

Jacksonville Tree Commission
Palm Tree Subcommittee Minutes
Monday, July 11, 2022 – 1:30 PM
Approved July 20, 2022
Ed Ball Bldg, 10th Floor, Conference Room 5

Attendees:

Susan Grandin, OGC Advisor
Justin Gearhart, City Arborist
Paul Davis, City Planning Dept.
Buck Pittman, Landscape Architect

Nancy Powell, Scenic Jacksonville
Alicia Grant, Scenic Jacksonville
Susan Cavan, Scenic Jacksonville

Cindy Chism, Staff

1. Call to Order – Ms. Grandin

2. Roll Call – Cindy Chism

3. Action Items – Ms. Grandin:

- a) Attachment 1 is a copy of the Ordinance with suggested changes noted after discussion with CM Salem who is sponsoring this revision. There are also highlighted areas which are policy decisions and will not be undertaken at this meeting.
- b) Page 3, line 8 – change of the definition of Clear Trunk taken from the Florida Department of Agriculture Grades & Standards. Mr. Pittman pointed out it if you cite the source of the definition for this one then you’ll have to cite the source for all of them. Ms. Grandin added, once the illustration is added, there will be no question. Mr. Pittman suggested changing the heading to “Clear Trunk (CT).”
- c) Page 9, line 14 – change the heading to read “Diameter Breast Height (DBH).” Mr. Davis asked Ms. Grandin to verify the definition matches the International Society of Arboriculture (ISA) definition. The Municode Codifiers will put the definition headings in alphabetical order, removing the paragraph numbering.
- d) Page 6, line 21 – Mr. Pittman asked why the overall height is a qualifier; “or an overall height of 16 feet or more.” Ms. Grandin said it is to protect more than just native trees. Mr. Davis asked, Queen Palms, Mr. Gearhart agreed. Mr. Pittman added, as a surveyor in the field, now I have an option on how to measure the palms, either clear trunk of 8 feet or overall height of 16 feet. It needs to be differentiated. Mr. Gearhart said if we are allowing other palms besides Sabal palms, we should be protecting them as well. Otherwise we are not protecting the canopy even though we don’t value them as much as canopy trees, it’s still the 3rd most common

species in the City. Mr. Pittman suggested striking that language altogether and limit the measurement to clear trunk. Mr. Gearhart agreed and said most palms 8 ft is feasible, even if the Queen Palm is measured in overall height, it will still be covered with the 8 ft clear trunk. Mr. Davis agreed. Ms. Grant asked if we should list the palms allowed in the Ordinance. Mr. Pittman said it is better that they aren't listed. Already required in the code that Landscape Architects provide plans, presumably they are qualified, but they do need some leeway. "Overall height of 16 feet or more" will be stricken throughout.

- e) Page 6, Line 14 – Protected trees – “within 20 feet of a street right-of-way (including an approved private street or other access easement)” Ms. Grandin asked if that includes alleys. Mr. Davis said that would be an access easement and is currently being measured that way.
- f) Page 7, line 12 – Protected trees within an easement; sometimes there is drainage easements which must be kept clear. There are exemptions; “any tree in land area located within a City drainage easement, a City drainage right-of-way, or a City access right-of-way, trees must be removed as reasonably necessary to provide access to or maintenance and or construction of the City’s drainage ditches and drainage related facilities.” This quoted text will be added to Page 13, Line 17, for reference.
- g) Page 7, Line 2 – Protected trees within the right-of-way and easements. Ms. Grandin removed drainage easements, so trees are not protected in drainage easements because it’s already exempted.
- h) Page 13, Line 17-25 – this is a hold-over when the Ordinance was first enacted. The current practice does not follow this. Just because a right-of-way is going through a subdivision doesn’t mean mitigation isn’t paid. This language needs to be updated. Mr. Davis agreed, the whole paragraph could be removed. This is a policy question and will be discussed at a later date.
- i) Page 13, Line 27-29 – this is also a policy question and will be discussed at a later date.
- j) Page 14, Line 4 – Instead of listing the nuisance and invasive trees because they change so frequently, a reference was listed to look up the current accepted list. Mr. Gearhart suggested using Florida Exotic Pest Plant Council (FLEPPC). Because the University of Florida IFAS Extension Service Invasive Landscape Plants and Trees lists Categories 1 and 2 as well as many native trees considered nuisance but which the City does allow. Category 1 includes Camphor, Chinese Tallow, etc., they are the most invasive. Category 2 trees have invasive qualities but haven’t completely dominated natural environments in native habitats. They are considered invasive because of how much they are planted. Mr. Pittman agreed, category 2 plants can still be purchased. Mr. Davis pointed out that the Ordinance says this exempts these trees from protection, removal is not required, and planting is not prohibited but mitigation is not required. Mr. Gearhart asked if we want to exempt the native species which are considered nuisance on a site being developed? Mr. Gearhart will research both lists and let Ms. Grandin know which is the most comprehensive.

- k) Page 15, Line 8-15 – Mitigation for Palms removed. Mr. Pittman said there needs to be a separate tally or calculation on the plans which shows the clear trunk feet removed vs. clear trunk feet replaced. Ms. Grandin agreed. Mr. Davis added, to translate the fee 1 inch caliper vs. 1 foot height, which is about 1 year growth. Mr. Pittman agreed, ultimately the City needs to develop a standardized mitigation table which is used by everyone on all their plans. Mr. Davis responded ITD is currently developing that.
- l) Page 16, Line 9 – Palms; “may not exceed the number of palms removed” Ms. Grandin asked if that should be palm for palm or foot for foot. Mr. Pittman said in the past it’s been palm for palm, woody trees there is no exception. Mr. Gearhart pointed out that if we are using height as the determining measurement wouldn’t it be best to be uniform and say 10 ft of height if 10 ft is being removed. Mr. Davis agreed, if we can get around the inch diameter thing on palms then we could use clear trunk. Ms. Grandin suggested changing (9) to read “Palms CT used for mitigation may not exceed the number of protected palms CT removed.” “Replacement species used shall be approved by the Chief” will be made a separate number and “shall” will be changed to “may.” Also the last sentence, “Additionally the following provisions shall apply. “ Mr. Pittman said the problem with palms used for mitigation. The problem with translating that to clear trunk (CT), the Landscape Code says palm trees must be 8 ft tall. It’s never going to work out evenly, you’ll can end up with 3 extra ft. Mr. Davis said if its not an increment of 24 or 8 ft then it’s left off. Mr. Pittman said this needs to be clarified.
- m) Page 18, line 28 should be changed from “shade tree” to live oak. Mr. Davis agreed.
- n) Page 19, Line 7 Calculation of payment. The whole sentence which begins “For example” will be removed.
- o) Page 20, Line 16 – Section 320.409(a)(15) should be replaced with COJ.net/Fees
- p) Page 21, Line 10 – Section 320.408(a)(15) should be replaced with COJ.net/Fees
- q) Page 23, Line 14 (c) This paragraph should be split. The second sentence should be labeled (d).
- r) Page 23, Line 18 – Vehicular Use Area. Mr. Pittman said this term needs to be defined and listed in the definitions. There is currently no clear definition of a vehicular use are in the code. Mr. Davis defines it as curb to curb. Mr. Grandin pointed out there are private drive areas that the public can’t get to, is it still a vehicular use area. Mr. Davis added car dealerships, inventory storage areas, delivery areas. It does need to be clarified.

4. Adjournment.

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4. Adjournment.

1 Introduced by Council Member Salem:

2 Highlighted language is for discussion.

3
4 **ORDINANCE 2022-**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE,
6 PART 12 (LANDSCAPE AND TREE PROTECTION
7 REGULATIONS), SUBPART A (GENERAL PROVISIONS),
8 SECTION 1203 (DEFINITIONS), *ORDINANCE CODE*, TO
9 CLARIFY THE DEFINITION OF TREE TO INCLUDE PALM
10 TREES

11
12 MEASUREMENT OF PALM TREES AND ...

13
14 ; AMENDING CHAPTER 656 (ZONING CODE, PART 12
15 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
16 SUBPART B (TREE PROTECTION), SECTION 1206
17 (PERMIT PROCEDURE AND CRITERIA FOR TREE REMOVAL,
18 RELOCATION AND REPLACEMENT OF PROTECTED TREES),
19 *ORDINANCE CODE*, TO ...

20
21
22 PROVIDING AN EFFECTIVE DATE.

23
24 **BE IT ORDAINED** by the Council of the City of Jacksonville:

25 **Section 1. Amending Section 656.1203 (Definitions),**
26 **Subpart A (General Provisions), Part 12 (Landscape and Tree Protection**
27 **Regulations), Chapter 656 (Zoning Code), *Ordinance Code*.** Section
28 656.1203, *Ordinance Code*, is hereby amended to read as follows:

29 **CHAPTER 656 - ZONING CODE**

30 * * *

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

* * *

SUBPART A. - GENERAL PROVISIONS

* * *

Sec. 656.1203. - Definitions.

For purposes of this Part, in addition to the following terms or words, the definitions provided for in Part 16 shall apply. If the definitions contained in this Section at any time conflict with the definitions contained in Part 16, the more restrictive definition(s) shall apply. As used in this Part:

~~(a)~~ *Annual consumptive use* means the yearly amount of water applied to the landscape.

~~(b)~~ *Automatic controller* means a mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

~~(c)~~ *Bona-fide agricultural purposes* means the use of land for bona fide agricultural purposes as described in F.S. § 193.461, provided the land is classified for assessment purposes by the property appraiser as "agricultural", pursuant to F.S. Ch. 193.

~~(d)~~ *Buffer yard or strip* means a strip of land, identified on a site plan or by zoning ordinance requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

~~(e)~~ *Caliper* means the trunk diameter of ~~planted~~ nursery stock trees. Caliper shall be measured six inches above the ground for trees up to and including four inches in caliper, and measured 12 inches above the ground for trees exceeding four inches in caliper. ~~If the tree has a very enlarged irregular base, then the caliper measurement shall be taken up where the trunk has a more regular circumference, but in no case higher~~

1 ~~than four and one-half feet above the ground.~~ If the tree forks
2 between ground level and one foot above ground level, then the
3 tree shall be considered a multi-trunked tree. Caliper for
4 multi-trunked trees shall be determined by measuring each
5 trunk immediately above the fork and adding the total caliper
6 of the four largest trunks. (See also and compare definition
7 of DBH in ~~subsection (nn) of this Section.~~)

8 "CT" (Clear trunk height) means the height of a palm tree
9 measured from the top of the root ball to a point where the
10 lowest untrimmed leaf's petiole diverges from the trunk
11 (typically this is the bottom of the first row of fronds).

12 ~~(f)~~ *Cultivated landscape area* means planted areas that are
13 frequently maintained by mowing, irrigating, pruning,
14 fertilizing, etc.

15 ~~(g)~~ *Development* means any proposed material change in the use or
16 character of the land, including, but not limited to, land
17 clearing associated with new construction, the placement of
18 any structure or site improvement on the land, or expansion of
19 existing buildings.

20 ~~(h)~~ *Drip line* means a vertical line extending from the outermost
21 branches of a tree to the ground.

22 ~~(i)~~ *Ecosystem* means a characteristic assemblage of plant and
23 animal life with a specific physical environment, and all
24 interactions among species and between species and their
25 environment.

26 ~~(j)~~ *Emitter devices* means devices which are used to control the
27 applications of irrigation water. This term is primarily used
28 to refer to the low flow rate devices used in microirrigation
29 systems.

30 ~~(k)~~ *Ground cover* means a low-growing herbaceous or woody plant
31 other than turf, not over two feet high, used to cover the

1 ground.

2 ~~(l)~~ *Hedge* means a landscape barrier consisting of a continuous,
3 dense planting of shrubs.

4 ~~(m)~~ *Infiltration rate* means the rate of water entry into the soil
5 expressed as a depth of water per unit of time (inches per
6 hour).

7 ~~(n)~~ *Irrigation system* means a permanent, artificial watering
8 system designed to transport and distribute water to plants.

9 ~~(o)~~ *Landscaped area* means the entire parcel less the building
10 footprint, driveway, nonirrigated portions of parking lots,
11 hardscapes such as decks and patios, and other nonporous areas.
12 Water features are included in the calculation of the
13 landscaped area.

14 ~~(p)~~ *Landscaping* means any combination of living plants (such as
15 grass, groundcover, shrubs, vines, hedges, or trees) and
16 nonliving landscape material (such as rocks, pebbles, sand,
17 mulch, walls or fences).

18 ~~(q)~~ *Microirrigation (low volume)* means the frequent application of
19 small quantities of water directly on or below the soil
20 surface, usually as discrete drops, tiny streams, or miniature
21 sprays through emitters placed along the water delivery pipes
22 (laterals). Microirrigation encompasses a number of methods or
23 concepts including drip, subsurface bubbler, and spray
24 irrigation.

25 ~~(r)~~ *Mulch* means nonliving organic materials customarily used in
26 landscape design to retard erosion and retain moisture.

27 ~~(s)~~ *Native vegetation*. See *Vegetation, native*.

