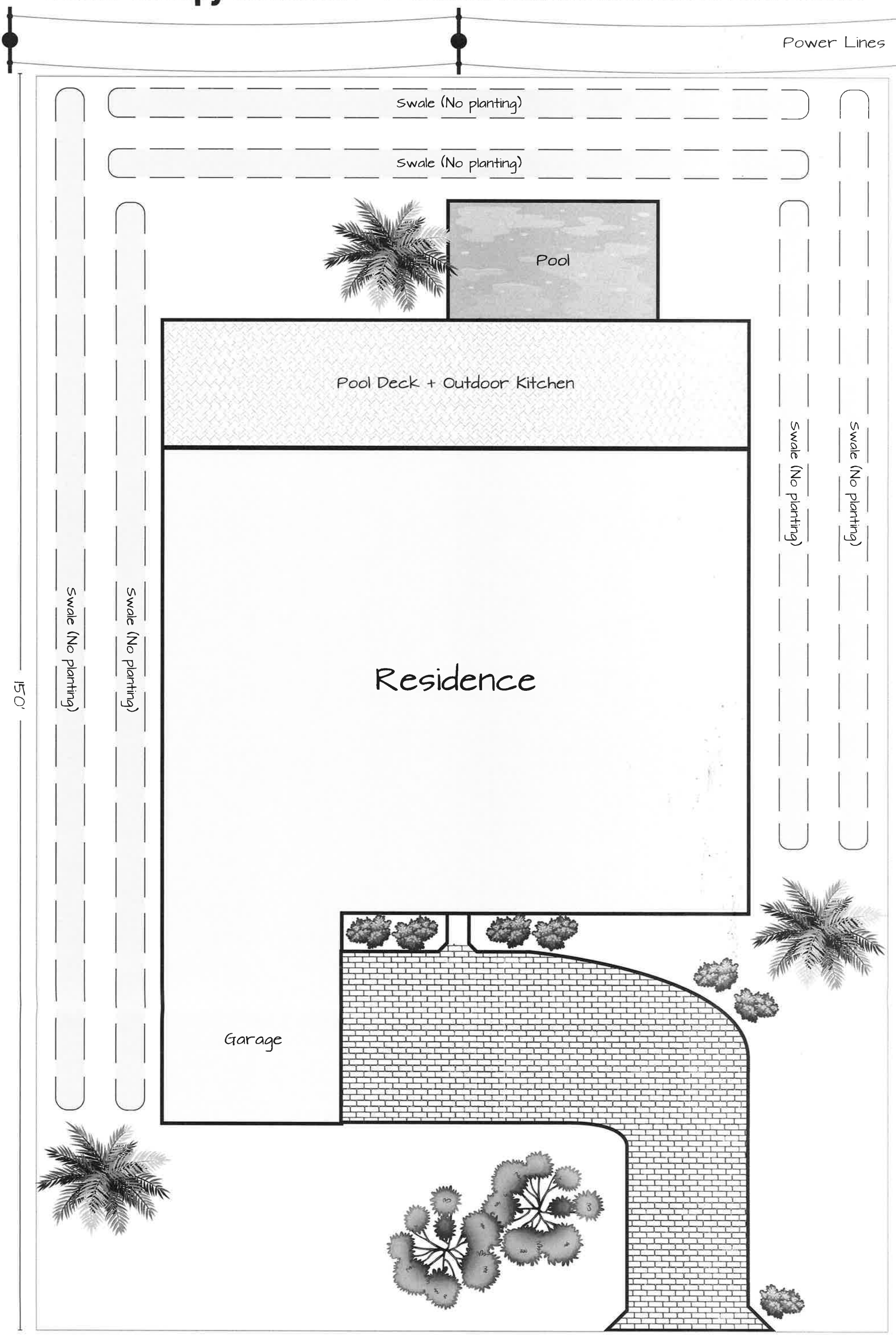
No. It's the unincorporated-county code; Brevard's cities, including Melbourne, Palm Bay,

URBAN CANOPY RETENTION IN MELBOURNE BEACH

Some practical considerations for Section 9A-7 Minimum Tree Plantings



Urban Canopy Retention - Practical Considerations & Constrains



CHAPTER 9A: LANDSCAPING AND TREES

Section

Article I. Landscaping

9A-1 Definition

9A-2 Intent

9A-3 Applicability

9A-4 Permit required for cutting down tree

9A-5 Application for permit; review of application

9A-6 On-site inspection

9A-7 Minimum tree plantings

9A-8 Tree protection

9A-9 Trees on public lands

9A-10 Exceptions

9A-11 Reserved

9A-12 Penalty

9A-13 – 9A-99 Reserved

ARTICLE I. LANDSCAPING

EXISTING

§ 9A-1. DEFINITION.

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

YARD AREA. The front, side and rear yard areas as established and required by Chapter 7A.

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

PROPOSED

§ 9A-1. DEFINITION.

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

~~***TREE.*** A Florida native tree species with a trunk diameter of four inches (4") diameter at breast height (dbh) or greater, and a native palm with a minimum clear trunk height of eight feet (8').~~

EAB 11/4/26: Suggest bringing back definition of Tree.

YARD AREA. The front, side and rear yard areas as established and required by Chapter 1A.

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

EXISTING

§ 9A-2. INTENT.

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. The intent of the article also includes the encouragement of "Florida Friendly Landscaping" as defined by § 375.185(b), Fl. Stat. and "Florida Native Landscaping" as defined by the University of Florida's Institute of Food and Agricultural Sciences (IFAS).

(`75 Code, § 22-16) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17)

PROPOSED

§ 9A-2. INTENT.

The intent of this article is to define Florida native and invasive plant species, establish provisions for the preservation and replacement of native species and removal of invasive species, and to provide a procedure for Town review and approval of tree removal applications and landscape development applications.

The intent of this article is also to preserve Florida native & Florida friendly trees whenever and wherever they exist and to provide trees wherever they are sparse or do not exist, when possible and reasonable, thus enhancing the health, welfare and beautification of the Town. The intent of the article also includes the encouragement of "Florida Friendly Landscaping" as defined by § 375.185(b), Fl. Stat. and "Florida Native Landscaping" as defined by the University of Florida's *Institute of Food and Agricultural Sciences (IFAS).*

EAB 11/4/26: Florida Friendly was added by P&Z. EAB cautions that many species that are called Florida Friendly are later classified as invasive species (Examples are Carrotwood, Mexican petunia, Common lantana, Heavenly bamboo).

