

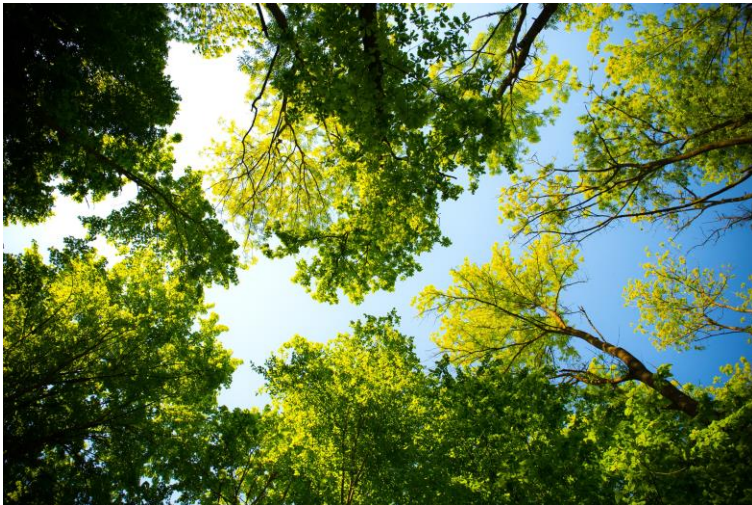


Zoning Text Amendment Arbor Mitigation Fund

August 12, 2020

Project Summary

- State Law Preemption
- Arbor Mitigation Fund



State Law Preemption

State Law Preemption

- In 2019, the Florida legislature enacted Section 163.045, Florida Statutes
- prohibits local governments from requiring notices, applications, approvals, permits, fees or mitigation for the pruning, trimming, or removal of trees on *residential* property if a property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property
- In Cocoa permits are currently not required for tree removal and land clearing for already-developed, single-family or duplex lots



State Law Preemption

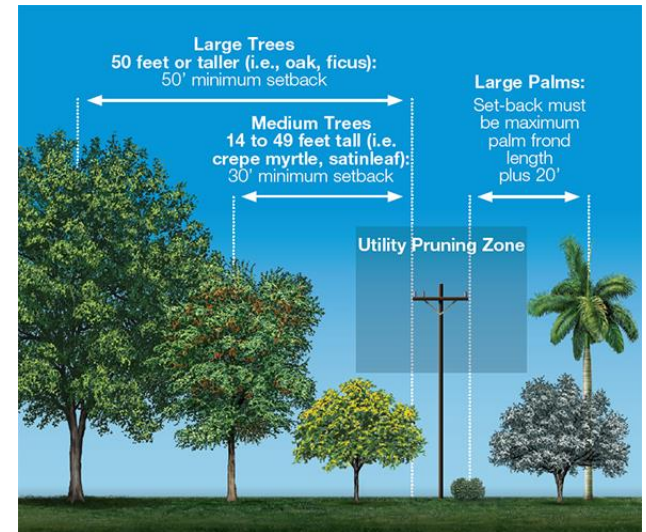
State Law Preemption

- proposed ordinance is intended only to define “residential property” for purposes of s. 163.045, F.S.
- “residential property” is proposed to be defined as *property with a fully-constructed single-family home or duplex used for residential purposes*
 - does not include multi-family residential property, common areas owned by a homeowners’ or condominium association, vacant land zoned or designated residential or mixed-use