28 ~~(t)~~ *Naturally occurring existing plant communities*. See
29 *Vegetation, native*.

30 ~~(u)~~ *Open space* means all areas of natural plant communities or
31 areas replanted with vegetation after construction, such as

1 revegetated natural areas; tree, shrub, hedge or ground cover
2 planting areas; and lawns, and all other areas required to be
3 provided as natural ground and landscaping pursuant to the
4 Zoning Code.

5 Overall height means the highest point in the canopy of a palm
6 measured from the top of the rootball to the natural position
7 of the last fully emerged (all leaflets are fully expanded)
8 leaf.

9 ~~(v)~~ *Perimeter landscape* means a continuous area of land which is
10 required to be set aside along the perimeter of a lot in which
11 landscaping is used to provide a transition between and to
12 reduce the environmental, aesthetic and other impacts of one
13 type of land use upon another.

14 ~~(w)~~ *Pervious paving materials* means a porous asphaltic or concrete
15 surface and a high-void aggregate base which allows for rapid
16 infiltration and temporary storage of rain on, or runoff
17 delivered to, paved surfaces.

18 ~~(x)~~ *Plant community* means a natural association of plants that are
19 dominated by one or more prominent species, or a characteristic
20 physical attribute.

21 ~~(y)~~ *Preserve areas* means vegetative areas required to be preserved
22 under the jurisdiction of the Florida Department of
23 Environmental Regulation, St. Johns River Water Management
24 District and/or the United States Army Corps of Engineers or
25 other regulatory agencies.

26 ~~(z) Reserved.~~

27 ~~(aa)~~ *Runoff water* means water from rainfall and irrigation systems
28 which is not absorbed by the soil or landscape to which it is
29 applied and flows from the area, often contaminated with
30 pesticides, fertilizers, and other pollutants.

1 ~~(b)~~ Protected tree includes both woody species which are measured
2 by DBH; and palm species which are measured by CT or overall
3 height.all of the following:

4 ~~(1) Private protected tree means any tree with a DBH of six~~
5 ~~inches or more located on any lot within 20 feet of a street~~
6 ~~right-of-way (including an approved private street or other~~
7 ~~access easement) or a tree with a DBH of eight inches or~~
8 ~~more located within ten feet of any other property line, or~~
9 ~~a tree with a DBH of 11.5 inches or more located elsewhere~~
10 ~~on the lot.~~

11 (1) Protected trees on a lot. Within different areas of a lot,
12 either publicly or privately owned, different sized trees
13 are protected, as follows:

14 (i) Within 20 feet of a street right-of-way (including an
15 approved private street or other access easement): a
16 woody tree with a DBH of six (6) inches or more; or any
17 palm with a CT of 8 feet or more, or an overall height
18 of 16 feet or more;

19 (ii) Within ten (10) feet of any other property line: a
20 woody tree with a DBH of eight (8) inches or more; or
21 any palm with a CT of 8 feet or more or an overall
22 height of 16 feet or more; and

23 (iii) Elsewhere on the lot (the interior): a woody tree
24 with a DBH of 11.5 inches or more, or Sabal palms with
25 a CT of 8 feet or more.

26 ~~(2) Public protected tree means any tree located on lands owned~~
27 ~~by the City, or other governmental agencies or authorities,~~
28 ~~or any land upon which easements are imposed for the~~
29 ~~benefit of the City, or other governmental agencies or~~
30 ~~authorities, or upon which other ownership control may be~~
31 ~~exerted by the City, or other governmental agencies or~~

1 ~~authorities, including rights-of-way, parks, public areas~~
2 ~~and easements for drainage, sewer, water and other public~~
3 ~~utilities, with:~~

- 4 ~~(i) A DBH of six inches or more located within a City or~~
5 ~~other governmental right-of-way, or~~
6 ~~(ii) A DBH of six inches or more and located on any lot~~
7 ~~within 20 feet of a street right-of-way, or~~
8 ~~(iii) A DBH of eight inches or more located on any lot~~
9 ~~within ten feet of any other property line, or~~
10 ~~(iv) A DBH of 11.5 inches or more located elsewhere on the~~
11 ~~lot.~~

12 (2) Protected trees within rights-of-way and easements. Trees
13 located on lands owned by the City, or other governmental
14 agencies or authorities, or any land upon which easements
15 are imposed for the benefit of the City, or other
16 governmental agencies or authorities, or upon which other
17 ownership control may be exerted by the City, or other
18 governmental agencies or authorities, including rights-of-
19 way and easements for sewer, water and other public
20 utilities, are protected if they are the following size:

- 21 (i) Woody trees with a DBH of 6 inches or more; and
22 (ii) Palm trees with a CT of 8 feet or more, or an overall
23 height of 16 feet or more.

24 (3) Exceptional specimen tree means any hardwood tree with a
25 DBH of 24 inches or greater; or any palm with a CT of
26 greater than 24 feet, or an overall height of greater than
27 36 feet.

28 ~~(ee)~~ Scenic and historic corridors means any street right-of-way,
29 including approved private streets, which is so designated by
30 the Council, pursuant to the procedures hereinafter
31 established and adopted by Council, as a result of its special

1 historic, architectural, archaeological, aesthetic or cultural
2 interest and value to the citizens of Jacksonville. The Chief
3 shall maintain a list which specifies the location and
4 boundaries of all corridors so designated.

5 ~~(dd)~~ *Shrub* means a self-supporting woody perennial plant
6 characterized by multiple stems and branches continuous from
7 the base naturally growing to a mature height between two and
8 12 feet.

9 ~~(ee)~~ *Site specific plant* means a selection of plant material that
10 is particularly well suited to withstand the physical growing
11 conditions that are normal for a specific location.

12 ~~(ff)~~ *Soil texture* means the classification of soil based on the
13 percentage of sand, silt, and clay in the soil.

14 ~~(gg)~~ *Tree* means:

15 (1) a self-supporting woody plant having a single trunk or a
16 multi-trunk of lower branches, growing to a mature height
17 of at least 12 feet in northeast Florida; and

18 (2)

19 ~~(hh)~~ *Tree palm* means an evergreen plant of the Palmaceae family
20 cold hardy in northeast Florida having a single trunk, or
21 multiple trunks, and terminal crown of large pinnate or fan-
22 shaped leaves.

23 ~~(ii)~~ *Turfgrass* means continuous plant coverage consisting of grass
24 species suited to growth in the City of Jacksonville.

25 ~~(jj)~~ *Understory* means assemblages of natural low-level woody,
26 herbaceous, and ground cover species which exist in the area
27 below the canopy of the trees.

28 ~~(kk)~~ *Vegetation, native* means any plant species with a geographic
29 distribution indigenous to all or part of the State of Florida.

30 ~~(ll)~~ *Water use zone* means a grouping of sprays, sprinklers, or
31 microirrigation emitters so that they can be operated

1 simultaneously by the control of one valve according to the
2 water requirements of the plants used.

3 ~~(mm)~~ *Florida-Friendly* means a type of landscaping that maximizes
4 the conservation of water by the use of site-appropriate plants
5 - right plant in the right place methodology, efficient
6 watering systems, appropriate fertilization, mulching,
7 attraction of wildlife, responsible management of pests,
8 recycling of yard waste, reduction of stormwater runoff ,and
9 waterfront protection. The principles include planning and
10 design, appropriate choice of plants, soil analysis, the use
11 of solid waste compost, practical use of turf, efficient
12 irrigation, appropriate use of mulches, and proper
13 maintenance.

14 ~~(nn)~~ *DBH (Diameter Breast Height)* means the trunk diameter of an
15 existing tree measured four and one-half feet above the average
16 ground level at the tree base. If the tree forks between four
17 and one-half and two feet above ground level, DBH is measured
18 below the swell resulting from the fork. Trunks that fork below
19 two feet, shall be considered multi-trunk trees. DBH for multi-
20 trunk trees shall be determined by measuring each trunk
21 immediately above the fork and adding the total diameters of
22 the four largest trunks. (See also and compare definition for
23 caliper in subsection (c) of this Section.)

24 ~~(oo)~~ *Chief* means the Chief as designated by the Director of the
25 Planning and Development Department.

26 ~~(pp)~~ *Shade tree* means a species having a height at maturity of at
27 least 45 feet and an average mature crown spread of no less
28 than 30 feet, or trees having an average mature crown spread
29 of less than 30 feet grouped so as to create a total average
30 mature crown spread of no less than 30 feet.

31 ~~(qq)~~ *Sensor Device* means

1 (1) *Rain sensor device* - a low voltage electrical or mechanical
2 component placed in the circuitry of an automatic turfgrass
3 irrigation system which is designed to turn off a sprinkler
4 controller when precipitation has reached a pre-set
5 quantity.

6 (2) *Soil Moisture sensor device* - a low voltage electrical or
7 mechanical component placed in the landscape of an
8 automatic turfgrass irrigation system which is designed to
9 suspend a sprinkler controller from operation when adequate
10 soil moisture is present.

11 (3) *Weather sensor device* -a low voltage electrical or
12 mechanical component placed in the circuitry, either
13 directly or remotely, of an automatic turfgrass irrigation
14 system which is designed to estimate plant water need and
15 adjust a compatible sprinkler controller to apply the
16 appropriate amount of supplemental irrigation.

17 ~~(rr)~~ *Best Management Practices (BMP)* means turf and landscape
18 practices or a combination of practices, based on research,
19 field testing, and expert review, determined to be most
20 effective and practicable on-location means, including
21 economic and technological considerations, for improving water
22 quality, conserving water supplies and protecting natural
23 resources.

24 ~~(ss)~~ *Pressure Regulating Device* means a device that maintains a
25 constant flow and pressure for increased efficiency of
26 irrigation systems. This device shall have a pressure
27 regulating device built into the stem of head or provided in
28 conjunction with the valve. If pressure regulation is derived
29 through the head, it shall be identifiable from the top of the
30 head.

1 ~~(tt)~~ *Hardscape* means areas such as patios, decks, driveways, in-
2 ground swimming pools, paths and sidewalks that do not require
3 irrigation.

4 ~~(uu)~~ *As-Constructed (As-Built) Sketch* means a legible drawing
5 indicating the date of the irrigation system installation, the
6 number of zones, locations of zones, backflow prevention
7 devices, valves, emitter types and locations, controller(s),
8 pressure regulating devices and sensor device(s). The drawing
9 shall represent the irrigation system as it exists at the time
10 of irrigation system completion and shall be prepared by or at
11 the direction of the person installing the system.

12 ~~(vv)~~ *Irrigation Zone* means a grouping of rotors or sprinkler heads
13 or pop-up sprays or micro irrigation emitters or other
14 irrigation system equipment operated simultaneously by the
15 control of one valve.

16 ~~(ww)~~ *Low Maintenance Zone* means an area a minimum of six feet wide
17 adjacent to water courses which is planted and managed in order
18 to minimize the need for fertilization, watering and mowing.
19 See Chapter 366 Part 6 (Fertilizer Application), Ordinance
20 Code.

21 ~~(xx)~~ *Efficient Irrigation System* means irrigation system design,
22 installation, and maintenance that incorporate water efficient
23 strategies and components, including, but not limited to,
24 pressure regulation devices, sensor devices, correct head
25 spacing, minimum areas of zones of matched precipitation rates
26 and BMP.

27 ~~(yy)~~ *Water Wise Principles* means appropriate planning and design,
28 proper choice of plants, soil analysis that may include the
29 use of solid waste compost, efficient irrigation, practical
30 use of turf, appropriate use of mulches, and proper maintenance
31 consistent with Florida Statutes.

1 **Section 2. Amending Section 656.1205 (Removal of protected**
2 **trees prohibited; exceptions.), Subpart B (Tree Protection), Part 12**
3 **(Landscape and Tree Protection Regulations), Chapter 656 (Zoning**
4 **Code), Ordinance Code.** Section 656.1205, *Ordinance Code*, is hereby
5 amended to read as follows:

6 **CHAPTER 656 - ZONING CODE**

7 * * *

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

9 * * *

10 **SUBPART B. - TREE PROTECTION**

11 * * *

12
13 **Sec. 656.1205 (Removal of protected trees prohibited; exceptions.)**

14 (a) No person, organization, society, association or corporation,
15 or any agent or representative thereof, directly or indirectly,
16 shall cut down, remove, damage or destroy, or shall authorize
17 the cutting down, removal, damage, or destruction of any
18 protected tree, as defined in Section 656.1203-~~(b)~~ hereof, or
19 shall commit any act or authorize the commission of any act
20 which physically removes a protected tree or causes a tree to
21 die, such as damage inflicted upon the root system by heavy
22 machinery, chemicals or paving, changing the natural grade above
23 the root system and tree damage permitting infection or pest
24 infestation, without first having obtained a permit as herein
25 provided.