Landscaping and trees benefit the Town by performing the following functions:

- *Improve air quality through the absorption of carbon dioxide and release of oxygen to the atmosphere.*
- *Remove dust and other particulates from the air.*
- *Provide wildlife habitat, particularly for birds which, in turn, help control insects.*
- *Provide soil stabilization, which reduces erosion and mitigates the effect of flooding.*
- *Provide shade to conserve energy, reduce glare, modulate temperature and reduce heat island effects.*
- *Provide barrier to ground-level wind speeds during tropical storms and hurricanes*
- *Enhance the Town's attractiveness.*
- *Provide attractive buffering between different land uses.*
- *Reduce noise and surface water runoff.*

- *Maintain preservation of native ecosystems for future generations.*

(`75 Code, § 22-16) (Ord. 75-3, passed 5-27-75; Am. Ord. 2017-05, adopted 12-20-17)

EXISTING – No Changes

§ 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)

EXISTING

§ 9A-4. PERMIT REQUIRED FOR CUTTING DOWN TREE.

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 tree 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

(`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)

PROPOSED

§ 9A-4. PERMIT REQUIRED FOR ~~CUTTING DOWN~~ TREE REMOVAL.

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 ~~native Tree or cluster of Trees including palm trees, scrub oak or sand live oak of any size, as defined herein~~, 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

EAB 11/4/26: Suggest keeping "native Tree, scrub oak (*Quercus inopina)* or sand live oak (Quercus geminate) of any size, as defined herein"

(`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)

EXISTING

§ 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 and two copies of a legible site plan drawn to a minimum scale of one inch equals 20 feet, 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 those trees to be removed, relocated, or replaced must be named (common or botanical name) on the site plan;

(4) The tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, relocation, or replacement; and

(5) An application involving developed properties may be based on drawings showing only that portion of the site directly involved, and adjacent structures and landscaping or natural growth incidental thereto.

(b) Application review. Upon receipt of a proper application, the Building Official shall review the application, which will include a field check of the site and referral of the application to others concerned as necessary, to determine any adverse effect upon the general public welfare, adjacent properties, or Town services and facilities.

(`75 Code, § 22-19(b), (c)) (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

PROPOSED

§ 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 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 ~~and including a tree survey accurately locating the trees in relationship to other improvements and including a legend identifying the type and size of trees:~~

(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 ~~and drainage plan~~;

(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 those trees to be removed, relocated, or replaced must be named (common or botanical name) on the site plan;

(4) The tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, relocation, or replacement; and

(5) An application involving developed properties may be based on drawings showing only that portion of the site directly involved, and adjacent structures and landscaping or natural growth incidental thereto.

(b) Application review. Upon receipt of a ~~proper~~ complete application, the Building Official shall review the application, which will include a field check of the site and referral of the application to ~~others~~

~~concerned~~ other departments including planning and engineering as necessary, to determine any adverse effect upon the general public welfare, adjacent properties, or Town services and facilities.

(`75 Code, § 22-19(b), (c)) (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

EAB 11/4/26: Concerning 'other departments' language: If Building Official isn't able to review plans for plant requirements -- for either lake of time or expertise – EAB is interested in having someone from the board to provide this support.

EXISTING

§ 9A-6. ON-SITE INSPECTION.

(a) On-site inspection. Prior to the issuance of a permit for tree removal or relocation, the Building Official or his agent shall conduct an on-site inspection to determine whether or not such a removal or relocation conforms to the requirements of this chapter.

(b) Issuance.

(1) Removal. No permit shall be issued for tree removal unless one of the following conditions exists:

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;

b. The tree cannot be relocated on or off the site because of age, type, or size of tree;

c. The tree is diseased, dead, injured, in danger of falling, too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations; or

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

(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.

(`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

PROPOSED

§ 9A-6. ~~ON-SITE INSPECTION~~ CRITERIA FOR TREE REMOVAL PERMITTING.

(a) On-site inspection. Prior to the issuance of a permit for tree removal or relocation (and prior to issuance of a certificate of occupancy in the case of new construction), the Building Official or his agent

shall conduct an on-site inspection to determine whether or not such a removal or relocation conforms to the requirements of this chapter.

(b) Issuance.

(1) Removal. No permit shall be issued for tree removal unless one of the following conditions exists:

a. The tree is located in a buildable area or yard of the property where a structure or improvements may be placed and 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;

b. The tree cannot be relocated on or off the site because of age, type, or size of tree;

c. The tree is diseased, dead, injured, in danger of falling, too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance at intersections or road entries, or conflicts with other ordinances or regulations; or

d. It is in the welfare of the general public that the tree be removed for a reason other than set forth above and in accordance with Florida Statute 163.045 Tree pruning, trimming, or removal on residential property. .

e. (a) Mangroves can only be trimmed per state code. 1996 Mangrove Trimming and Preservation Act (sections 403.9321-403.9333, F.S.)

EAB 11/4/26: Paragraph e.(a) doesn't belong in this section. EAB's point is that it doesn't make sense to include mangroves here. This section is for exceptions for removal; mangroves cannot be removed. Perhaps this should be its own paragraph – either within this section or somewhere else.

(2) Relocation or replacement. As a condition to the granting of a permit, the applicant ~~may~~ will 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 same or similar species ~~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 for canopy trees; , and a ~~measured four and one-half feet (4.5') above grade~~ minimum clear trunk height of eight feet (8') for Palms. ~~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

EXISTING

§ 9A-7. MINIMUM TREE PLANTINGS.

(a) Trees in residential zoning districts. Trees planted must be of a variety which is compatible with the existing soil and drainage-conditions and must be provided with adequate water and food materials to encourage growth. Trees shall be planted in locations so as not to cause danger to nor interference with existing structures at the time of maturity.

(b) Buffer and tree planting requirements for all non-residential and multiple family residential uses.

(1) A landscape buffer with a minimum of ten feet in width shall be provided between any residentially zoned property and a property utilized for a non-residential or multiple family residential use. Responsibility for providing a landscape buffer shall be upon the nonresidential or multifamily use. The landscape buffer shall include a minimum of one canopy tree for every 40 linear feet, or fraction thereof. In addition one ornamental tree or palm shall be planted for each 50 linear feet, or fraction thereof.

(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 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 200 square feet of open 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 inches 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 at the time of planting shall 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 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. Replacement of landscaping material shall occur within 60 days, unless said time is extended by the Town Manager for good cause shown.

(8) Exceptions shall be considered on an individual basis when obstacles such as overhead power lines or other conditions inhibit the ability to comply.

(9) Canopy trees shall be those that develop a crown spread of 25 feet or greater at maturity. Trees with less than 25 feet of crown spread at maturity shall be considered ornamental trees.

(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.

(11) Landscape material should be drought tolerant to the extent practical and feasible. A water source shall be available to ensure the plant material can be watered while it is being established and during drought occurrence. Automatic irrigation systems may be utilized.

(12) Currently developed sites that do not meet the landscape requirements will not be considered non-conforming. Landscaping consistent with the regulations shall be installed at these sites, to the

extent practical, as redevelopment occurs. Unless complete reconstruction or rehabilitation that results in closure of a building or buildings for a period of over six months occurs, full compliance with this section shall not be required.

