

Introduced by Council Member J. Carlucci and Co-Sponsored by Council
Member Carlucci and substituted by the Land Use and Zoning Committee:

ORDINANCE 2025-102-E

AN ORDINANCE CONCERNING LANDSCAPE AND TREE
PROTECTION REGULATIONS; AMENDING SECTION
111.760 (TREE PROTECTION AND RELATED EXPENSES
TRUST FUND), PART 7 (ENVIRONMENT AND
CONSERVATION), CHAPTER 111 (SPECIAL REVENUE AND
TRUST ACCOUNTS), *ORDINANCE CODE*, TO AUTHORIZE
EXPENDITURE OF TRUST FUND MONIES FOR SALARY,
BENEFITS, AND EQUIPMENT FOR CITY LANDSCAPE
ARCHITECTS, CITY ARBORISTS, AND CITY URBAN
FORESTERS, SOLELY FOR THE PERFORMANCE OF DUTIES
EXCLUSIVE TO THE DIRECT SUPPORT OF THE PLANNING,
DESIGN, IMPLEMENTATION, INSPECTION AND
MAINTENANCE OF TREE PLANTING PROJECTS FUNDED BY
THE CITY'S TREE FUND IN ACCORDANCE WITH ALL
APPLICABLE LAWS AND RULES PERTAINING TO USE OF
TREE PROTECTION AND RELATED EXPENSES TRUST FUND
FUNDS; AMENDING SECTIONS 656.1206 (PERMIT
PROCEDURE AND CRITERIA FOR TREE REMOVAL,
RELOCATION AND REPLACEMENT OF PROTECTED TREES)
AND 656.1208 (ENFORCEMENT OF THIS SUBPART B;
VIOLATIONS AND PENALTIES; STOPPING WORK,
CORRECTION OF VIOLATION, SETTLEMENT AND
REDUCTION OF FINES PURSUANT TO POLICY CRITERIA;
PROCEDURES), SUBPART B (TREE PROTECTION), PART
12 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*,
WAIVING THE TREE MITIGATION CONTRIBUTIONS TO

1 THE TREE PROTECTION AND RELATED EXPENSES TRUST
2 FUND REQUIRED BY SUBSECTION 656.1206(G)(14),
3 *ORDINANCE CODE*, AS AN INCENTIVE BY CITY FOR THE
4 DEVELOPMENT OR REDEVELOPMENT OF AFFORDABLE
5 HOUSING AND/OR WORKFORCE HOUSING AS DEFINED
6 HEREIN, PROVIDING FOR SUNSET OF SAID WAIVER FIVE
7 YEARS FROM THE EFFECTIVE DATE OF THIS
8 LEGISLATION, SUBJECT TO CERTAIN CONDITIONS, AND
9 REDUCING THE MINIMUM CALIPER-INCH REQUIREMENTS
10 FOR REPLACEMENT TREES IN KEEPING WITH PROVISIONS
11 OF ARTICLE 25 OF THE JACKSONVILLE CITY CHARTER;
12 PROVIDING FOR CODIFICATION INSTRUCTIONS;
13 PROVIDING AN EFFECTIVE DATE.

14
15 **WHEREAS,** the City currently maintains two Tree Protection and
16 Related Expenses Trust Funds, the first was created pursuant to
17 Article 25 of the Jacksonville City Charter and the second by
18 Ordinance which is codified in Section 111.760, *Ordinance Code*; and

19 **WHEREAS,** while these Trust Funds are subject to different
20 guidelines and requirements, they both serve the fundamental mission
21 to fund the planting and maintaining of trees along public rights
22 -of-way and on public lands within the City, so as to mitigate the
23 loss of protected trees due to the process of land development; and

24 **WHEREAS,** the standards articulated in Article 25 of the
25 Jacksonville City Charter, passed by a public referendum garnering
26 80% approval of the voters of Duval County, and which was approved
27 in every voting precinct in the County, set a minimum standard for
28 tree protection for the City so as to promote the health, safety and
29 welfare of the current and future residents of Duval County; and