26 (b) The following protected trees are exempted from the provisions
27 of subsection (a). Where an exemption is claimed, an applicant
28 must obtain a permit pursuant to Section 656.1206 for a fee as
29 found in www.coj.net/fees , and provide supporting evidence that
30 the applicant is entitled to the exemption, as requested by the
31 Building Inspection Development Services Division:

- 1 (1) Any tree located on an individual lot on which either a
2 single-family dwelling or a mobile home is located,
3 provided:
4 A. The lot is not capable of further subdivision under
5 applicable law; and
6 B. The single-family dwelling or mobile home is:
7 (i) Occupied and used for residential purposes, or
8 (ii) Capable of occupancy in compliance with applicable
9 law.
- 10 (2) Any tree of the ~~palm family, other than the Cabbage Palm~~
11 ~~(Sabal palmetto), or the pine family, other than the Long~~
12 ~~Leaf Pine (Pinus palustris) located on that portion of a~~
13 ~~lot which is more than 20 feet from a street right-of-way~~
14 ~~(including an approved private street or other access~~
15 ~~easement), or more than ten feet from any other property~~
16 ~~line.~~
- 17 (6) Any tree located within an existing or proposed street
18 right-of-way and/or easement shown on a set of approved
19 final construction plans for required improvements within
20 an approved single-family or mobile home subdivision which
21 has been platted or is in the process of being platted and
22 has received preliminary sketch plan approval pursuant to
23 Chapter 654, Ordinance Code (Code of Subdivision
24 Regulations), may be removed during construction of such
25 improvements.
- 26 (7) Any tree other than an exceptional specimen tree, as
27 defined in Section 656.1203~~(bb)~~(3), located on property
28 that has been subdivided for residential development by a
29 plat of record ~~or that is in the process of being platted~~
30 ~~and as received preliminary sketch plan approval pursuant~~
31 ~~to Section 654.108, Ordinance Code. Property with trees~~

1 that are exempt under this subsection (8) must comply
2 with the buffer requirements for residential subdivisions
3 of Section 656.1222.

- 4 (8) ~~The following~~ nuisance and invasive species of trees as
5 ~~listed by the University of Florida IFAS Extension~~
6 ~~Service as "Invasive Landscape Plants and Trees."~~ ~~Pond~~
7 ~~Willow (Salix caroliniana), Chinese Tallow (Sapium~~
8 ~~sebiferum), Paper Mulberry (Broussonetia papyrifera),~~
9 ~~Chinaberry (Melia azedarach), Camphor (Cinnamomum~~
10 ~~camphora), Wax Myrtle (Myrica cerifera), Golden Raintree~~
11 ~~(Koelreuteria bipinnata) and Cherry Laurel (Prunus~~
12 ~~caroliniana).~~

13 * * *

14 **Section 3. Amending Section 656.1206 (Permit procedure and**
15 **criteria for tree removal, relocation and replacement of protected**
16 **trees.), Subpart B (Tree Protection), Part 12 (Landscape and Tree**
17 **Protection Regulations), Chapter 656 (Zoning Code), Ordinance Code.**

18 Section 656.1203, *Ordinance Code*, is hereby amended to read as
19 follows:

20 **CHAPTER 656 - ZONING CODE**

21 * * *

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

23 * * *

24 **SUBPART B. - TREE PROTECTION**

25 * * *

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

28 * * *

29 (g) Protected trees identified for removal on the site clearing or
30 tree removal permit application shall be replaced with new planted
31 trees, unprotected trees or transplanted trees.

1 (1) Protected live oaks (~~quercus virginiana~~) (*Quercus virginiana*)
2 removed shall be replaced only with live oaks. The total
3 caliper inches of replacement live oaks shall equal the total
4 ~~caliper~~ DBH inches of protected live oaks removed.

5 (2) For ~~for~~ other removed woody protected trees, the total caliper
6 inches of replacement trees shall equal one-third the total
7 ~~caliper~~ DBH inches removed.

8 (3) For protected palms with CT height between 8 feet and 24 feet
9 (or overall height of 16 feet to 36 feet), the total CT height
10 (or overall height, as the case may be) of replacement palms
11 shall be one-third of the total CT (or overall) feet removed.

12 (4) For palms with a CT height greater than 24 feet (or overall
13 height greater than 36 feet), the total CT (or overall) height
14 of replacement palms shall equal the amount of palm feet
15 removed. A waiver of this replacement requirement may be
16 approved by the Chief if the tree removal was for the purpose
17 of removing dead, diseased, dying or trees of similar
18 condition or for trees whose roots are causing severe damage,
19 as determined in the sole discretion of the Chief, to an
20 adjacent structure.

21 (5) No waiver shall be allowed for the removal of any tree whose
22 continued existence was necessary for compliance with the
23 City's Landscape Code, for receiving credit for conservation
24 mitigation, or for any tree which was planted as part of a
25 mitigation requirement.

26 (6) The total caliper inches (or in the case of palms, CT or
27 overall height in feet) for replacement of exceptional
28 specimen trees shall equal the total caliper inches (or feet)
29 of exceptional specimen trees removed pursuant to Section
30 656.1205(d).

1 (7) When there are more than an average of two exceptional specimen
2 trees per acre removed on a particular site, the required
3 mitigation shall be increased by twice the minimum caliper of
4 all exceptional specimen trees lost in order to compensate for
5 that loss.

6 (8) If multi-trunked trees are used as replacement trees, then the
7 total caliper of the four largest trunks shall equal the
8 replacement caliper.

9 (9) Palms used for mitigation may not exceed the number of ~~may be~~
10 ~~used only to replace~~ protected palms removed. Replacement
11 species used shall be approved by the Chief. Additionally, the
12 following provisions shall apply:

13 (10) No replacement will be required for protected trees which
14 are determined by the Chief to be dead or deteriorated as a
15 result of age, insects, disease, storm, fire, lightning or
16 other acts of nature, or for trees whose roots are causing
17 severe damage, as determined in the sole discretion of the
18 Chief, to an adjacent structure.

19 (11) Trees that require trimming or other simple forms of
20 abatement to remain viable shall not be exempt pursuant to
21 this subsection.

22 (12) An exemption pursuant to this subsection requires the
23 following:

24 (i) Sufficient documentation supporting the exemption in a
25 form approved by the Chief; and

26 (ii) Verification of the dead or deteriorated status of the
27 tree by a Certified Arborist; and

28 (iii) Evaluation of the tree based upon the current site
29 conditions and viability of the tree, not considering
30 potential impacts of construction.

1 (~~2~~13) New replacement trees shall meet the minimum standards for
2 landscape materials established by Section 656.1211(e).

3 (~~3~~14) Existing trees, two-inch caliper or greater, which are not
4 protected trees but which are preserved or transplanted,
5 except those trees located in preserve areas, may be utilized
6 to satisfy tree replacement requirements, subject to the
7 conditions stated in Sections 656.1207 and 656.1213(b) and
8 (d).

9 (~~4~~15) New, preserved nonprotected, or transplanted exceptional
10 specimen trees or live oaks used as replacement for removed
11 exceptional specimen trees or protected live oaks shall be
12 four-inch caliper or greater.

13 (~~5~~16) Existing protected trees which would otherwise be removed
14 from the site because of development, may be utilized to
15 satisfy tree replacement requirements if transplanted to a
16 location on the site which meets the requirements of Sections
17 656.1207 and 656.1213(b) and (d).

18 (~~6~~17) If protected tree removal is associated with new
19 development, the name, size and location of all replacement
20 trees shall be shown on the required landscape plan and such
21 trees shall be installed prior to the final building
22 inspection. Otherwise, the name, size and location of the
23 required replacement trees shall be shown on the site plan
24 required for site clearing or tree removal and such trees shall
25 be installed within the time limit stated on the site clearing
26 or tree removal permit.

27 (~~7~~18) Existing nonprotected trees, transplanted trees and new
28 trees used for replacement become protected trees.

29 (~~8~~19) Replacement trees shall be maintained pursuant to the
30 requirements of Section 656.1212.

1 (~~9~~20) Replacement trees may be used to satisfy the tree
2 requirements of Subpart C, landscaping requirements.

3 (~~21~~0) A tree used for replacement shall be at least ten feet from
4 any other tree planted, transplanted or preserved. Greater
5 spacing may be required, based on a tree survey, to ensure
6 survivorship of a tree.

7 (~~11~~22) Replacement trees shall be suitable to the site at which
8 they are planted as determined by the Chief.

9 (~~12~~31) Replacement trees for protected trees larger than 11.5
10 inches DBH shall be shade trees as required by Article 25 of
11 the Charter of the City of Jacksonville, *Minimum Standards for*
12 *Tree Protection, Conservation and Mitigation During*
13 *Development.*

14 (~~13~~24) Trees planted within an area of an onsite wetland created
15 for mitigation of wetlands removed or relocated on the same
16 site may be used satisfy the requirements of this Subpart.

17

(h) Tree Fund Contribution.

18 ~~(14)~~(1) If the applicant demonstrates to the satisfaction of
19 the Chief that the site cannot accommodate the total number
20 of required replacement trees as a result of insufficient
21 planting area, the applicant shall provide a monetary
22 contribution to the Tree Protection and Related Expenses Trust
23 Fund. The amount of such contribution shall be determined as
24 follows:

25 (i) For every two caliper inches, or fraction thereof, of
26 woody replacement trees which would otherwise be required, the
27 contribution shall be equal to the retail value of a planted
28 two-inch caliper nursery grown shade tree.

29 (ii) The retail value shall be calculated by taking the
30 average of the median current wholesale price, published by

1 North Florida nurseries, for a container grown, and a balled
2 and burlapped two-inch caliper live oak, multiplied by two.

3 (iii) The retail value shall be recalculated and adjusted
4 annually on October first.

5 (iv) Calculation of payment for removal of a protected palm
6 is as follows: every 1 foot, or fraction thereof, of protected
7 palm removed is equivalent to 1-inch in caliper. For example,
8 if 12 feet of palm is removed, the mitigation cost would be
9 12 times the value of the two-inch caliper nursery grown shade
10 tree.

11 ~~(15)~~ (i) As an alternative to providing a monetary contribution to
12 the Tree Protection and Related Expenses Trust Fund, an applicant
13 may, under the conditions set forth in this subsection, provide
14 mitigation in certain off-site locations. In such cases, the
15 applicant shall install the required replacement trees at another
16 location (the "alternative site") which is not a residential lot
17 and which meets all of the following criteria:

18 * * *

19 ~~(16)~~ (j) As a further alternative to providing a monetary
20 contribution to the Tree Protection and Related Expenses Trust
21 Fund, an applicant may, in limited circumstances and under the
22 conditions set forth in this subsection, provide mitigation of the
23 required mitigation amount through conveyance of certain lands to
24 the City of Jacksonville. A conveyance of land in lieu of a monetary
25 contribution to the Tree Protection and Related Expenses Trust
26 Fund, must meet all of the following criteria:

27 * * *

28 **Section XX. Amending Sec. 656.1208 (Enforcement; violations**
29 **and penalties; stopping work, correction of violation.) Subpart B**
30 **(Tree Protection), Part 12 (Landscape and Tree Protection**
31 **Regulations), Chapter 656 (Zoning Code), Ordinance Code. Section**

1 **656.1208, Ordinance Code, is hereby amended to read as follows:**

2 **CHAPTER 656 - ZONING CODE**

3 * * *

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

5 * * *

6 **SUBPART B. - TREE PROTECTION**

7 * * *

8 **Sec. 656.1208. Enforcement; violations and penalties; stopping work,**
9 **correction of violation.**

10 * * *

11 (c) *Correction of violation.* A violation of this Subpart shall be
12 corrected as follows:

- 13 (1) When there is work done without a permit, the property
14 owner shall pay the permit fee due the City for the work,
15 which permit fee shall be twice the amount of the regular
16 permit fee specified in Section **320.409 (a) (15)** which would
17 have been due had the permit been obtained prior to
18 commencing work, and by replacing the protected trees
19 removed without a permit with new planted trees,
20 unprotected trees or transplanted trees. The total caliper
21 inches of the replacement woody trees shall equal twice
22 the amount of total caliper inches that would have been
23 required to be planted, pursuant to Section 656.1206(h).
24 The total CT or overall height of replacement palms shall
25 also be equal to twice the amount of CT or overall height
26 of palm that would have been required to be planted. The
27 property owner shall also submit a tree replanting plan
28 showing how the damage caused to the site by the violation
29 will be mitigated shall be subject to the review and
30 approval of the Chief and the trees installed within the
31 time limit stated on the permit. Replacement trees shall

1 meet the requirements of Section 656.1206, except that the
2 minimum caliper of all replacement trees shall be four
3 inches, the minimum size of palms shall be 8 feet CT or 16
4 feet overall height, and the plan shall meet the
5 requirements of Section 656.1217, to the extent applicable;
6 or

7 (2) When there is no permit, the violator shall pay the permit
8 fee due the City for the work, which permit fee shall be
9 twice the amount of the regular permit fee specified in
10 Section 320.408(a)(15), which would have been due had the
11 permit been obtained prior to commencing work, and by
12 making a contribution to the Tree Protection and Related
13 Expenses Trust Fund to compensate for each replacement tree
14 which is not planted. The amount of such contribution shall
15 be twice the required amount, pursuant to the formula
16 described in Section 656.1206(h) ~~(14)~~. For each subsequent
17 violation by the property owner, the amount of such
18 contribution shall be triple the required amount, pursuant
19 to the formula described in Section 656.1206(h) ~~(14)~~.