(c) Minimum replacement standards for new construction. Any trees that are removed for new construction shall be replaced by the same or similar species. Specifically for mature oak trees, replacement of one (1) similar species for each tree removed shall be required which at a minimum will attain an overall height of at least twelve feet (12') and have a trunk caliper of at least two inches (2") at planting, measured four and one-half feet (4.5') above grade.

(d) Maintenance of trees and landscaping. If the removal of any tree or landscaping from any lot causes the number of remaining trees or vegetative species to fall below the minimum standards required by this section or as reflected on any approved site plan or landscaping plan for said lot, replacement trees or vegetative species meeting the requirements of this section or any approved site plan or landscaping plan shall be re- planted on the lot within thirty (30) days after removal.

(`75 Code, § 22-20) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2008-08, adopted 9-3-08; Am. Ord. 2009-03, adopted 4-15-09; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23) Penalty, see § 9A-12

PROPOSED

§ 9A-7. ~~MINIMUM TREE PLANTINGS.~~LANDSCAPE PLANS

(a) Landscaping in ~~all zoning districts.~~ single-family residential zones.

(1) Landscaping plans for lots to be developed or redeveloped should be submitted to the Town with building plans prior to Planning and Zoning Board submission.

(~~2~~1) 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.

(~~3~~2) Landscaping plans are encouraged to incorporate Florida-friendly landscaping and Florida native landscaping principles consistent with the guidelines, including the use of drought-tolerant ~~native~~ plants, efficient irrigation systems, and soil amendments that promote water retention.~~, Fifty percent of the landscaping requirement will consist of native plants selected from the current edition of the Florida Native Plant Society's list of native plants, as applicable to the East Central Florida Region.~~

EAB 11/4/26: Suggest this section on 50% native be kept in this section, but revise wording to be clear that it is 50% of the landscaping requirement (trees and shrubs) and that we are not talking about lawns. Something like: "Fifty percent of the tree and shrub landscaping requirement will consist of native plants selected from the current edition of the Florida Native Plant Society's list of native plants, as applicable to the East Central Florida Region."

(~~4~~3) Plants in the Florida Invasive Species Council's most current list of invasive species shall be removed from a property during development or redevelopment and shall not be planted as part of the approved landscape plan.

(~~5~~4) Minimum replacement standards for new house construction ~~/development or re-development under the guidelines of the Land Development Code: Any trees that are removed for new construction or reconstruction shall be replaced by the same or similar species~~. Specifically for mature oak trees replacement of one (1) similar species for each tree removed shall be required. ~~which at a minimum will attain an overall height of at least twelve feet (12') and have a trunk caliper of at least two four (4) inches dbh(2") at planting, measured four and one-half feet (4.5') above grade.~~ A minimum of trees per lot, including any oak trees, is specified below:

EAB 11/4/26: We question the number 8 for all lots, since lots are different sizes. Suggest rewording this last sentence and add table such as below, as one size does not fit all: “A minimum of number of trees per lot, including any oak trees, is specified below:.”

Example of what the break down might look like:

Lot Size	Minium Tree Count
<0.25 acre	Eight (8)
>=0.25; < 0.35 acre	Ten (10)
>= 0.35; <0.50 acre	Twelve (12)
>=0.50 acre	Fourteen (14)

(a) Trees in residential zoning districts. Trees planted must be of a variety which is compatible with the existing soil and drainage-conditions and must be provided with adequate water and food materials to encourage growth. Trees shall be planted in locations so as not to cause danger to nor interference with existing structures at the time of maturity.

(6~~5~~) Minimum specifications for trees and hedge material shall be as follows:

a. At a minimum, trees will attain an overall height of at least twelve feet (12') and have a trunk caliper of at least two inches (2") dbh at planting, measured four and one-half feet (4.5') above grade.

b. Canopy trees at the time of planting shall have a trunk diameter of ~~four (4)~~ two inches (2”) dbh. The trees shall be a minimum of ~~eight~~ eight feet (8’) in height and have a minimum spread of ~~five~~ five feet (5’). ~~The trees are not required to be spaced evenly along property lines.~~

c. Trees smaller than canopy trees 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.

d. 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.~~

(7~~6~~) All plant material shall be Florida Number 1 in quality and shall be planted according to sound landscape installation standards.

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

(9~~8~~) Exceptions shall be considered on an individual basis based upon demonstrated unique characteristics of the site in question. Any such reduction or relocation shall comply with the intent of this chapter.

(10~~9~~) Native canopy trees shall be those that develop a crown spread of 25 feet or greater at maturity. Trees with less than twenty-five (25) feet of crown spread at maturity shall be considered ornamental trees or small trees.

EAB 11/4/26: EAB suggests this be revise to “Native canopy trees”

~~(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.~~

~~(11) Landscape material should be drought tolerant to the extent practical and feasible. A water source shall be available to ensure the plant material can be watered while it is being established and during drought occurrence. Automatic irrigation systems may be utilized.~~

~~(12) Currently developed sites that do not meet the landscape requirements will not be considered non-conforming. Landscaping consistent with the regulations shall be installed at these sites, to the extent practical, as redevelopment occurs.of over six months occurs, full compliance with this section shall not be required.~~

(b) Buffer and tree planting requirements for all non-residential and multiple family residential uses in addition to (5-9) above.

(1) A landscape buffer with a minimum of ten feet in width shall be provided between any residentially zoned property and a property utilized for a non-residential or multiple family residential use. Responsibility for providing a landscape buffer shall be upon the nonresidential or multifamily use. The landscape buffer shall include a minimum of one ~~native~~ Florida native canopy tree for every 40 linear feet, or fraction thereof. In addition, one ~~ornamental~~ smaller tree or palm shall be planted for each 50 linear feet, or fraction thereof.

EAB 11/4/26: EAB suggests "Florida native canopy tree" is retained and "Florida Friendly" is struck.