30 **WHEREAS,** Section 656.1204, *Ordinance Code*, sets a higher
31 standard but emphasizes that these two regulations must be read in
32

1 concert, rather than in opposition, such that all requirements set
2 forth in Article 25 of the Jacksonville City Charter shall be met in
3 addition to the provisions of Chapter 656, Part 12, Subpart B,
4 *Ordinance Code*; and

5 **WHEREAS,** the City Council desires to provide economic
6 incentives to entities for development or redevelopment of affordable
7 housing and workforce housing projects as described herein that
8 increase the inventory of these needed residences in the City; and

9 **WHEREAS,** the amendment to Chapter 656, *Ordinance Code*,
10 proposed herein would allow the application of an alternative
11 mitigation cost calculation as an incentive for development or
12 redevelopment of affordable housing and/or workforce housing and does
13 not conflict with the minimum standards set forth in Article 25 of
14 the Jacksonville City Charter; and

15 **WHEREAS,** the total combined funds in the two Tree Protection
16 and Related Expenses Trust Funds currently exceeds \$20,000,000; and

17 **WHEREAS,** the current staff of the Public Works Department,
18 only one of which is funded by the Tree Protection and Related
19 Expenses Trust Fund (the "Tree Fund"), cannot scout for, plan for,
20 administer, provide follow-up inspections for, and maintain enough
21 tree planting projects in a timely manner to best serve the City to
22 restore a healthy, thriving tree canopy; and

23 **WHEREAS,** the amendment to Chapter 111, *Ordinance Code*,
24 provided herein is within both the letter and spirit of Article 25
25 of the Jacksonville City Charter and Section 111.760, *Ordinance Code*,
26 and proposes to use funds from the Tree Protection and Related
27 Expenses Trust Fund codified in Section 111.760, *Ordinance Code*, to
28 pay the salary and benefits to hire/retain Florida-licensed landscape
29 architects, certified arborists, and certified urban foresters, and
30 to obtain and maintain the equipment necessary for those positions
31 to perform assigned duties, so long as the responsibilities and duties

of each Tree Fund funded position and the use of said equipment are solely and exclusively for the purposes of planning, design, implementation, inspection and maintenance of tree planting projects that utilize Tree Protection and Related Expenses Trust Fund funds in keeping with all applicable laws and rules regarding use of said funds; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Section 111.760 (Tree Protection and Related Expenses Trust Fund), Part 7 (Environment and Conservation), Chapter 111 (Special Revenue and Trust Accounts), Ordinance Code. Section 111.760 (Tree Protection and Related Expenses Trust Fund), Part 7 (Environment and Conservation), Chapter 111 (Special Revenue and Trust Accounts), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 111 - SPECIAL REVENUE AND TRUST ACCOUNTS

* * *

PART 7. - ENVIRONMENT AND CONSERVATION

* * *

Sec. 111.760. - Tree Protection and Related Expenses Trust Fund.

There is created within the General Trust and Agency Fund a trust fund account to be known as the Tree Protection and Related Expenses Trust Fund, hereinafter referred to as the "Fund"~~Fund~~, into which shall be deposited all contributions and fines collected or imposed, together with any donation, gift, grant, or other sum of money as may from time to time be appropriated by Council, and all monies recovered by the City as civil fines pursuant to Section 656.1208; provided, however, that monies collected as administrative costs or attorneys' fees or costs of litigation shall be paid directly to the City. The funds deposited in the Fund~~this trust fund~~, together with any interest accrued thereon, shall be expended for providing trees, and maintaining trees, within City rights-of-way and on other

lands owned by the City, its agencies or authorities, or upon which other ownership control may be exerted by the City, its agencies or authorities, including parks, public areas and easements, and also along all other public rights-of-way and on all other public lands in Duval County.