20 (3) When there has been a permit issued for the proposed work,
21 any property owner who removes more caliper inches of woody
22 tree, or more CT or overall height in feet of palm than
23 the number of caliper inches or CT or overall height, as
24 the case may be, approved in their permit as identified in
25 the final landscape inspection is required to pay triple
26 the required amount for those caliper inches or CT height
27 or overall height in feet that were not permitted pursuant
28 to the formula described in Section 656.1206(h) ~~(14)~~.

29 (4) If the site has been cleared and the trees have been removed
30 from the site so that the Chief is unable to determine with
31 reasonable certainty the number of protected trees removed

1 in violation of this Subpart, the violation shall be
2 corrected by making a contribution to the Tree Protection
3 and Related Expenses Trust Fund equal to \$50,000 per acre,
4 or fraction thereof per each acre, of land cleared, which
5 fine shall be assessed by the Chief. In the event the Chief
6 assesses such a fine, the Chief shall provide the following
7 information in the Notice of Violation, pursuant to
8 subsection (a), to the property owner: the amount of acres
9 presumed to be impacted by the site clearing without a
10 permit, the total fine assessed, and any other information
11 or documents the Chief relied upon to calculate the fine
12 ("preliminary assessment of fine"). The property owner
13 shall have the ability to appeal the preliminary assessment
14 of fine as follows:

- 15 (i) The property owner has the burden of proving the
16 preliminary assessment of fine should be reduced. The
17 property owner shall have 30 days from the receipt of
18 the Notice of Violation to dispute the assessment. The
19 notice of dispute shall be in writing and sent to the
20 Chief via electronic mail and by either hand delivery
21 or certified mail, and contain the following
22 information (if applicable): evidence of the species
23 of trees removed, the total woody caliper inches, or
24 CT or overall height in feet of palm removed, the
25 application of any exception or exemption to the trees
26 removed as provided for in this Part, and any other
27 relevant information used to dispute the preliminary
28 assessment of fine. All evidence relied upon to
29 support the dispute, including expert analysis and
30 geographical data, shall also be provided in the
31 notice of dispute.

* * *

Section 3. Amending Sec. 656.1211 (Florida-Friendly Landscape and Irrigation design standards.)

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART C. - LANDSCAPING REQUIREMENTS

* * *

Sec. 656.1211. Florida-Friendly Landscape and Irrigation design standards.

* * *

- (c) Trees, excluding palm trees, which are larger than the minimum size may be credited as indicated in Table 1. A minimum of 50 percent of all required trees shall be shade trees.
- (d) Trees required for vehicular use area landscaping may be used to fulfill the tree requirements of this Section.
- (e) Standards for landscape materials.

* * *

- (3) *General criteria for trees:* Trees shall be a species having an average mature crown spread of no less than 15 feet in northeast Florida. Trees having a mature crown spread of less than 15 feet, if grouped to create an equivalent 15 foot spread, may be substituted for the required tree. Single-trunk trees shall be a minimum of two inch caliper and a minimum of ten feet overall height. Multi-trunk trees shall be a minimum of three trunks eight feet high. Trees shall be planted in no less than 16 square feet of

1 planting area, with a minimum dimension of four feet
2 on any side. Trees shall not be planted closer than
3 two feet from any pavement edge or right-of-way line,
4 as measured from center of trunk. Architectural
5 planters for trees shall be no less than four feet by
6 four feet in width and no less than 24 inches deep.
7 Credits for the use of trees larger than the minimum
8 size will be calculated as indicated in Table 1.
9 Fractional measurements shall be attributed to the
10 next lowest category.

11 (i) *Shade trees*: Shade trees shall be a species having an
12 average mature crown spread of no less than 30 feet;
13 provided, trees having an average mature crown spread
14 of less than 30 feet may be grouped so as to create
15 a total average mature crown spread of no less than
16 30 feet and used in lieu of a shade tree. Shade trees
17 at the time of planting shall be a minimum of two
18 inch caliper and ten feet high. Shade trees shall be
19 planted in no less than 150 square feet of planting
20 area, with a minimum dimension on any side of eight
21 feet. Shade trees shall not be planted closer than
22 four feet from any pavement edge or right-of-way line,
23 as measured from center of trunk. Those species of
24 trees whose roots are known to cause damage to
25 pavement shall not be planted closer than six feet to
26 such pavement.

27 (ii) **Palm trees**: Palms shall be a minimum clear trunk
28 height of eight feet, measured from the ground level
29 to the base of the palm fronds, or as an overall
30 height as measured from the ground level or top of
31 the root ball to highest point in the canopy of a

1 palm of the natural position of the last fully emerged
2 (all leaflets are fully expanded) leaf. Palms may be
3 substituted for the required trees at the ratio of
4 two palms for each required tree or four palms for
5 each required shade tree, except as provided below
6 for Phoenix Palm. Each palm shall be planted in no
7 less than 16 square feet of planting area, with a
8 minimum dimension of four feet. Phoenix Palm may be
9 used as a non-shade tree without meeting the ratios
10 for other types of palms if the palm has a fifteen
11 foot spread at maturity and a minimum clear trunk
12 height of eight feet.

13
14
15 **Sec. 656.1213. Credit for existing trees and understory.**

16 Whenever the provisions of this Subpart require trees and other
17 landscaping, such requirement may be satisfied by the preservation
18 of existing trees and understory, located in uplands or upland buffer
19 areas, as specified herein, provided all other requirements are met.
20 Trees planted in wetlands and wetland creation areas may also be
21 credited toward mitigation pursuant to Section 656.1206(h) (13).

22 (a) Existing trees, except palm trees, may be used to satisfy any
23 requirement for trees pursuant to Table 1.
24

* * *

Table 1.
Tree and Understory Vegetation Credits-
Landscape Regulations

Table 1 identifies credits for landscaping under Subpart C only. Table 1 does not identify credits for mitigation required by Subpart B.

Tree Credits for <u>Required Trees</u> by using Existing Trees		Tree Credits for <u>Required Trees</u> by using New Trees	
Trunk DBH	No. of Trees Credited	Single Trunk Trunk Caliper	No. of Trees Credited
2 inch and above	1	2 inch and above	1
4 inch and above	2	4 inch and above	2
6 inch and above	3	6 inch and above	3
12 inch and above	4		
18 inch and above	4		

Tree Credits for Existing Trees		Tree Credits for New Trees	
Trunk DBH	No. of Trees Credited	Multi-Trunk Tree Height	No. of Trees Credited
24 inch and above	6	8 feet	1
30 inch and above	7	12 feet	2

Understory Vegetation Credits

Area of Preserved Existing Understory	Landscape Area Credited
1 square foot	1½ square feet

Section XX. Directive to the Codifiers. In Section 656.1203, place both existing and new definitions in alphabetized order.

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

Form Approved:

1

2

3 Office of General Counsel

4 Legislation prepared by: Susan C. Grandin

1
2 Introduced by Council Member Salem:

3 Highlighted language is policy decision.
4

5 **ORDINANCE 2022-**

6 AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE,
7 PART 12 (LANDSCAPE AND TREE PROTECTION
8 REGULATIONS), SUBPART A (GENERAL PROVISIONS),
9 SECTION 1203 (DEFINITIONS), *ORDINANCE CODE*, TO
10 CLARIFY THE DEFINITION OF TREE TO INCLUDE PALM
11 TREES

12
13 MEASUREMENT OF PALM TREES AND ...

14
15 ; AMENDING CHAPTER 656 (ZONING CODE, PART 12
16 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
17 SUBPART B (TREE PROTECTION), SECTION 1206
18 (PERMIT PROCEDURE AND CRITERIA FOR TREE REMOVAL,
19 RELOCATION AND REPLACEMENT OF PROTECTED TREES),
20 *ORDINANCE CODE*, TO ...

21
22 ;AMENDING CHAPTER 656 (ZONING CODE, PART 12
23 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
24 SUBPART C (LANDSCAPING REQUIREMENTS), ????????

25
26 PROVIDING AN EFFECTIVE DATE.
27

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

29 **Section 1. Amending Section 656.1203 (Definitions),**
30 **Subpart A (General Provisions), Part 12 (Landscape and Tree Protection**
31 **Regulations), Chapter 656 (Zoning Code), Ordinance Code. Section**

656.1203, *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART A. - GENERAL PROVISIONS

* * *

Sec. 656.1203. - Definitions.

For purposes of this Part, in addition to the following terms or words, the definitions provided for in Part 16 shall apply. If the definitions contained in this Section at any time conflict with the definitions contained in Part 16, the more restrictive definition(s) shall apply. As used in this Part:

~~(a)~~ *Annual consumptive use* means the yearly amount of water applied to the landscape.

~~(b)~~ *Automatic controller* means a mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

~~(c)~~ *Bona-fide agricultural purposes* means the use of land for bona fide agricultural purposes as described in F.S. § 193.461, provided the land is classified for assessment purposes by the property appraiser as "agricultural", pursuant to F.S. Ch. 193.

~~(d)~~ *Buffer yard or strip* means a strip of land, identified on a site plan or by zoning ordinance requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

~~(e)~~ *Caliper* means the trunk diameter of ~~planted~~ nursery stock trees. Caliper shall be measured six inches above the ground for trees up to and including four inches in caliper, and

1 measured 12 inches above the ground for trees exceeding four
2 inches in caliper. ~~If the tree has a very enlarged irregular~~
3 ~~base, then the caliper measurement shall be taken up where the~~
4 ~~trunk has a more regular circumference, but in no case higher~~
5 ~~than four and one-half feet above the ground.~~ If the tree forks
6 between ground level and one foot above ground level, then the
7 tree shall be considered a multi-trunked tree. Caliper for
8 multi-trunked trees shall be determined by measuring each
9 trunk immediately above the fork and adding the total caliper
10 of the four largest trunks. (See also and compare definition
11 of DBH in ~~subsection (nn) of this Section.~~)

12 Clear Trunk ("CT") means the height of a palm tree measured
13 from the top of the root ball to a point where the lowest
14 untrimmed leaf's petiole diverges from the trunk (typically
15 this is the bottom of the first row of fronds).

16 ~~(f)~~ *Cultivated landscape area* means planted areas that are
17 frequently maintained by mowing, irrigating, pruning,
18 fertilizing, etc.

19 ~~(g)~~ *Development* means any proposed material change in the use or
20 character of the land, including, but not limited to, land
21 clearing associated with new construction, the placement of
22 any structure or site improvement on the land, or expansion of
23 existing buildings.

24 ~~(h)~~ *Drip line* means a vertical line extending from the outermost
25 branches of a tree to the ground.

26 ~~(i)~~ *Ecosystem* means a characteristic assemblage of plant and
27 animal life with a specific physical environment, and all
28 interactions among species and between species and their
29 environment.

30 ~~(j)~~ *Emitter devices* means devices which are used to control the
31 applications of irrigation water. This term is primarily used

1 to refer to the low flow rate devices used in microirrigation
2 systems.

3 ~~(k)~~ *Ground cover* means a low-growing herbaceous or woody plant
4 other than turf, not over two feet high, used to cover the
5 ground.

6 ~~(l)~~ *Hedge* means a landscape barrier consisting of a continuous,
7 dense planting of shrubs.

8 ~~(m)~~ *Infiltration rate* means the rate of water entry into the soil
9 expressed as a depth of water per unit of time (inches per
10 hour).

11 ~~(n)~~ *Irrigation system* means a permanent, artificial watering
12 system designed to transport and distribute water to plants.

13 ~~(o)~~ *Landscaped area* means the entire parcel less the building
14 footprint, driveway, nonirrigated portions of parking lots,
15 hardscapes such as decks and patios, and other nonporous areas.
16 Water features are included in the calculation of the
17 landscaped area.

18 ~~(p)~~ *Landscaping* means any combination of living plants (such as
19 grass, groundcover, shrubs, vines, hedges, or trees) and
20 nonliving landscape material (such as rocks, pebbles, sand,
21 mulch, walls or fences).

22 ~~(q)~~ *Microirrigation (low volume)* means the frequent application of
23 small quantities of water directly on or below the soil
24 surface, usually as discrete drops, tiny streams, or miniature
25 sprays through emitters placed along the water delivery pipes
26 (laterals). Microirrigation encompasses a number of methods or
27 concepts including drip, subsurface bubbler, and spray
28 irrigation.

29 ~~(r)~~ *Mulch* means nonliving organic materials customarily used in
30 landscape design to retard erosion and retain moisture.

31 ~~(s)~~ *Native vegetation*. See *Vegetation, native*.

1 ~~(t)~~ *Naturally occurring existing plant communities.* See
2 Vegetation, native.