(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 tTrees 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 Codein 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) Exceptions shall be considered on an individual basis based upon demonstrated unique characteristics of the site in question) Any such reduction or relocation shall comply with the intent of this chapterwhen obstacles such as overhead power lines or other conditions inhibit the ability to comply.~~

~~(9) Canopy trees shall be those that develop a crown spread of 25 feet or greater at maturity. Trees with less than twenty five (25) feet of crown spread at maturity shall be considered ornamental trees.~~

~~(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.~~

~~(11) Landscape material should be drought tolerant to the extent practical and feasible. A water source shall be available to ensure the plant material can be watered while it is being established and during drought occurrence. Automatic irrigation systems may be utilized.~~

~~(12) Currently developed sites that do not meet the landscape requirements will not be considered non-conforming. Landscaping consistent with the regulations shall be installed at these sites, to the extent practical, as redevelopment occurs. Unless complete reconstruction or rehabilitation that results in closure of a building or buildings for a period of over six months occurs, full compliance with this section shall not be required.~~

~~(c) Minimum replacement standards for new constructiondevelopment or re-development under the guidelines of the Land Development Code. Any trees that are removed for new construction shall be replaced by the same or similar species. Specifically for mature oak trees 10 years old or more, replacement of one (1) two for one similar species for each tree removed shall be required which at a minimum will attain an overall height of at least twelve feet (12') and have a trunk caliper of at least two four (4) inches dbh(2") at planting, measured four and one-half feet (4.5') above grade. The two for one oak replacement is required until the mini number of canopy trees required has been met.~~

~~(a~~c~~)~~ ~~Trees in residential zoning districts. Trees planted must be of a variety which is compatible with the existing soil and drainage conditions and must be provided with adequate water and food materials to encourage growth. Trees shall be planted in locations so as not to cause danger to nor interference with existing structures at the time of maturity.~~

(c~~d~~) Maintenance of trees and landscaping. If the removal of any tree or landscaping from any lot causes the number of remaining trees or vegetative species to fall below the minimum standards required by this section or as reflected on any approved site plan or landscaping plan for said lot, replacement trees or vegetative species meeting the requirements of this chapter section or any approved site plan or landscaping plan shall be re-planted on the lot within thirty (30) days after removal.

(`75 Code, § 22-20) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2008-08, adopted 9-3-08; Am. Ord. 2009-03, adopted 4-15-09; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23) Penalty, see § 9A-12

EXISTING

§ 9A-8. TREE PROTECTION.

(a) Protection of trees during land-clearing.

(1) Trees that are retained during land-clearing 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. Prior to any land-clearing activity, a visual inspection of the site will be made by the Building Official before a land-clearing permit is issued. The land-clearing permit must be posted on-site. Only land-clearing is permitted within 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 sail 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. 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.

(d) Landscaping prohibition. Plants included on the current Florida Noxious Weed list – Rule 5B-57.007 in Florida Administrative Code.

(`75 Code, § 22-21) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

PROPOSED

§ 9A-8. TREE PROTECTION.

(a) Protection of trees during land-clearing.

(1) Trees ~~that are~~ retained during ~~land-clearing~~ demolition of an approved development or re-development project can be applied toward total tree requirements for the property. Prior to ~~land-clearing~~ demolition, 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"~~1~~ 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~~ demolition activity, a visual inspection of the site will be made by the Building Official ~~and the Landscape Officer~~ before a ~~land-clearing~~ demolition permit is issued. The ~~land-clearing~~ demolition permit must be posted on-site. ~~Only land-clearing~~ Demolition is only permitted ~~within~~ outside the drip line of the tree to be protected.

EAB 11/4/26: There is an issue with the existing process. Plans often say trees will be preserved, and then they are not. A “landscape officer” or something similar, which EAB had suggested in our original language, may still be needed if the Building Official and Code Enforcement aren’t overseeing this. EAB’s suggestion was that the ‘landscape officer’ would be for hire, and that the cost will be passed to the homeowner as part of the permitting process.

(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 sail 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~~ A tree inspection will take place one-hundred and eighty (180) days after the final building inspection or certificate of occupancy is issued, or after a permit is grated for any tree replacement otherwise, to ascertain the viable condition of the tree. Tree(s) 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.~~

EAB 11/4/26: Suggests the tree inspection to take place year after the final building inspection. 180 days is not long enough to provide a good indication of long-term survival.

There is precedent. Florida Forest Service program practice, a UF/IFAS report states that, under Florida's Urban and Community Forestry Grants program, "one year after trees are planted, the Florida Forest Service conducts on-site inspections" to confirm that the trees are alive and healthy. https://blogs.ifas.ufl.edu/news/2014/09/11/good-results-from-floridas-urban-tree-planting-program-ufifas-study-shows-2/

(d) Landscaping prohibition. Plants included on the current Florida Noxious Weed list – Rule 5B-57.007 in Florida Administrative Code.

(`75 Code, § 22-21) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17)

EXISTING – No Changes

§ 9A-9. TREES ON PUBLIC LANDS.

No tree shall be removed from any public park or public right-of-way except under the provisions of this article.

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

EXISTING

§ 9A-10. EXCEPTIONS.

(a) In the event that any tree shall be determined to pose an unacceptable risk as provided for in § 9A-4 or to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and requires immediate removal without delay such tree may be removed without first obtaining a written permit as herein required.

(b) During a period of emergency, such as a hurricane, tropical storm, flood, or any other act of God, the requirements of this Article may be waived by the Town Commission.

(c) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this Article only in relation to those trees planted and growing on the premises of the licensee, which are so planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business.

(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.

(`75 Code, § 22-22) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23)

PROPOSED

§ 9A-10. VARIATIONS TO LANDSCAPE REQUIREMENTS ~~EXCEPTIONS~~.

(a) In the event that any tree shall be determined to pose an unacceptable risk as provided for in § 9A-4 or to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and requires immediate removal without delay such tree may be removed without first obtaining a written permit as herein required.

(b) During a period of emergency, such as a hurricane, tropical storm, flood, or any other act of God, the requirements of this Article may be waived by the Town Commission.

(c) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this Article only in relation to those trees planted and growing on the premises of the licensee, which are so planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business.

(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. ~~A copy of t~~The "Florida Invasive Species Council List" ~~of Invasive Plant Species will be available from the Town~~ is available online.

(`75 Code, § 22-22) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23)

EXISTING

§ 9A-11. RESERVED.

§ 9A-12. PENALTY.

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.

(`75 Code, § 22-25) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23)

§§ 9A-13.–9A-99. RESERVED.

PROPOSED

§ 9A-11. RESERVED.

~~(a) Mangroves can only be trimmed per state code. 1996 Mangrove Trimming and Preservation Act (sections 403.9321-403.9333, F.S.)~~

§ 9A-12. PENALTY.

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~~ any 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~~ aerial, or geospatial) or other applicable data may be used as ~~prima-facia~~ prima facie evidence of the existence of trees on a site prior to any unapproved removal.

(`75 Code, § 22-25) (Ord. 75-3, passed 5-27-75; Am. Ord. 87-13, passed 9-22-87; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2023-01, adopted 3-15-23)

~~§§ 9A-13.–9A-99. RESERVED.~~

§ 9A-13. NUISANCE TREES.

The following *trees* are considered non-native, noxious, invasive species. Property owners are encouraged to remove all such trees from the properties they own within the Town consistent with this chapter Contact the Town's Environmental Advisory Board for free site visits to identify these species.

- *Brazilian pepper (Schinus terebinthifolius)*
- *Melaleuca (Melaleuca quinquenervia)*
- *Australian pine (Causarina equisetifolia)*
- *Carrotwood (Cupaniopsis anacardioides (A. Rich.) Radlk)*
- Schefflera (*Schefflera digitata)*

A tree permit is required by the Town before removing any nuisance tree.