The funds deposited in the Fund~~this trust fund~~, together with any interest accrued thereon, may also be used to pay the salary and benefits of the following:~~one City Arborist position.~~

1. City Landscape Architects, which shall be licensed Florida landscape architects pursuant to Chapter 481, Part II, Florida Statutes;

2. City Arborists, which shall be certified by the International Society of Arboriculture as Certified Arborist Municipal Specialists; and

3. City Urban Foresters, which shall be certified by the International Society of Arboriculture as Certified Urban Forest Professionals.

The ~~positions~~City Arborist position authorized herein shall be exclusively focused on the planning, design, implementation, inspection, and maintenance of tree planting projects funded by the Fund in accordance with all laws and rules applicable to use of funds deposited in said Fund, planting of trees and other activities directly supporting public tree planting projects in the City which utilize monies from this ~~Fund~~trust fund or the Tree Protection and Related Expenses Trust Fund, codified in Article 25 of the Jacksonville City Charter.

Such additional positions shall be reviewed by the Tree Commission who shall specifically opine, in a memorandum to the Mayor and the Council, regarding the necessity of each position and the relatedness of those positions to fulfilling the goals of the Fund.

The funds deposited in the Fund, together with any interest

1 accrued thereon, may also be used to procure the equipment necessary
2 for the above listed positions to perform assigned duties so long as
3 the use of said equipment is exclusively focused on the tree planting
4 projects and other activities directly supporting the tree planting
5 projects that utilize monies from this Fund or the Tree Protection
6 and Related Expenses Trust Fund, codified in Article 25 of the
7 Jacksonville City Charter. Any equipment expenditure over \$75,000
8 shall be reviewed by the Tree Commission who shall specifically opine,
9 in a memorandum to the Mayor and the Council, regarding the necessity
10 of the equipment to fulfilling the goals of this Fund or the Tree
11 Protection and Related Expenses Trust Fund, codified in Article 25
12 of the Jacksonville City Charter.

13 The Director of the Finance Department ~~and Administration~~ is
14 authorized and directed to make disbursements from the Fund ~~this fund~~,
15 after Council appropriation, upon written requisition for such
16 purposes signed jointly by the Director of Public Works and the
17 Director of Parks, Recreation and Community Services. Monies
18 deposited in this trust fund shall not lapse at the close of any
19 fiscal year, but shall carry over to the next fiscal year.

20 In no case whatsoever shall these trust funds be considered as
21 the sole source of revenue for funds necessary to meet the normal
22 landscaping needs of the City's recreation, park or conservation
23 lands, or public right-of-way.

24 The total amount appropriated from these trust funds for tree
25 maintenance in any fiscal year shall not exceed an amount equal to
26 25 percent of the amount budgeted in that fiscal year for tree
27 maintenance activities in the Public Works Department. Any
28 appropriation of trust funds for tree maintenance shall be used to
29 supplement, not replace, monies otherwise appropriated for tree
30 maintenance by the Public Works Department, and shall be used to
31 undertake activities intended to extend the life of existing trees.

1 The Fund shall not be used for the purchase of Phoenix
2 dactylifera (True Date Palm), unless: (1) it is for the replacement
3 of a Phoenix dactylifera that meets both of the following conditions:
4 (a) The palm has been damaged due to a man-made incident or
5 lightening. Decline due to fungus, disease, or related failure due
6 to incompatible soil conditions or habitat, shall not be a reason for
7 replacement; (b) The palm is part of a streetscape scheme that would
8 become visually imbalanced if not replaced with the same genus and
9 species of palm; or (2) The palms are planted in the area delineated
10 as described as follows: Beginning at the confluence of the St. Johns
11 River and the Atlantic Ocean, follow the southern edge of the St.
12 Johns River westward, then south southwest, to the eastern edge of
13 Helen Cooper Floyd Park; then southeast to the western boundary of
14 the State Road A1A right-of-way; then southeast along the western
15 boundary of State Road A1A right-of-way to the western boundary of
16 the Mayport Road right-of-way; then generally south along the western
17 boundary of the Mayport Road right-of-way to and across Atlantic
18 Boulevard; then continuing south along the western boundary of the
19 Florida Boulevard right-of-way to the western boundary of the Penman
20 Road right-of-way; then south along the western boundary of the Penman
21 Road right-of-way, to and across Beach Boulevard; then east along the
22 southern boundary of the Beach Boulevard right-of-way to the western
23 boundary of the 3rd Street right-of-way; then south along the western
24 boundary of the 3rd Street right-of-way to the Duval County line;
25 then east to the Atlantic Ocean; then north along the mean high water
26 line to the point of beginning, as depicted on the map attached to
27 Ordinance 2018-524-E.