3 ~~(u)~~ *Open space* means all areas of natural plant communities or
4 areas replanted with vegetation after construction, such as
5 revegetated natural areas; tree, shrub, hedge or ground cover
6 planting areas; and lawns, and all other areas required to be
7 provided as natural ground and landscaping pursuant to the
8 Zoning Code.

9 ~~(v)~~ *Perimeter landscape* means a continuous area of land which is
10 required to be set aside along the perimeter of a lot in which
11 landscaping is used to provide a transition between and to
12 reduce the environmental, aesthetic and other impacts of one
13 type of land use upon another.

14 ~~(w)~~ *Pervious paving materials* means a porous asphaltic or concrete
15 surface and a high-void aggregate base which allows for rapid
16 infiltration and temporary storage of rain on, or runoff
17 delivered to, paved surfaces.

18 ~~(x)~~ *Plant community* means a natural association of plants that are
19 dominated by one or more prominent species, or a characteristic
20 physical attribute.

21 ~~(y)~~ *Preserve areas* means vegetative areas required to be preserved
22 under the jurisdiction of the Florida Department of
23 Environmental Regulation, St. Johns River Water Management
24 District and/or the United States Army Corps of Engineers or
25 other regulatory agencies.

26 ~~(z) Reserved.~~

27 ~~(aa)~~ *Runoff water* means water from rainfall and irrigation systems
28 which is not absorbed by the soil or landscape to which it is
29 applied and flows from the area, often contaminated with
30 pesticides, fertilizers, and other pollutants.

1 ~~(b)~~ Protected tree includes both woody species which are measured
2 by DBH; and palm species which are measured by CT. .all of the
3 following:

4 ~~(1) Private protected tree means any tree with a DBH of six~~
5 ~~inches or more located on any lot within 20 feet of a street~~
6 ~~right-of-way (including an approved private street or other~~
7 ~~access easement) or a tree with a DBH of eight inches or~~
8 ~~more located within ten feet of any other property line, or~~
9 ~~a tree with a DBH of 11.5 inches or more located elsewhere~~
10 ~~on the lot.~~

11 (1) Protected trees on a lot. Within different areas of a lot,
12 either publicly or privately owned, different sized trees
13 are protected, as follows:

14 (i) Within 20 feet of a street right-of-way (including an
15 approved private street or other access easement): a
16 woody tree with a DBH of six (6) inches or more; or any
17 palm with a CT of 8 feet or more;

18 (ii) Within ten (10) feet of any other property line: a
19 woody tree with a DBH of eight (8) inches or more; or
20 any palm with a CT of 8 feet or more; and

21 (iii) Elsewhere on the lot (the interior): a woody tree
22 with a DBH of 11.5 inches or more, or Sabal palms with
23 a CT of 8 feet or more.

24 ~~(2) Public protected tree means any tree located on lands owned~~
25 ~~by the City, or other governmental agencies or authorities,~~
26 ~~or any land upon which easements are imposed for the~~
27 ~~benefit of the City, or other governmental agencies or~~
28 ~~authorities, or upon which other ownership control may be~~
29 ~~exercised by the City, or other governmental agencies or~~
30 ~~authorities, including rights-of-way, parks, public areas~~
31 ~~and easements for drainage, sewer, water and other public~~

1 ~~utilities, with:~~

2 ~~(i) A DBH of six inches or more located within a City or~~
3 ~~other governmental right-of-way, or~~

4 ~~(ii) A DBH of six inches or more and located on any lot~~
5 ~~within 20 feet of a street right-of-way, or~~

6 ~~(iii) A DBH of eight inches or more located on any lot~~
7 ~~within ten feet of any other property line, or~~

8 ~~(iv) A DBH of 11.5 inches or more located elsewhere on the~~
9 ~~lot.~~

10 (2) Protected trees within rights-of-way and easements. Trees

11 located on lands owned by the City, or other governmental
12 agencies or authorities, or any land upon which easements
13 are imposed for the benefit of the City, or other
14 governmental agencies or authorities, or upon which other
15 ownership control may be exerted by the City, or other
16 governmental agencies or authorities, including rights-of-
17 way and easements for sewer, water and other public
18 utilities, are protected if they are the following size:

19 (i) Woody trees with a DBH of 6 inches or more; and

20 (ii) Palm trees with a CT of 8 feet or more.

21 (3) *Exceptional specimen tree* means any hardwood tree with a
22 DBH of 24 inches or greater; or any palm with a CT of
23 greater than 24 feet.

24 ~~(ee)~~ *Scenic and historic corridors* means any street right-of-way,
25 including approved private streets, which is so designated by
26 the Council, pursuant to the procedures hereinafter
27 established and adopted by Council, as a result of its special
28 historic, architectural, archaeological, aesthetic or cultural
29 interest and value to the citizens of Jacksonville. The Chief
30 shall maintain a list which specifies the location and
31 boundaries of all corridors so designated.

1 ~~(dd)~~ *Shrub* means a self-supporting woody perennial plant
2 characterized by multiple stems and branches continuous from
3 the base naturally growing to a mature height between two and
4 12 feet.

5 ~~(ee)~~ *Site specific plant* means a selection of plant material that
6 is particularly well suited to withstand the physical growing
7 conditions that are normal for a specific location.

8 ~~(ff)~~ *Soil texture* means the classification of soil based on the
9 percentage of sand, silt, and clay in the soil.

10 ~~(gg)~~ *Tree* means:

11 (1) a self-supporting woody plant having a single trunk or a
12 multi-trunk of lower branches, growing to a mature height
13 of at least 12 feet in northeast Florida; and-

14 (2)

15 ~~(hh)~~ *Tree palm* means an evergreen plant of the Palmaceae family
16 cold hardy in northeast Florida having a single trunk, or
17 multiple trunks, and terminal crown of large pinnate or fan-
18 shaped leaves.

19 ~~(ii)~~ *Turfgrass* means continuous plant coverage consisting of grass
20 species suited to growth in the City of Jacksonville.

21 ~~(jj)~~ *Understory* means assemblages of natural low-level woody,
22 herbaceous, and ground cover species which exist in the area
23 below the canopy of the trees.

24 ~~(kk)~~ *Vegetation, native* means any plant species with a geographic
25 distribution indigenous to all or part of the State of Florida.

26 ~~(ll)~~ *Water use zone* means a grouping of sprays, sprinklers, or
27 microirrigation emitters so that they can be operated
28 simultaneously by the control of one valve according to the
29 water requirements of the plants used.

30 ~~(mm)~~ *Florida-Friendly* means a type of landscaping that maximizes
31 the conservation of water by the use of site-appropriate plants

1 - right plant in the right place methodology, efficient
2 watering systems, appropriate fertilization, mulching,
3 attraction of wildlife, responsible management of pests,
4 recycling of yard waste, reduction of stormwater runoff ,and
5 waterfront protection. The principles include planning and
6 design, appropriate choice of plants, soil analysis, the use
7 of solid waste compost, practical use of turf, efficient
8 irrigation, appropriate use of mulches, and proper
9 maintenance.

10 ~~(nn)~~ *Diameter Breast Height ("DBH")* means the trunk diameter of an
11 existing tree measured four and one-half feet above the average
12 ground level at the tree base. If the tree forks between four
13 and one-half and two feet above ground level, DBH is measured
14 below the swell resulting from the fork. Trunks that fork below
15 two feet, shall be considered multi-trunk trees. DBH for multi-
16 trunk trees shall be determined by measuring each trunk
17 immediately above the fork and adding the total diameters of
18 the four largest trunks. ~~(See also and compare definition for~~
19 ~~caliper in subsection (c) of this Section.)~~

20 ~~(oo)~~ *Chief* means the Chief as designated by the Director of the
21 Planning and Development Department.

22 ~~(pp)~~ *Shade tree* means a species having a height at maturity of at
23 least 45 feet and an average mature crown spread of no less
24 than 30 feet, or trees having an average mature crown spread
25 of less than 30 feet grouped so as to create a total average
26 mature crown spread of no less than 30 feet.

27 ~~(qq)~~ *Sensor Device* means

28 (1) *Rain sensor device* - a low voltage electrical or mechanical
29 component placed in the circuitry of an automatic turfgrass
30 irrigation system which is designed to turn off a sprinkler
31 controller when precipitation has reached a pre-set

1 quantity.

2 (2) *Soil Moisture sensor device* - a low voltage electrical or
3 mechanical component placed in the landscape of an
4 automatic turfgrass irrigation system which is designed to
5 suspend a sprinkler controller from operation when adequate
6 soil moisture is present.

7 (3) *Weather sensor device* -a low voltage electrical or
8 mechanical component placed in the circuitry, either
9 directly or remotely, of an automatic turfgrass irrigation
10 system which is designed to estimate plant water need and
11 adjust a compatible sprinkler controller to apply the
12 appropriate amount of supplemental irrigation.

13 ~~(rr)~~ *Best Management Practices (BMP)* means turf and landscape
14 practices or a combination of practices, based on research,
15 field testing, and expert review, determined to be most
16 effective and practicable on-location means, including
17 economic and technological considerations, for improving water
18 quality, conserving water supplies and protecting natural
19 resources.

20 ~~(ss)~~ *Pressure Regulating Device* means a device that maintains a
21 constant flow and pressure for increased efficiency of
22 irrigation systems. This device shall have a pressure
23 regulating device built into the stem of head or provided in
24 conjunction with the valve. If pressure regulation is derived
25 through the head, it shall be identifiable from the top of the
26 head.

27 ~~(tt)~~ *Hardscape* means areas such as patios, decks, driveways, in-
28 ground swimming pools, paths and sidewalks that do not require
29 irrigation.

30 ~~(uu)~~ *As-Constructed (As-Built) Sketch* means a legible drawing
31 indicating the date of the irrigation system installation, the

1 number of zones, locations of zones, backflow prevention
2 devices, valves, emitter types and locations, controller(s),
3 pressure regulating devices and sensor device(s). The drawing
4 shall represent the irrigation system as it exists at the time
5 of irrigation system completion and shall be prepared by or at
6 the direction of the person installing the system.

7 ~~(vv)~~ *Irrigation Zone* means a grouping of rotors or sprinkler heads
8 or pop-up sprays or micro irrigation emitters or other
9 irrigation system equipment operated simultaneously by the
10 control of one valve.

11 ~~(ww)~~ *Low Maintenance Zone* means an area a minimum of six feet wide
12 adjacent to water courses which is planted and managed in order
13 to minimize the need for fertilization, watering and mowing.
14 See Chapter 366 Part 6 (Fertilizer Application), Ordinance
15 Code.

16 ~~(xx)~~ *Efficient Irrigation System* means irrigation system design,
17 installation, and maintenance that incorporate water efficient
18 strategies and components, including, but not limited to,
19 pressure regulation devices, sensor devices, correct head
20 spacing, minimum areas of zones of matched precipitation rates
21 and BMP.

22 ~~(yy)~~ *Water Wise Principles* means appropriate planning and design,
23 proper choice of plants, soil analysis that may include the
24 use of solid waste compost, efficient irrigation, practical
25 use of turf, appropriate use of mulches, and proper maintenance
26 consistent with Florida Statutes.

27 **Section 2. Amending Section 656.1205 (Removal of protected**
28 **trees prohibited; exceptions.), Subpart B (Tree Protection), Part 12**
29 **(Landscape and Tree Protection Regulations), Chapter 656 (Zoning**
30 **Code), Ordinance Code.** Section 656.1205, *Ordinance Code*, is hereby
31 amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART B. - TREE PROTECTION

* * *

Sec. 656.1205 (Removal of protected trees prohibited; ~~exceptions~~
exemptions.)

(a) No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, remove, damage or destroy, or shall authorize the cutting down, removal, damage, or destruction of any protected tree, as defined in Section 656.1203-~~(b)~~ hereof, or shall commit any act or authorize the commission of any act which physically removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals or paving, changing the natural grade above the root system and tree damage permitting infection or pest infestation, without first having obtained a permit as herein provided.

(b) The following protected trees are exempted from the provisions of subsection (a). Where an exemption is claimed, an applicant must obtain a permit pursuant to Section 656.1206 for a fee as found in www.coj.net/fees , and provide supporting evidence that the applicant is entitled to the exemption, as requested by the Building Inspection Development Services Division:

(1) Any tree located on an individual lot on which either a single-family dwelling or a mobile home is located, provided:

1 A. The lot is not capable of further subdivision under
2 applicable law; and

3 B. The single-family dwelling or mobile home is:

4 (i) Occupied and used for residential purposes, or

5 (ii) Capable of occupancy in compliance with applicable
6 law.

7 (2) Any tree of the ~~palm family, other than the Cabbage Palm~~
8 ~~(*Sabal palmetto*), or the pine family, other than the Long~~
9 ~~Leaf Pine (*Pinus palustris*)~~ located on that portion of a
10 lot which is more than 20 feet from a street right-of-way
11 (including an approved private street or other access
12 easement), or more than ten feet from any other property
13 line.