§§ 9A-14.–9A-99. RESERVED.

EXISTING – Chapter 11A

CHAPTER 11A: ENVIRONMENTALLY SENSITIVE LANDS

Section

Article I. Wetlands Protection

11A-1 Purpose and intent

11A-2 General provisions.

11A-3 Permitted uses in wetlands

11A-4 Prohibited uses in wetlands

11A-5 –11A-99 Reserved

ARTICLE I. WETLANDS PROTECTION

EXISTING – No Changes

§ 11A-1. PURPOSE AND INTENT.

The purpose of this chapter is to protect, preserve and enhance the natural functions of wetlands and other environmentally sensitive areas. It is also the intent of this article to apply the following standards for development in and adjacent to wetlands.

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

EXISTING

§ 11A-2. GENERAL PROVISIONS.

(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.

(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.

(c) Based on the assessment of the above site visit, the Town Manager may require the developer to have the site inspected by a representative from the St. Johns River Water Management District for a determination of jurisdictional limits of the site. This may require the involvement of the Army Corps of Engineers, the Department of Environmental Regulation and the Department of Natural Resources.

(d) No building permit will be issued by the Town until either the site plan has been approved or an exemption letter has been issued by the applicable environmental agency.

(e) All proposed development adjacent to canals, the Indian River and east of State Road A1A will automatically be reviewed under the above process.

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

PROPOSED

§ 11A-2. GENERAL PROVISIONS.

(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.

(b) If a review of the above documents indicates that wetlands may exist on or adjacent to the site, the Town ~~m~~Manager or designee shall contact the property owner ~~appropriate authorities listed in section~~

~~11A-2(c)~~ to perform verification of wetland determination and ~~provide guidance on~~ and follow wetlands~~s~~ permitting requirements. ~~an inspection will be performed by the Town Manager.~~

(c) Based on the assessment of the above site visit, the ~~Town Manager may require the developer to~~ property owner shall have the site inspected by a representative from the St. Johns River Water Management District for a determination of jurisdictional limits of the site. This may require the involvement of the Army Corps of Engineers, the Department of Environmental Regulation and the Department of Natural Resources.

(d) No building permit will be issued by the Town until either the site plan has been approved or an exemption letter has been issued by the applicable environmental agency.

(e) All proposed development adjacent to canals, the Indian River and east of State Road A1A will automatically be reviewed under the above process.

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

EXISTING – No Changes

§ 11A-3. PERMITTED USES IN WETLANDS.

The following uses shall be permitted in wetlands provided that they are approved by the St. Johns River Water Management District or the applicable environmental agency:

(1) Open space;

(2) Fish and wildlife management;

(3) Recreation; or

(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:

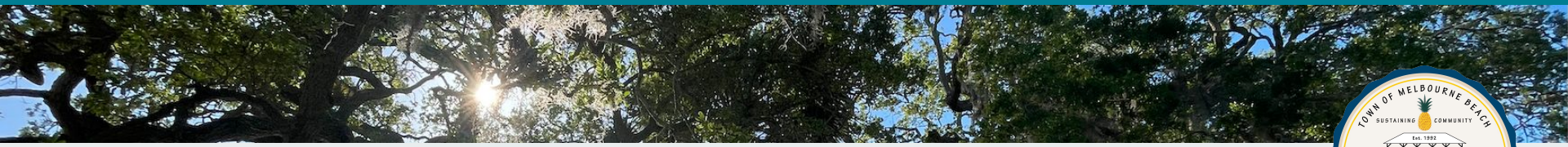
(1) Residential, commercial, industrial and institutional uses, except as provided for in § 1A-3;

(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.



2026 Melbourne Beach Landscape Survey Results

Research conducted by the Town of Melbourne Beach Environmental Advisory Board

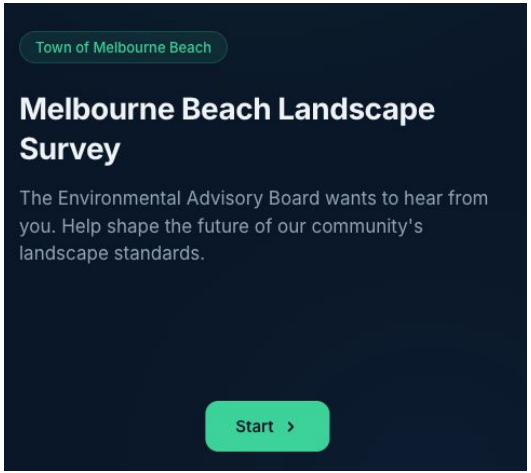
NOVEMBER 1, 2026

Summary

Between April and September 2026, the Environmental Advisory Board surveyed residents, property owners and business owners within the Town of Melbourne Beach to explore behaviors and attitudes on a variety of topics relating to landscaping.

METHODS OF DISTRIBUTION

Digital and paper survey disseminated at Nature Day event, Founders Day event and via social media.



lagoondigital.github.io/lagoon-survey

Survey Completions

TOTAL

171

TOTAL

137

from those who live, own property or operate a business in the Town of Melbourne Beach