28 **Section 2. Amending Section 656.1206 (Permit procedure and**
29 **criteria for tree removal, relocation and replacement of protected**
30 **trees) and Section 656.1208 (Enforcement of this Subpart B; violations**
31 **and penalties; stopping work, correction of violation, settlement**

1 and reduction of fines pursuant to Policy criteria; procedures),
2 Subpart B (Tree Protection), Part 12 (Landscape and Tree Protection
3 Regulations), Chapter 656 (Zoning Code), *Ordinance Code*. Section
4 656.1206 (Permit procedure and criteria for tree removal, relocation
5 and replacement of protected trees) and Section 656.1208 (Enforcement
6 of this Subpart B; violations and penalties; stopping work, correction
7 of violation, settlement and reduction of fines pursuant to Policy
8 criteria; procedures), Subpart B (Tree Protection), Part 12
9 (Landscape and Tree Protection Regulations), Chapter 656 (Zoning
10 Code), *Ordinance Code*, are hereby amended to read as follows:

11 **CHAPTER 656 - ZONING CODE**

12 * * *

13 **PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS**

14 * * *

15 **SUBPART B. - TREE PROTECTION**

16 * * *

17 **Sec. 656.1206. - Permit procedure and criteria for tree removal,**
18 **relocation and replacement of protected trees.**

19 * * *

- 20 (g) Protected trees identified for removal on the site clearing or
21 tree removal permit application shall be replaced with new
22 planted trees, unprotected trees or transplanted trees.
23 Protected live oaks (*Quercus virginiana*) removed shall be
24 replaced only with live oaks. The total caliper inches of
25 replacement live oaks shall equal the total caliper inches of
26 protected live oaks removed; for other removed protected trees,
27 the total caliper inches of replacement trees shall equal
28 one-third the total caliper inches removed. A waiver of this
29 replacement requirement may be approved by the Chief if the
30 tree removal was for the purpose of removing dead, diseased,
31 dying or trees of similar condition or for trees whose roots

are causing severe damage, as determined in the sole discretion of the Chief, to an adjacent structure. No waiver shall be allowed for the removal of any tree whose continued existence was necessary for compliance with the City's Landscape Code, for receiving credit for conservation mitigation, or for any tree which was planted as part of a mitigation requirement. The total caliper inches for replacement of exceptional specimen trees shall equal the total caliper inches of exceptional specimen trees removed pursuant to Section 656.1205(d). When there are more than an average of two exceptional specimen trees per acre removed on a particular site, the required mitigation shall be increased by twice the minimum caliper of all exceptional specimen trees lost in order to compensate for that loss. If multi-trunked trees are used as replacement trees, then the total caliper of the four largest trunks shall equal the replacement caliper. Palms may be used only to replace protected palms removed. Replacement species used shall be approved by the Chief. Additionally, the following provisions shall apply:

* * *

- (4) New, preserved nonprotected, or transplanted exceptional specimen trees or live oaks used as replacement for removed exceptional specimen trees or protected live oaks shall be two-inch ~~four-inch~~ caliper or greater.