14 * * *

15 (5) Any tree in a land area located within a City drainage
16 easement, a City drainage right-of-way, and/or a City
17 access way right-of-way (excluding road rights-of-way,
18 or road easements requiring drainage) where trees must
19 be removed, as reasonably necessary, to provide access
20 to, or maintenance and/or construction of, the City's
21 drainage ditches and drainage-related facilities.

22 (6) Any tree located within an existing or proposed street
23 right-of-way and/or easement shown on a set of approved
24 final construction plans for required improvements within
25 an approved single-family or mobile home subdivision which
26 has been platted or is in the process of being platted and
27 has received preliminary sketch plan approval pursuant to
28 Chapter 654, Ordinance Code (Code of Subdivision
29 Regulations), may be removed during construction of such
30 improvements.

(7) Any tree other than an exceptional specimen tree, as defined in Section 656.1203~~(bb)~~(3), located on property that has been subdivided for residential development by a plat of record or that is in the process of being platted and as received preliminary sketch plan approval pursuant to Section 654.108, Ordinance Code. Property with trees that are exempt under this subsection (8) must comply with the buffer requirements for residential subdivisions of Section 656.1222.

(8) The ~~following~~ nuisance and invasive species of trees as listed by the University of Florida IFAS Extension Service as "Invasive Landscape Plants and Trees," as may be amended from time to time. ~~Pond Willow (Salix caroliniana), Chinese Tallow (Sapium sebiferum), Paper Mulberry (Broussonetia papyrifera), Chinaberry (Melia azedarach), Camphor (Cinnamomum camphora), Wax Myrtle (Myrica cerifera), Golden Raintree (Koelreuteria bipinnata) and Cherry Laurel (Prunus caroliniana).~~

* * *

Section 3. Amending Section 656.1206 (Permit procedure and criteria for tree removal, relocation and replacement of protected trees.), Subpart B (Tree Protection), Part 12 (Landscape and Tree Protection Regulations), Chapter 656 (Zoning Code), Ordinance Code. Section 656.1203, *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART B. - TREE PROTECTION

* * *

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

3 * * *

4 (g) Protected trees identified for removal on the site clearing or
5 tree removal permit application shall be replaced with new planted
6 trees, unprotected trees or transplanted trees.

7 (1) Protected live oaks (~~quercus virginiana~~) (*Quercus virginiana*)
8 removed shall be replaced only with live oaks. The total
9 caliper inches of replacement live oaks shall equal the total
10 ~~caliper~~ DBH inches of protected live oaks removed.

11 (2) For ~~for~~ other removed woody protected trees, the total caliper
12 inches of replacement trees shall equal one-third the total
13 ~~caliper~~ DBH inches removed.

14 (3) For protected palms with a CT height between 8 feet and 24
15 feet, the total CT height of replacement palms shall be one-
16 third of the total CT feet removed.

17 (4) For palms with a CT height greater than 24 feet, the total CT
18 height of replacement palms shall equal the amount of palm
19 feet removed. ~~A waiver of this replacement requirement may~~
20 ~~be approved by the Chief if the tree removal was for the~~
21 ~~purpose of removing dead, diseased, dying or trees of similar~~
22 ~~condition or for trees whose roots are causing severe damage,~~
23 ~~as determined in the sole discretion of the Chief, to an~~
24 ~~adjacent structure.~~

25 (5) No waiver shall be allowed for the removal of any tree whose
26 continued existence was necessary for compliance with the
27 City's Landscape Code, for receiving credit for conservation
28 mitigation, or for any tree which was planted as part of a
29 mitigation requirement.

30 (6) The total caliper inches (or in the case of palms, CT in feet)
31 for replacement of exceptional specimen trees shall equal the

1 total caliper inches (or feet) of exceptional specimen trees
2 removed pursuant to Section 656.1205(d).

3 (7) When there are more than an average of two exceptional specimen
4 trees per acre removed on a particular site, the required
5 mitigation shall be increased by twice the minimum caliper of
6 all exceptional specimen trees lost in order to compensate for
7 that loss.

8 (8) If multi-trunked trees are used as replacement trees, then the
9 total caliper of the four largest trunks shall equal the
10 replacement caliper.

11 (9) Palms used for mitigation may not exceed the amount of CT feet
12 of may be used only to replace protected palms removed.

13 (10) Replacement species used shall be approved by the Chief.
14 ~~Additionally, the following provisions shall apply:~~

15 (11) No replacement will be required for protected trees which
16 are determined by the Chief to be dead or deteriorated as a
17 result of age, insects, disease, storm, fire, lightning or
18 other acts of nature, or for trees whose roots are causing
19 severe damage, as determined in the sole discretion of the
20 Chief, to an adjacent structure.

21 (12) Trees that require trimming or other simple forms of
22 abatement to remain viable shall not be exempt pursuant to
23 this subsection.

24 (13) An exemption pursuant to this subsection requires the
25 following:

26 (i) Sufficient documentation supporting the exemption in a
27 form approved by the Chief; and

28 (ii) Verification of the dead or deteriorated status of the
29 tree by a Certified Arborist; and

30 (iii) Evaluation of the tree based upon the current site
31 conditions and viability of the tree, not considering

1 potential impacts of construction.

2 (~~2~~14) New replacement trees shall meet the minimum standards for
3 landscape materials established by Section 656.1211(e).

4 (~~3~~15) Existing trees, two-inch caliper or greater, which are not
5 protected trees but which are preserved or transplanted,
6 except those trees located in preserve areas, may be utilized
7 to satisfy tree replacement requirements, subject to the
8 conditions stated in Sections 656.1207 and 656.1213(b) and
9 (d).

10 (~~4~~16) New, preserved nonprotected, or transplanted exceptional
11 specimen trees or live oaks used as replacement for removed
12 exceptional specimen trees or protected live oaks shall be
13 four-inch caliper or greater.

14 (~~5~~17) Existing protected trees which would otherwise be removed
15 from the site because of development, may be utilized to
16 satisfy tree replacement requirements if transplanted to a
17 location on the site which meets the requirements of Sections
18 656.1207 and 656.1213(b) and (d).

19 (~~6~~18) If protected tree removal is associated with new
20 development, the name, size and location of all replacement
21 trees shall be shown on the required landscape plan and such
22 trees shall be installed prior to the final building
23 inspection. Otherwise, the name, size and location of the
24 required replacement trees shall be shown on the site plan
25 required for site clearing or tree removal and such trees shall
26 be installed within the time limit stated on the site clearing
27 or tree removal permit.

28 (~~7~~19) Existing nonprotected trees, transplanted trees and new
29 trees used for replacement become protected trees.

30 (~~8~~20) Replacement trees shall be maintained pursuant to the
31 requirements of Section 656.1212.

1 ~~(9)~~21) Replacement trees may be used to satisfy the tree
2 requirements of Subpart C, landscaping requirements.

3 ~~(22)~~0) A tree used for replacement shall be at least ten feet from
4 any other tree planted, transplanted or preserved. Greater
5 spacing may be required, based on a tree survey, to ensure
6 survivorship of a tree.

7 ~~(11)~~23) Replacement trees shall be suitable to the site at which
8 they are planted as determined by the Chief.

9 ~~(12)~~24) Replacement trees for protected trees larger than 11.5
10 inches DBH shall be shade trees as required by Article 25 of
11 the Charter of the City of Jacksonville, *Minimum Standards for*
12 *Tree Protection, Conservation and Mitigation During*
13 *Development.*

14 ~~(13)~~25) Trees planted within an area of an onsite wetland created
15 for mitigation of wetlands removed or relocated on the same
16 site may be used satisfy the requirements of this Subpart.

17

(h) Tree Fund Contribution.

18 ~~(14)~~(1) If the applicant demonstrates to the satisfaction of
19 the Chief that the site cannot accommodate the total number
20 of required replacement trees as a result of insufficient
21 planting area, the applicant shall provide a monetary
22 contribution to the Tree Protection and Related Expenses Trust
23 Fund. The amount of such contribution shall be determined as
24 follows:

25 (i) For every two caliper inches, or fraction thereof, of
26 woody replacement trees which would otherwise be required, the
27 contribution shall be equal to the retail value of a planted
28 two-inch caliper nursery grown shade tree.

29 (ii) The retail value shall be calculated by taking the
30 average of the median current wholesale price, published by

1 North Florida nurseries, for a container grown, and a balled
2 and burlapped two-inch caliper live oak, multiplied by two.

3 (iii) The retail value shall be recalculated and adjusted
4 annually on October first.

5 (iv) Calculation of payment for removal of a protected palm
6 is as follows: every 1 foot, or fraction thereof, of protected
7 palm removed is equivalent to 1-inch in caliper.

8 ~~(15)~~ (i) As an alternative to providing a monetary contribution to
9 the Tree Protection and Related Expenses Trust Fund, an applicant
10 may, under the conditions set forth in this subsection, provide
11 mitigation in certain off-site locations. In such cases, the
12 applicant shall install the required replacement trees at another
13 location (the "alternative site") which is not a residential lot
14 and which meets all of the following criteria:

15 * * *

16 ~~(16)~~ (j) As a further alternative to providing a monetary
17 contribution to the Tree Protection and Related Expenses Trust
18 Fund, an applicant may, in limited circumstances and under the
19 conditions set forth in this subsection, provide mitigation of the
20 required mitigation amount through conveyance of certain lands to
21 the City of Jacksonville. A conveyance of land in lieu of a monetary
22 contribution to the Tree Protection and Related Expenses Trust
23 Fund, must meet all of the following criteria:

24 * * *

25 **Section XX. Amending Sec. 656.1208 (Enforcement; violations**
26 **and penalties; stopping work, correction of violation.) Subpart B**
27 **(Tree Protection), Part 12 (Landscape and Tree Protection**
28 **Regulations), Chapter 656 (Zoning Code), Ordinance Code. Section**
29 **656.1208, Ordinance Code, is hereby amended to read as follows:**

30 **CHAPTER 656 - ZONING CODE**

31 * * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART B. - TREE PROTECTION

* * *

Sec. 656.1208. Enforcement; violations and penalties; stopping work, correction of violation.

* * *

(c) *Correction of violation.* A violation of this Subpart shall be corrected as follows:

- (1) When there is work done without a permit, the property owner shall pay the permit fee due the City for the work, which permit fee shall be twice the amount of the regular permit fee specified in Section 320.409(a)(15) which would have been due had the permit been obtained prior to commencing work, and by replacing the protected trees removed without a permit with new planted trees, unprotected trees or transplanted trees. The total caliper inches of the replacement woody trees shall equal to twice the amount of total caliper inches that would have been required to be planted, pursuant to Section 656.1206(h). The total CT height of replacement palms shall also be equal to twice the amount of CT height of palm that would have been required to be planted. The property owner shall also submit a tree replanting plan showing how the damage caused to the site by the violation will be mitigated shall be subject to the review and approval of the Chief and the trees installed within the time limit stated on the permit. Replacement trees shall meet the requirements of Section 656.1206, except that the minimum caliper of all replacement trees shall be four inches, the minimum size of palms shall be 8 feet CT height, and the plan shall meet

1 the requirements of Section 656.1217, to the extent
2 applicable; or

3 (2) When there is no permit, the violator shall pay the permit
4 fee due the City for the work, which permit fee shall be
5 twice the amount of the regular permit fee specified in
6 Section ~~320.408(a)(15)~~320.409(a)(15), which would have
7 been due had the permit been obtained prior to commencing
8 work, and by making a contribution to the Tree Protection
9 and Related Expenses Trust Fund to compensate for each
10 replacement tree which is not planted. The amount of such
11 contribution shall be twice the required amount, pursuant
12 to the formula described in Section 656.1206(h) ~~(14)~~. For
13 each subsequent violation by the property owner, the amount
14 of such contribution shall be triple the required amount,
15 pursuant to the formula described in Section
16 656.1206(h) ~~(14)~~.

17 (3) When there has been a permit issued for the proposed work,
18 any property owner who removes more caliper inches of woody
19 tree, or more CT height in feet of palm than the number of
20 caliper inches or CT or overall height, as the case may
21 be, approved in their permit as identified in the final
22 landscape inspection is required to pay triple the required
23 amount for those caliper inches or CT height or overall
24 height in feet that were not permitted pursuant to the
25 formula described in Section 656.1206(h) ~~(14)~~.

26 (4) If the site has been cleared and the trees have been removed
27 from the site so that the Chief is unable to determine with
28 reasonable certainty the number of protected trees removed
29 in violation of this Subpart, the violation shall be
30 corrected by making a contribution to the Tree Protection
31 and Related Expenses Trust Fund equal to \$50,000 per acre,

1 or fraction thereof per each acre, of land cleared, which
2 fine shall be assessed by the Chief. In the event the Chief
3 assesses such a fine, the Chief shall provide the following
4 information in the Notice of Violation, pursuant to
5 subsection (a), to the property owner: the amount of acres
6 presumed to be impacted by the site clearing without a
7 permit, the total fine assessed, and any other information
8 or documents the Chief relied upon to calculate the fine
9 ("preliminary assessment of fine"). The property owner
10 shall have the ability to appeal the preliminary assessment
11 of fine as follows:

12 (i) The property owner has the burden of proving the
13 preliminary assessment of fine should be reduced. The
14 property owner shall have 30 days from the receipt of
15 the Notice of Violation to dispute the assessment. The
16 notice of dispute shall be in writing and sent to the
17 Chief via electronic mail and by either hand delivery
18 or certified mail, and contain the following
19 information (if applicable): evidence of the species
20 of trees removed, the total woody caliper inches, or
21 CT or overall height in feet of palm removed, the
22 application of any exception or exemption to the trees
23 removed as provided for in this Part, and any other
24 relevant information used to dispute the preliminary
25 assessment of fine. All evidence relied upon to
26 support the dispute, including expert analysis and
27 geographical data, shall also be provided in the
28 notice of dispute.