SURVEY INFORMATION COLLECTED

Question 1



130 - LIVE IN TOWN

2 - OWN PROPERTY IN TOWN

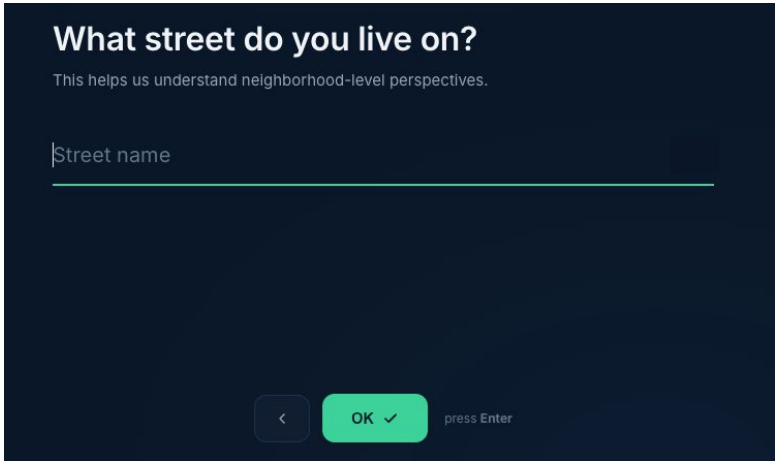
5 - OPERATE A BUSINESS IN TOWN

19 - PLAY IN TOWN

15 - NONE OF THE ABOVE

SURVEY INFORMATION COLLECTED

Question 2



Of 137 Melbourne Beach residents*

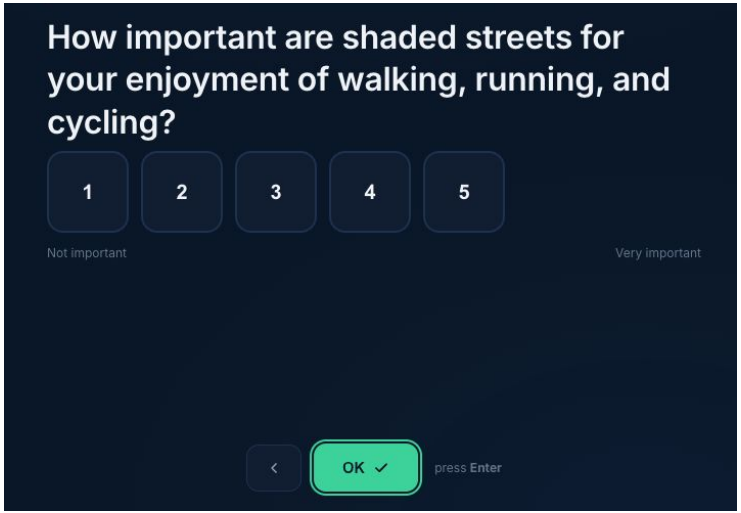
118

RESPONDENTS SHARED THEIR STREET NAME

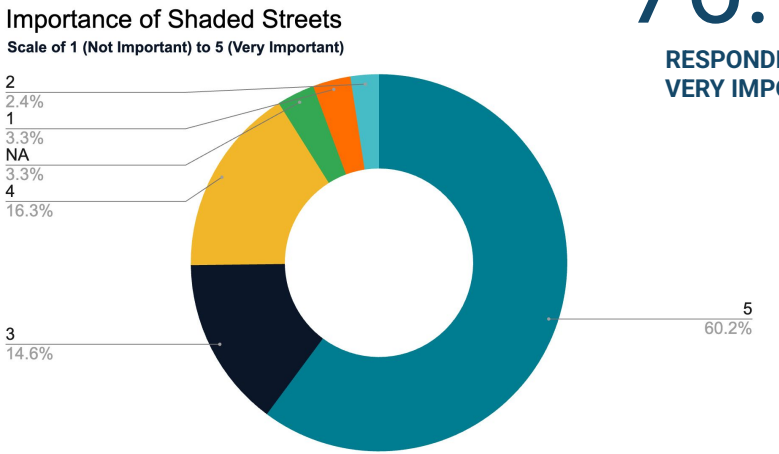
**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

Question 3



Of 123 Melbourne Beach residents*



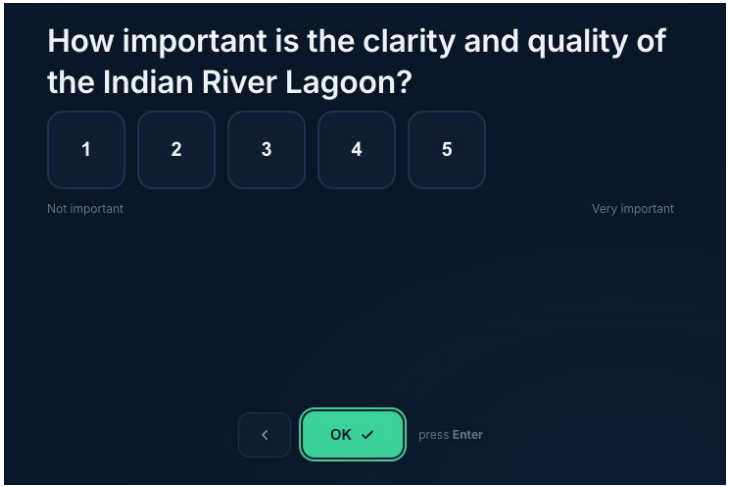
76.5%

RESPONDED "4-5" VERY IMPORTANT

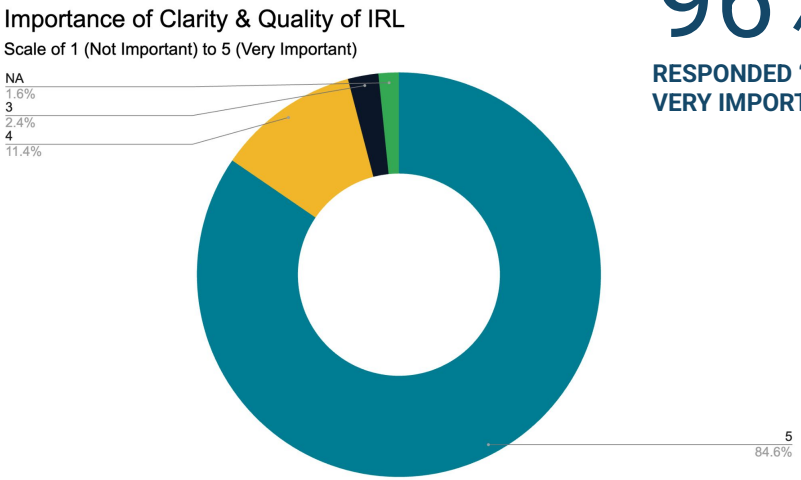
**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

Question 4



Of 123 Melbourne Beach residents*



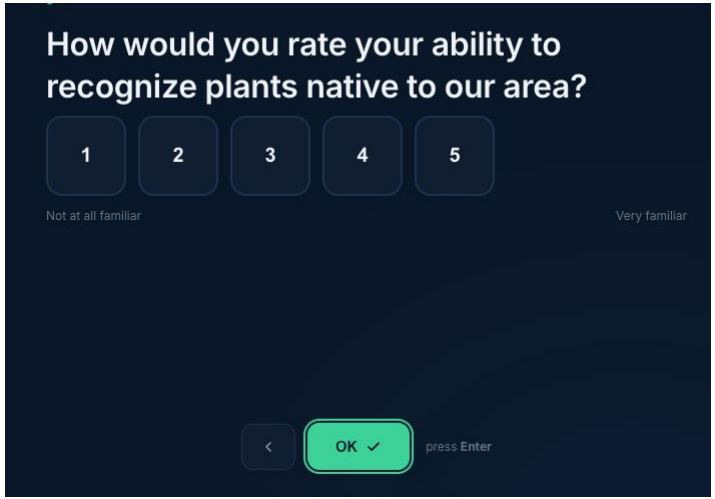
96%

RESPONDED “4-5” VERY IMPORTANT

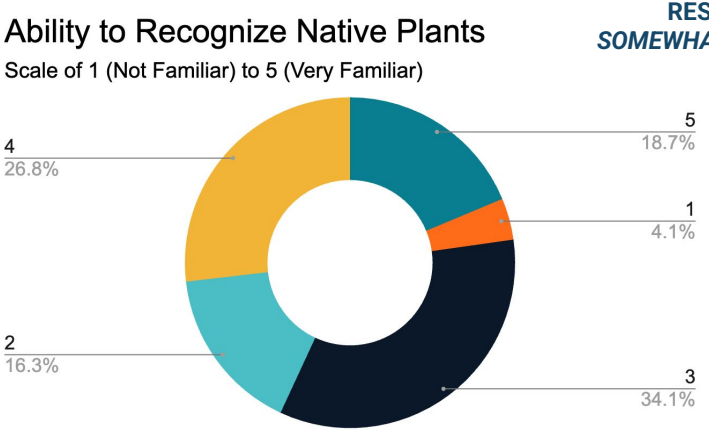
**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