* * *

- (10) A tree used for replacement shall be at least ten feet from any other tree planted, transplanted or preserved, except that a grouping of trees which includes trees spaced less than 10 feet away from another planted tree or preserved tree may nonetheless be utilized under this Section upon certification from a City Landscape Architect, City

Arborist or City Urban Forester satisfactory to the Chief
that each tree within the less-than ten foot spacing has
a reasonably good chance of survival. Greater spacing may
be required, based on a tree survey, to ensure survivorship
of a tree.

* * *

- (14) If the applicant demonstrates to the satisfaction of the Chief that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the applicant shall provide a monetary contribution to the Tree Protection and Related Expenses Trust Fund. The amount of such contribution shall be determined as follows: For every two caliper inches, or fraction thereof, of replacement trees which would otherwise be required, the contribution shall be equal to the retail value of a planted two-inch caliper nursery grown shade tree. The retail value shall be calculated by taking the average of the median current wholesale price, published by North Florida nurseries, for a container grown, ~~and a balled and burlapped~~ two-inch caliper live oak, multiplied by two. The retail value shall be recalculated and adjusted annually on October ~~first~~ 1. However, as to development or redevelopment of affordable housing and/or workforce housing the City will waive the monetary contribution otherwise required by this subsection to the City's Tree Protection and Related Expenses Trust Fund for the total caliper-inches of required replacement trees that are not planted on the development site or at some other site in Duval County. For purposes of this Section, the term "affordable housing and/or workforce housing" shall mean any development or

redevelopment funded, wholly or in part, by a federal, state, or local affordable housing program recognized by the City and which includes enforcement measures within a development or similar agreement that provide for/require monitoring and/or auditing services by the developer or funding agency pertaining to compliance with an applicable affordability period requirement. The waiver authorized in this subsection shall sunset five years from the effective date of Ordinance 2025-102-E. This provision shall not be automatic but shall require further action by the City Council to effectuate the sunset.

* * *

Sec. 656.1208. - Enforcement of this Subpart B; violations and penalties; stopping work, correction of violation, settlement and reduction of fines pursuant to Policy criteria; procedures.

Removal of trees without a permit, or more trees than permitted, is a violation of this Subpart and shall be corrected.

* * *

(c) *Correction of violation when DBH inches removed is determinable.* A violation of this Subpart, when the DBH inches illegally removed is determinable shall be corrected within 90 calendar days from the date of the Notice of Violation. A fine shall be assessed, and the corrective action determined by the Chief of Development Services ("Assessment of Fine and Corrective Action"). Correction of the violation shall include: (1) payment of a fine; and (2) mitigation for the trees removed by planting replacement trees on the site. Fines may be reduced pursuant to subsection (f) (Settlement and Reduction of Fines and Corrective Action for violations when DBH inches removed is determinable, pursuant to Policy criteria), below. Fines are separate from mitigation payments.

* * *

(2) *Calculation of the Mitigation.*

* * *

(ii) Prior to planting the Replacement Trees, the property owner shall submit a tree replanting plan to the Chief showing how the damage caused to the site by the violation will be mitigated. The replanting plan shall be subject to the review and approval of the Chief and the trees installed within the time limit stated on the Assessment of Fine and Corrective Action. Replacement Trees shall meet the requirements of Section 656.1206 (Permit procedure and criteria for tree removal, relocation and replacement of protected trees), ~~except that the minimum caliper of all Replacement Trees shall be four inches,~~ and the plan shall meet the requirements of Section 656.1217 (Landscape and Irrigation system plans required).

* * *

Section 3. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any other changes necessary to make the *Ordinance Code* consistent with the intent of this legislation are approved and directed herein, and changes to the *Ordinance Code* shall be made forthwith and when inconsistencies are discovered.

Section 4. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

1 /s/ Mary E. Staffopoulos

2 Office of General Counsel

3 Legislation Prepared By: Shannon MacGillis

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