29 * * *

30 **Section 3. Amending Sec. 656.1211 (Florida-Friendly**
31 **Landscape and Irrigation design standards.)**

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CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART C. - LANDSCAPING REQUIREMENTS

* * *

Sec. 656.1211. Florida-Friendly Landscape and Irrigation design standards.

* * *

- (c) Trees, **excluding palm trees**, which are larger than the minimum size may be credited as indicated in Table 1. **A minimum of 50 percent of all required trees shall be shade trees.**
- (d) Trees required for vehicular use area landscaping may be used to fulfill the tree requirements of this Section.
- (e) Standards for landscape materials.

* * *

(3) *General criteria for trees:* Trees shall be a species having an average mature crown spread of no less than 15 feet in northeast Florida. Trees having a mature crown spread of less than 15 feet, if grouped to create an equivalent 15 foot spread, may be substituted for the required tree. Single-trunk trees shall be a minimum of two inch caliper and a minimum of ten feet overall height. Multi-trunk trees shall be a minimum of three trunks eight feet high. Trees shall be planted in no less than 16 square feet of planting area, with a minimum dimension of four feet on any side. Trees shall not be planted closer than two feet from any pavement edge or right-of-way line,

1 as measured from center of trunk. Architectural
2 planters for trees shall be no less than four feet by
3 four feet in width and no less than 24 inches deep.
4 Credits for the use of trees larger than the minimum
5 size will be calculated as indicated in Table 1.
6 Fractional measurements shall be attributed to the
7 next lowest category.

8 (i) *Shade trees:* Shade trees shall be a species having an
9 average mature crown spread of no less than 30 feet;
10 provided, trees having an average mature crown spread
11 of less than 30 feet may be grouped so as to create
12 a total average mature crown spread of no less than
13 30 feet and used in lieu of a shade tree. Shade trees
14 at the time of planting shall be a minimum of two
15 inch caliper and ten feet high. Shade trees shall be
16 planted in no less than 150 square feet of planting
17 area, with a minimum dimension on any side of eight
18 feet. Shade trees shall not be planted closer than
19 four feet from any pavement edge or right-of-way line,
20 as measured from center of trunk. Those species of
21 trees whose roots are known to cause damage to
22 pavement shall not be planted closer than six feet to
23 such pavement.

24 (ii) *Palm trees:* Palms shall be a minimum ~~clear trunk~~ CT
25 height of eight feet, measured from the ground level
26 to the base of the palm fronds. Palms may be
27 substituted for the required trees at the ratio of
28 two palms for each required tree or four palms for
29 each required shade tree, except as provided below
30 for Phoenix Palm. Each palm shall be planted in no
31 less than 16 square feet of planting area, with a

1 minimum dimension of four feet. Phoenix Palm may be
2 used as a non-shade tree without meeting the ratios
3 for other types of palms if the palm has a fifteen
4 foot spread at maturity and a minimum ~~clear trunk~~ CT
5 height of eight feet.

6 * * *

7 **Sec. 656.1213. Credit for existing trees and understory.**

8 Whenever the provisions of this Subpart require trees and other
9 landscaping, such requirement may be satisfied by the preservation
10 of existing trees and understory, located in uplands or upland buffer
11 areas, as specified herein, provided all other requirements are met.
12 Trees planted in wetlands and wetland creation areas may also be
13 credited toward mitigation pursuant to Section ~~656.1206(h)(13)~~
14 656.1206(e)(13).

15 (a) Existing trees, **except palm trees**, may be used to satisfy any
16 requirement for trees pursuant to Table 1.
17

* * *

Table 1.
Tree and Understory Vegetation Credits-
Landscape Regulations

Table 1 identifies credits for landscaping under Subpart C only. Table 1 does not identify credits for mitigation required by Subpart B.

Tree Credits for <u>Required Trees</u> by using Existing Trees		Tree Credits for <u>Required Trees</u> by using New Trees	
Trunk DBH	No. of Trees Credited	Single Trunk Trunk Caliper	No. of Trees Credited
2 inch and above	1	2 inch and above	1
4 inch and above	2	4 inch and above	2
6 inch and above	3	6 inch and above	3
12 inch and above	4		
18 inch and above	4		

Tree Credits for Existing Trees		Tree Credits for New Trees	
Trunk DBH	No. of Trees Credited	Multi-Trunk Tree Height	No. of Trees Credited
24 inch and above	6	8 feet	1
30 inch and above	7	12 feet	2

* * *

Section XX. Directive to the Codifiers. In Section 656.1203, place both existing and new definitions in alphabetized order.

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

Form Approved:

Office of General Counsel

Legislation prepared by: Susan C. Grandin

1 Introduced by Council Member Salem:

2 **Highlighted language is policy decision.**

3
4 **ORDINANCE 2022-**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE,
6 PART 12 (LANDSCAPE AND TREE PROTECTION
7 REGULATIONS), SUBPART A (GENERAL PROVISIONS),
8 SECTION 1203 (DEFINITIONS), *ORDINANCE CODE*, TO
9 CLARIFY THE DEFINITION OF TREE TO INCLUDE PALM
10 TREES

11
12 MEASUREMENT OF PALM TREES AND ...

13
14 ; AMENDING CHAPTER 656 (ZONING CODE, PART 12
15 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
16 SUBPART B (TREE PROTECTION), SECTION 1206
17 (PERMIT PROCEDURE AND CRITERIA FOR TREE REMOVAL,
18 RELOCATION AND REPLACEMENT OF PROTECTED TREES),
19 *ORDINANCE CODE*, TO ...

20
21 ;AMENDING CHAPTER 656 (ZONING CODE, PART 12
22 (LANDSCAPE AND TREE PROTECTION REGULATIONS),
23 SUBPART C (LANDSCAPING REQUIREMENTS), ????????

24
25 PROVIDING AN EFFECTIVE DATE.

26
27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

28 **Section 1. Amending Section 656.1203 (Definitions),**
29 **Subpart A (General Provisions), Part 12 (Landscape and Tree Protection**
30 **Regulations), Chapter 656 (Zoning Code), Ordinance Code.** Section
31 656.1203, *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART A. - GENERAL PROVISIONS

* * *

Sec. 656.1203. - Definitions.

For purposes of this Part, in addition to the following terms or words, the definitions provided for in Part 16 shall apply. If the definitions contained in this Section at any time conflict with the definitions contained in Part 16, the more restrictive definition(s) shall apply. As used in this Part:

~~(a)~~ *Annual consumptive use* means the yearly amount of water applied to the landscape.

~~(b)~~ *Automatic controller* means a mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

~~(c)~~ *Bona-fide agricultural purposes* means the use of land for bona fide agricultural purposes as described in F.S. § 193.461, provided the land is classified for assessment purposes by the property appraiser as "agricultural", pursuant to F.S. Ch. 193.

~~(d)~~ *Buffer yard or strip* means a strip of land, identified on a site plan or by zoning ordinance requirement, established to protect one type of land use from another land use that may be incompatible. The area is landscaped, maintained and kept in open space.

~~(e)~~ *Caliper* means the trunk diameter of ~~planted~~ nursery stock trees. Caliper shall be measured six inches above the ground for trees up to and including four inches in caliper, and measured 12 inches above the ground for trees exceeding four

1 inches in caliper. ~~If the tree has a very enlarged irregular~~
2 ~~base, then the caliper measurement shall be taken up where the~~
3 ~~trunk has a more regular circumference, but in no case higher~~
4 ~~than four and one-half feet above the ground.~~ If the tree forks
5 between ground level and one foot above ground level, then the
6 tree shall be considered a multi-trunked tree. Caliper for
7 multi-trunked trees shall be determined by measuring each
8 trunk immediately above the fork and adding the total caliper
9 of the four largest trunks. (See also and compare definition
10 of DBH in ~~subsection (nn) of this Section.~~)

11 Clear Trunk ("CT") means the height of a palm tree measured
12 from the top of the root ball to a point where the lowest
13 untrimmed leaf's petiole diverges from the trunk (typically
14 this is the bottom of the first row of fronds).

15 ~~(f)~~ *Cultivated landscape area* means planted areas that are
16 frequently maintained by mowing, irrigating, pruning,
17 fertilizing, etc.

18 ~~(g)~~ *Development* means any proposed material change in the use or
19 character of the land, including, but not limited to, land
20 clearing associated with new construction, the placement of
21 any structure or site improvement on the land, or expansion of
22 existing buildings.

23 ~~(h)~~ *Drip line* means a vertical line extending from the outermost
24 branches of a tree to the ground.

25 ~~(i)~~ *Ecosystem* means a characteristic assemblage of plant and
26 animal life with a specific physical environment, and all
27 interactions among species and between species and their
28 environment.

29 ~~(j)~~ *Emitter devices* means devices which are used to control the
30 applications of irrigation water. This term is primarily used
31 to refer to the low flow rate devices used in microirrigation

1 systems.

2 ~~(k)~~ *Ground cover* means a low-growing herbaceous or woody plant
3 other than turf, not over two feet high, used to cover the
4 ground.

5 ~~(l)~~ *Hedge* means a landscape barrier consisting of a continuous,
6 dense planting of shrubs.

7 ~~(m)~~ *Infiltration rate* means the rate of water entry into the soil
8 expressed as a depth of water per unit of time (inches per
9 hour).

10 ~~(n)~~ *Irrigation system* means a permanent, artificial watering
11 system designed to transport and distribute water to plants.

12 ~~(o)~~ *Landscaped area* means the entire parcel less the building
13 footprint, driveway, nonirrigated portions of parking lots,
14 hardscapes such as decks and patios, and other nonporous areas.
15 Water features are included in the calculation of the
16 landscaped area.

17 ~~(p)~~ *Landscaping* means any combination of living plants (such as
18 grass, groundcover, shrubs, vines, hedges, or trees) and
19 nonliving landscape material (such as rocks, pebbles, sand,
20 mulch, walls or fences).

21 ~~(q)~~ *Microirrigation (low volume)* means the frequent application of
22 small quantities of water directly on or below the soil
23 surface, usually as discrete drops, tiny streams, or miniature
24 sprays through emitters placed along the water delivery pipes
25 (laterals). Microirrigation encompasses a number of methods or
26 concepts including drip, subsurface bubbler, and spray
27 irrigation.

28 ~~(r)~~ *Mulch* means nonliving organic materials customarily used in
29 landscape design to retard erosion and retain moisture.

30 ~~(s)~~ *Native vegetation*. See *Vegetation, native*.

31 ~~(t)~~ *Naturally occurring existing plant communities*. See

1 Vegetation, native.

2 ~~(u)~~ *Open space* means all areas of natural plant communities or
3 areas replanted with vegetation after construction, such as
4 revegetated natural areas; tree, shrub, hedge or ground cover
5 planting areas; and lawns, and all other areas required to be
6 provided as natural ground and landscaping pursuant to the
7 Zoning Code.

8 ~~(v)~~ *Perimeter landscape* means a continuous area of land which is
9 required to be set aside along the perimeter of a lot in which
10 landscaping is used to provide a transition between and to
11 reduce the environmental, aesthetic and other impacts of one
12 type of land use upon another.

13 ~~(w)~~ *Pervious paving materials* means a porous asphaltic or concrete
14 surface and a high-void aggregate base which allows for rapid
15 infiltration and temporary storage of rain on, or runoff
16 delivered to, paved surfaces.

17 ~~(x)~~ *Plant community* means a natural association of plants that are
18 dominated by one or more prominent species, or a characteristic
19 physical attribute.

20 ~~(y)~~ *Preserve areas* means vegetative areas required to be preserved
21 under the jurisdiction of the Florida Department of
22 Environmental Regulation, St. Johns River Water Management
23 District and/or the United States Army Corps of Engineers or
24 other regulatory agencies.

25 ~~(z) Reserved.~~

26 ~~(aa)~~ *Runoff water* means water from rainfall and irrigation systems
27 which is not absorbed by the soil or landscape to which it is
28 applied and flows from the area, often contaminated with
29 pesticides, fertilizers, and other pollutants.