Question 5



Of 123 Melbourne Beach residents*



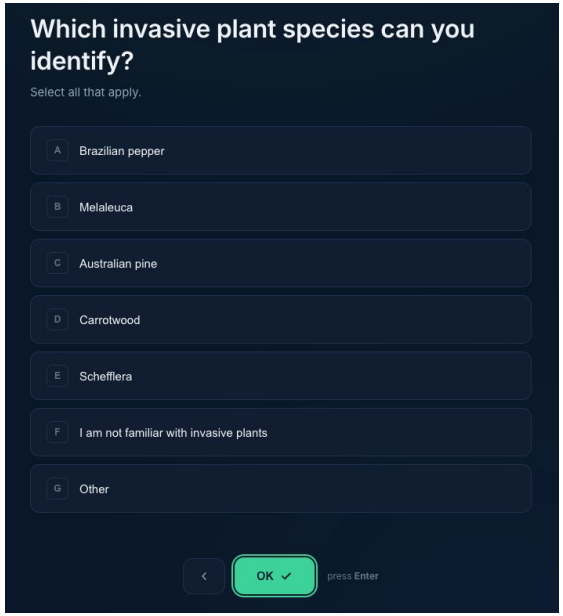
79.6%

RESPONDED "3-5"
SOMEWHAT* TO *VERY FAMILIAR

**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

Question 6



Of 119 Melbourne Beach residents*

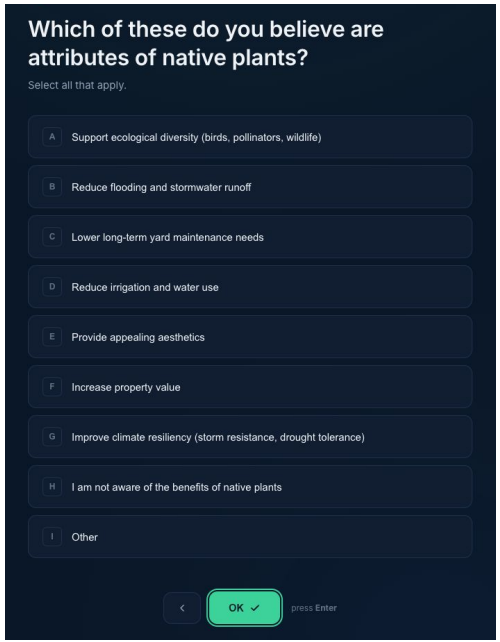
77%

RESPONDED BEING ABLE TO IDENTIFY 1 OR MORE INVASIVE SPECIES

**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

Question 7



Of 129 Melbourne Beach residents*

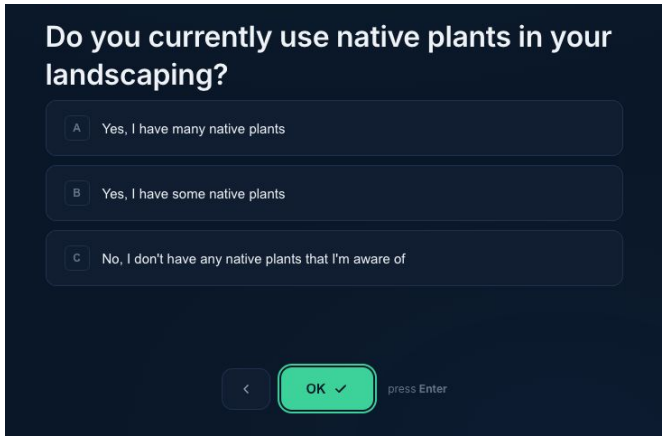
96.8%

RESPONDED AS AWARE OF 1 OR MORE BENEFICIAL NATIVE PLANT ATTRIBUTES

**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

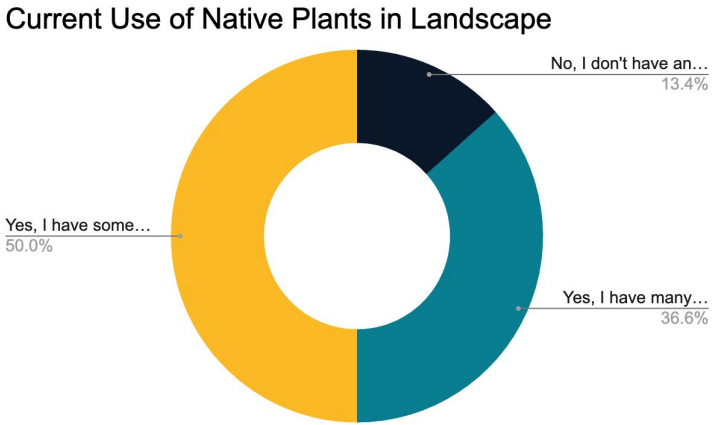
Question 8



Of 112 Melbourne Beach residents*

86.6%

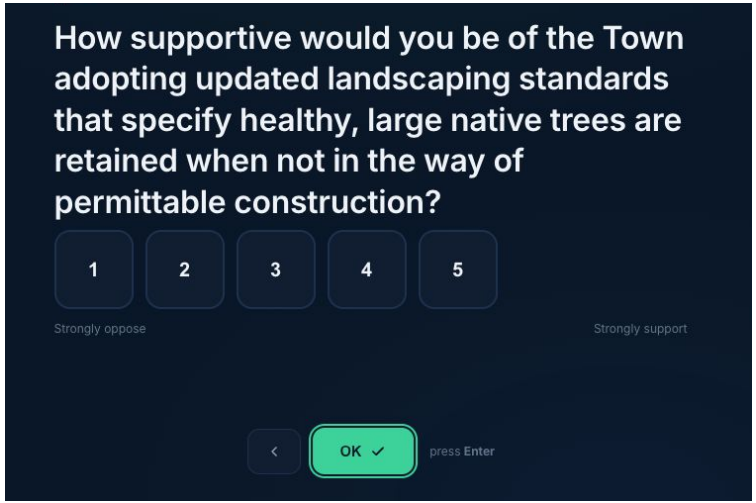
HAVE "MANY" OR "SOME" NATIVE PLANTS



**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

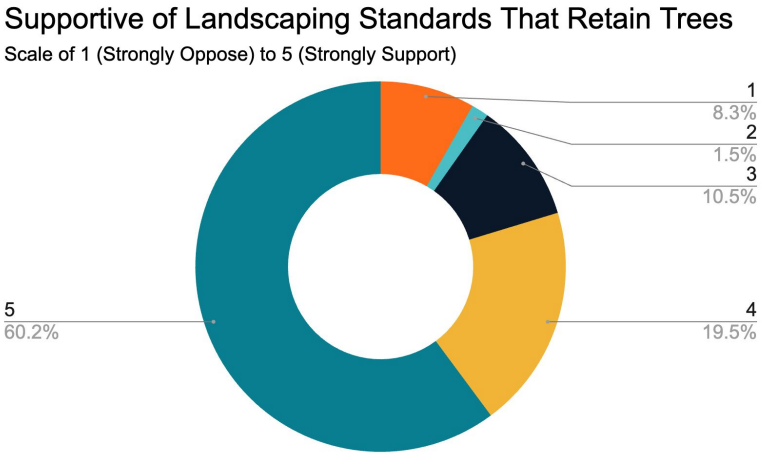
Question 9



Of 133 Melbourne Beach residents*

79.7%

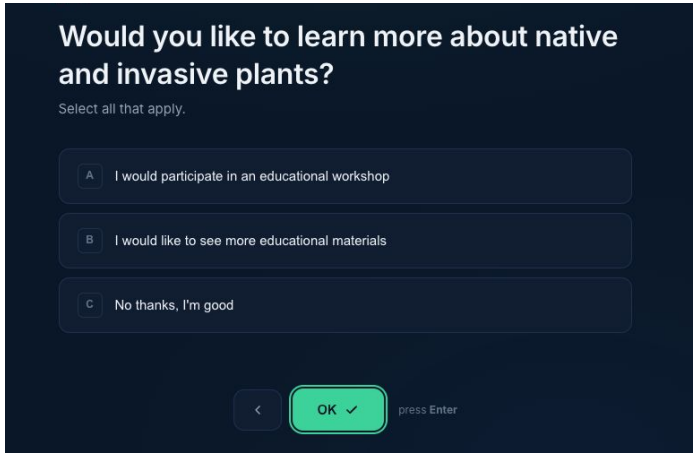
RESPONDED "4-5" IN STRONG SUPPORT



**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

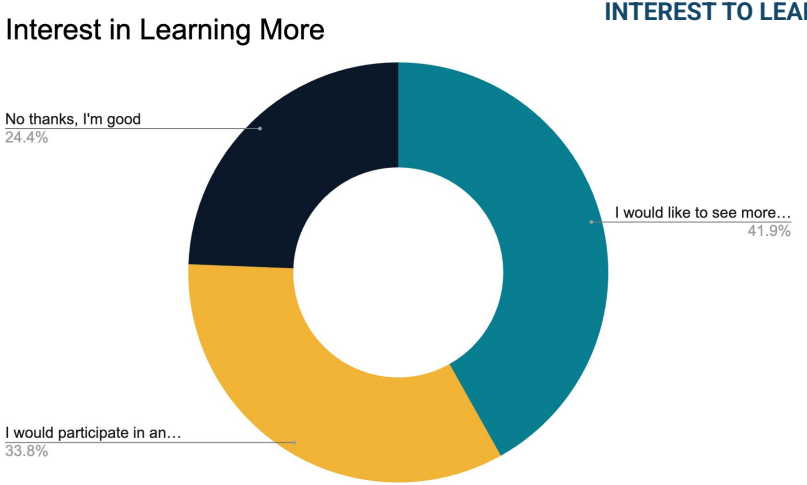
Question 10



Of 108 Melbourne Beach residents*

75.7%

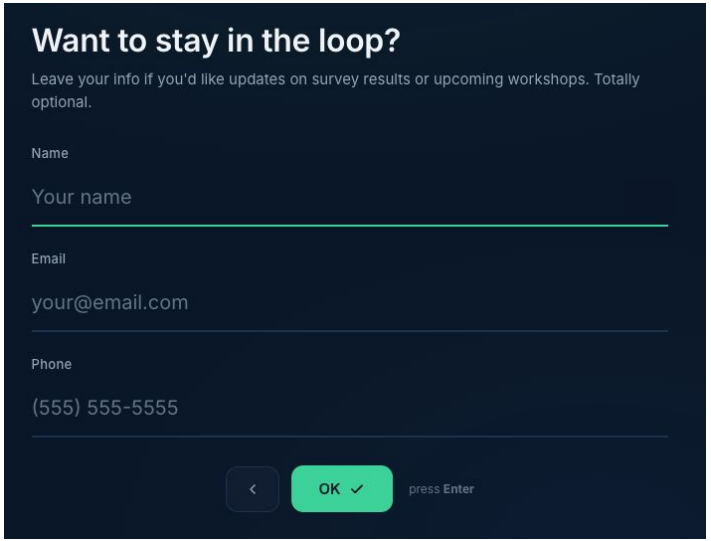
RESPONDED WITH INTEREST TO LEARN MORE