Proposed Changes

1. Save the trees
2. Replace the trees
3. Pay into the Arbor Mitigation Fund



Proposed Changes

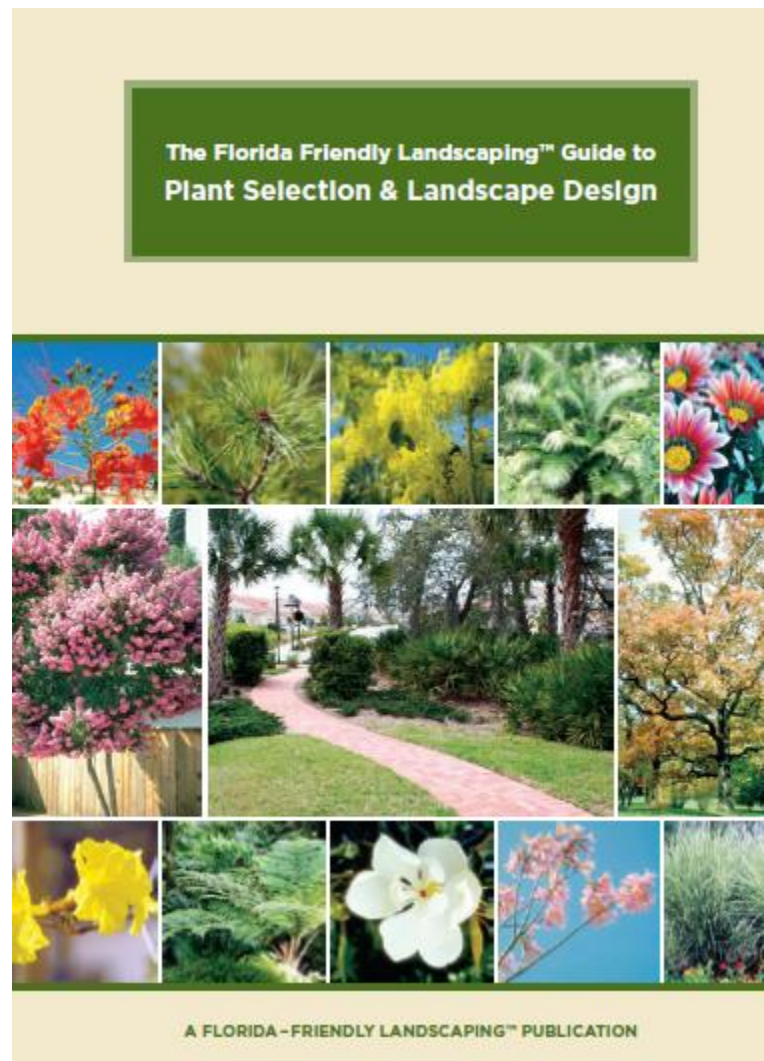
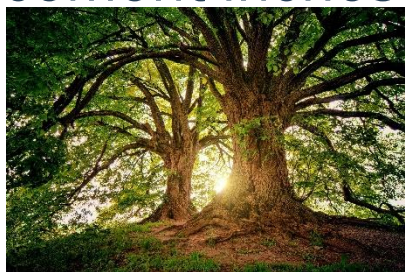
1. *Tree Replacement Standards:* newly planted trees, in sum, are equivalent to the d.b.h. of the tree(s) removed
2. *Size and Number of Replacement Trees:* Replacement trees shall have a minimum d.b.h., depending upon the diameter of the tree removed

<u>Diameter of existing Tree (Inches)</u>	<u>Minimum caliper (Inches) of each replacement tree</u>
<u>4—11</u>	<u>3</u>
<u>12—17</u>	<u>3</u>
<u>18—23</u>	<u>4</u>
<u>24—29</u>	<u>4</u>
<u>>30</u>	<u>6</u>



Proposed Changes

1. *Right Tree, Right Place:* same species as removed or trees listed on the UF/IFAS Florida-Friendly Plant Selection and Design List.
2. *Tree Replacement Credits for Preserved Trees:* 100% of the d.b.h of the tree preserved that is greater than 42" will be credited to reduce the number of replacement inches required



Proposed Changes

Arbor Mitigation Fund

- Established to provide an option to make a fee payment to the City in lieu of providing the required replacement trees on site
- City of Cocoa general fund, but reserved exclusively for
 - design, acquisition, installation and maintenance of trees
 - the funding of studies related to the City's tree canopy
 - the operation and maintenance of a public tree nursery



Relationship and consistency with Comprehensive Plan Policies and Objectives

Objective 12.1.6: Hydrology, Vegetation, and Wildlife. Protect and conserve soils and native vegetation communities, and maintain the natural functions of the City's ecological zones in a manner consistent with the Goals, Objectives and Policies of the Future Land Use Element.



Recommendations

Staff recommends that City Council **approve** Ordinance No. 12-2020, amending land clearing and tree protection, replacement standards and creating an arbor mitigation fund.