**Individuals surveyed who said they live, own property or operate a business in the Town of Melbourne Beach*

SURVEY INFORMATION COLLECTED

Question 11



Of 171 surveyed

65
RESPONDENTS SHARED EMAIL

36
RESPONDENTS SHARED PHONE

Thank you

For questions regarding data, please contact Curtis Byrd, Chairman.

EAB Members

Curtis Byrd
Jamie Guth
Leslie Maloney
Karen Fenaughty
Crystal Cain
Paula Ladd

MelbourneBeachFL.org/Town-Boards/Environmental-Advisory-Board

EXHIBIT 1

	City/County	Ordinance Reference	Requires Native Plants In Single Family Residence NO	YES	Comments
BEACHSIDE/NEIGHBORING CITIES					
1	Vero Beach	Title II, Sec. 72.13 (a)	NO		
2	Indian Harbour Beach	Sec. 107-2	NO		
3	Indiatlantic	Article VII Landscaping	NO		
4	Cocoa Beach	Sec. 3-51, 3-52	NO		
5	West Melbourne	Sec. 71-116	NO		
6	Melbourne	Sec. 9.273	NO		
7	Rockledge	Sec. 108.163, 164,165	NO		
8	Palm Bay	Sec. 175.021, 175.027	NO		
9	Titusville	Chapter 30, Division 2	NO		
10	Sebastian	Article XIV, Section 54	NO		
11	Ft Pierce	Article II, Sec. 123.36	NO		
12	Brevard County	Sec. 62-4341	NO		
13	City of Cocoa	Email from City	NO		
14	Indian River County	Sec. 926-15 Appendix A	NO		
15	Satellite Beach	Sec. 30-702		YES	Requires 50% native, but Most are minimalist landscape design Example new subdivision; the View