1 ~~(b)~~ Protected tree includes both woody species which are measured
2 by DBH; and palm species which are measured by CT. .all of the
3 following:

4 ~~(1) Private protected tree means any tree with a DBH of six~~
5 ~~inches or more located on any lot within 20 feet of a street~~
6 ~~right-of-way (including an approved private street or other~~
7 ~~access easement) or a tree with a DBH of eight inches or~~
8 ~~more located within ten feet of any other property line, or~~
9 ~~a tree with a DBH of 11.5 inches or more located elsewhere~~
10 ~~on the lot.~~

11 (1) Protected trees on a lot. Within different areas of a lot,
12 either publicly or privately owned, different sized trees
13 are protected, as follows:

14 (i) Within 20 feet of a street right-of-way (including an
15 approved private street or other access easement): a
16 woody tree with a DBH of six (6) inches or more; or any
17 palm with a CT of 8 feet or more;

18 (ii) Within ten (10) feet of any other property line: a
19 woody tree with a DBH of eight (8) inches or more; or
20 any palm with a CT of 8 feet or more; and

21 (iii) Elsewhere on the lot (the interior): a woody tree
22 with a DBH of 11.5 inches or more, or Sabal palms with
23 a CT of 8 feet or more.

24 ~~(2) Public protected tree means any tree located on lands owned~~
25 ~~by the City, or other governmental agencies or authorities,~~
26 ~~or any land upon which easements are imposed for the~~
27 ~~benefit of the City, or other governmental agencies or~~
28 ~~authorities, or upon which other ownership control may be~~
29 ~~exercised by the City, or other governmental agencies or~~
30 ~~authorities, including rights-of-way, parks, public areas~~
31 ~~and easements for drainage, sewer, water and other public~~

1 ~~utilities, with:~~

2 ~~(i) A DBH of six inches or more located within a City or~~
3 ~~other governmental right-of-way, or~~

4 ~~(ii) A DBH of six inches or more and located on any lot~~
5 ~~within 20 feet of a street right-of-way, or~~

6 ~~(iii) A DBH of eight inches or more located on any lot~~
7 ~~within ten feet of any other property line, or~~

8 ~~(iv) A DBH of 11.5 inches or more located elsewhere on the~~
9 ~~lot.~~

10 (2) Protected trees within rights-of-way and easements. Trees

11 located on lands owned by the City, or other governmental
12 agencies or authorities, or any land upon which easements
13 are imposed for the benefit of the City, or other
14 governmental agencies or authorities, or upon which other
15 ownership control may be exerted by the City, or other
16 governmental agencies or authorities, including rights-of-
17 way and easements for sewer, water and other public
18 utilities, are protected if they are the following size:

19 (i) Woody trees with a DBH of 6 inches or more; and

20 (ii) Palm trees with a CT of 8 feet or more.

21 (3) *Exceptional specimen tree* means any hardwood tree with a
22 DBH of 24 inches or greater; or any palm with a CT of
23 greater than 24 feet.

24 ~~(ee)~~ *Scenic and historic corridors* means any street right-of-way,
25 including approved private streets, which is so designated by
26 the Council, pursuant to the procedures hereinafter
27 established and adopted by Council, as a result of its special
28 historic, architectural, archaeological, aesthetic or cultural
29 interest and value to the citizens of Jacksonville. The Chief
30 shall maintain a list which specifies the location and
31 boundaries of all corridors so designated.

1 ~~(dd)~~ *Shrub* means a self-supporting woody perennial plant
2 characterized by multiple stems and branches continuous from
3 the base naturally growing to a mature height between two and
4 12 feet.

5 ~~(ee)~~ *Site specific plant* means a selection of plant material that
6 is particularly well suited to withstand the physical growing
7 conditions that are normal for a specific location.

8 ~~(ff)~~ *Soil texture* means the classification of soil based on the
9 percentage of sand, silt, and clay in the soil.

10 ~~(gg)~~ *Tree* means:

11 (1) a self-supporting woody plant having a single trunk or a
12 multi-trunk of lower branches, growing to a mature height
13 of at least 12 feet in northeast Florida; and-

14 (2)

15 ~~(hh)~~ *Tree palm* means an evergreen plant of the Palmaceae family
16 cold hardy in northeast Florida having a single trunk, or
17 multiple trunks, and terminal crown of large pinnate or fan-
18 shaped leaves.

19 ~~(ii)~~ *Turfgrass* means continuous plant coverage consisting of grass
20 species suited to growth in the City of Jacksonville.

21 ~~(jj)~~ *Understory* means assemblages of natural low-level woody,
22 herbaceous, and ground cover species which exist in the area
23 below the canopy of the trees.

24 ~~(kk)~~ *Vegetation, native* means any plant species with a geographic
25 distribution indigenous to all or part of the State of Florida.

26 ~~(ll)~~ *Water use zone* means a grouping of sprays, sprinklers, or
27 microirrigation emitters so that they can be operated
28 simultaneously by the control of one valve according to the
29 water requirements of the plants used.

30 ~~(mm)~~ *Florida-Friendly* means a type of landscaping that maximizes
31 the conservation of water by the use of site-appropriate plants

1 - right plant in the right place methodology, efficient
2 watering systems, appropriate fertilization, mulching,
3 attraction of wildlife, responsible management of pests,
4 recycling of yard waste, reduction of stormwater runoff ,and
5 waterfront protection. The principles include planning and
6 design, appropriate choice of plants, soil analysis, the use
7 of solid waste compost, practical use of turf, efficient
8 irrigation, appropriate use of mulches, and proper
9 maintenance.

10 ~~(nn)~~ *Diameter Breast Height ("DBH")* means the trunk diameter of an
11 existing tree measured four and one-half feet above the average
12 ground level at the tree base. If the tree forks between four
13 and one-half and two feet above ground level, DBH is measured
14 below the swell resulting from the fork. Trunks that fork below
15 two feet, shall be considered multi-trunk trees. DBH for multi-
16 trunk trees shall be determined by measuring each trunk
17 immediately above the fork and adding the total diameters of
18 the four largest trunks. ~~(See also and compare definition for~~
19 ~~caliper in subsection (c) of this Section.)~~

20 ~~(oo)~~ *Chief* means the Chief as designated by the Director of the
21 Planning and Development Department.

22 ~~(pp)~~ *Shade tree* means a species having a height at maturity of at
23 least 45 feet and an average mature crown spread of no less
24 than 30 feet, or trees having an average mature crown spread
25 of less than 30 feet grouped so as to create a total average
26 mature crown spread of no less than 30 feet.

27 ~~(qq)~~ *Sensor Device* means

28 (1) *Rain sensor device* - a low voltage electrical or mechanical
29 component placed in the circuitry of an automatic turfgrass
30 irrigation system which is designed to turn off a sprinkler
31 controller when precipitation has reached a pre-set

1 quantity.

2 (2) *Soil Moisture sensor device* - a low voltage electrical or
3 mechanical component placed in the landscape of an
4 automatic turfgrass irrigation system which is designed to
5 suspend a sprinkler controller from operation when adequate
6 soil moisture is present.

7 (3) *Weather sensor device* -a low voltage electrical or
8 mechanical component placed in the circuitry, either
9 directly or remotely, of an automatic turfgrass irrigation
10 system which is designed to estimate plant water need and
11 adjust a compatible sprinkler controller to apply the
12 appropriate amount of supplemental irrigation.

13 ~~(rr)~~ *Best Management Practices (BMP)* means turf and landscape
14 practices or a combination of practices, based on research,
15 field testing, and expert review, determined to be most
16 effective and practicable on-location means, including
17 economic and technological considerations, for improving water
18 quality, conserving water supplies and protecting natural
19 resources.

20 ~~(ss)~~ *Pressure Regulating Device* means a device that maintains a
21 constant flow and pressure for increased efficiency of
22 irrigation systems. This device shall have a pressure
23 regulating device built into the stem of head or provided in
24 conjunction with the valve. If pressure regulation is derived
25 through the head, it shall be identifiable from the top of the
26 head.

27 ~~(tt)~~ *Hardscape* means areas such as patios, decks, driveways, in-
28 ground swimming pools, paths and sidewalks that do not require
29 irrigation.

30 ~~(uu)~~ *As-Constructed (As-Built) Sketch* means a legible drawing
31 indicating the date of the irrigation system installation, the

1 number of zones, locations of zones, backflow prevention
2 devices, valves, emitter types and locations, controller(s),
3 pressure regulating devices and sensor device(s). The drawing
4 shall represent the irrigation system as it exists at the time
5 of irrigation system completion and shall be prepared by or at
6 the direction of the person installing the system.

7 ~~(vv)~~ *Irrigation Zone* means a grouping of rotors or sprinkler heads
8 or pop-up sprays or micro irrigation emitters or other
9 irrigation system equipment operated simultaneously by the
10 control of one valve.

11 ~~(ww)~~ *Low Maintenance Zone* means an area a minimum of six feet wide
12 adjacent to water courses which is planted and managed in order
13 to minimize the need for fertilization, watering and mowing.
14 See Chapter 366 Part 6 (Fertilizer Application), Ordinance
15 Code.

16 ~~(xx)~~ *Efficient Irrigation System* means irrigation system design,
17 installation, and maintenance that incorporate water efficient
18 strategies and components, including, but not limited to,
19 pressure regulation devices, sensor devices, correct head
20 spacing, minimum areas of zones of matched precipitation rates
21 and BMP.

22 ~~(yy)~~ *Water Wise Principles* means appropriate planning and design,
23 proper choice of plants, soil analysis that may include the
24 use of solid waste compost, efficient irrigation, practical
25 use of turf, appropriate use of mulches, and proper maintenance
26 consistent with Florida Statutes.

27 **Section 2. Amending Section 656.1205 (Removal of protected**
28 **trees prohibited; exceptions.), Subpart B (Tree Protection), Part 12**
29 **(Landscape and Tree Protection Regulations), Chapter 656 (Zoning**
30 **Code), Ordinance Code.** Section 656.1205, *Ordinance Code*, is hereby
31 amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART B. - TREE PROTECTION

* * *

Sec. 656.1205 (Removal of protected trees prohibited; ~~exceptions~~
exemptions.)

(a) No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, remove, damage or destroy, or shall authorize the cutting down, removal, damage, or destruction of any protected tree, as defined in Section 656.1203-~~(b)~~ hereof, or shall commit any act or authorize the commission of any act which physically removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals or paving, changing the natural grade above the root system and tree damage permitting infection or pest infestation, without first having obtained a permit as herein provided.

(b) The following protected trees are exempted from the provisions of subsection (a). Where an exemption is claimed, an applicant must obtain a permit pursuant to Section 656.1206 for a fee as found in www.coj.net/fees , and provide supporting evidence that the applicant is entitled to the exemption, as requested by the Building Inspection Development Services Division:

(1) Any tree located on an individual lot on which either a single-family dwelling or a mobile home is located, provided:

1 A. The lot is not capable of further subdivision under
2 applicable law; and

3 B. The single-family dwelling or mobile home is:

4 (i) Occupied and used for residential purposes, or

5 (ii) Capable of occupancy in compliance with applicable
6 law.

7 (2) Any tree of the ~~palm family, other than the Cabbage Palm~~
8 ~~(*Sabal palmetto*)~~, or the pine family, other than the Long
9 Leaf Pine (*Pinus palustris*) located on that portion of a
10 lot which is more than 20 feet from a street right-of-way
11 (including an approved private street or other access
12 easement), or more than ten feet from any other property
13 line.

14 * * *

15 (5) Any tree in a land area located within a City drainage
16 easement, a City drainage right-of-way, and/or a City
17 access way right-of-way (excluding road rights-of-way,
18 or road easements requiring drainage) where trees must
19 be removed, as reasonably necessary, to provide access
20 to, or maintenance and/or construction of, the City's
21 drainage ditches and drainage-related facilities.

22 (6) Any tree located within an existing or proposed street
23 right-of-way and/or easement shown on a set of approved
24 final construction plans for required improvements within
25 an approved single-family or mobile home subdivision which
26 has been platted or is in the process of being platted and
27 has received preliminary sketch plan approval pursuant to
28 Chapter 654, Ordinance Code (Code of Subdivision
29 Regulations), may be removed during construction of such
30 improvements.

1 (7) Any tree other than an exceptional specimen tree, as
2 defined in Section 656.1203~~(bb)~~(3), located on property
3 that has been subdivided for residential development by a
4 plat of record or that is in the process of being platted
5 and as received preliminary sketch plan approval pursuant
6 to Section 654.108, Ordinance Code. Property with trees
7 that are exempt under this subsection (8) must comply
8 with the buffer requirements for residential subdivisions
9 of Section 656.1222.

10 (8) The ~~following~~ nuisance and invasive species of trees as
11 listed by the University of Florida IFAS Extension
12 Service as "Invasive Landscape Plants and Trees," as may
13 be amended from time to time. ~~Pond Willow (Salix~~
14 ~~caroliniana), Chinese Tallow (Sapium sebiferum), Paper~~
15 ~~Mulberry (Broussonetia papyrifera), Chinaberry (Melia~~
16 ~~azedarach), Camphor (Cinnamomum camphora), Wax Myrtle~~
17 ~~(Myrica cerifera), Golden Raintree (Koelreuteria~~
18 ~~bipinnata) and Cherry Laurel (Prunus caroliniana).~~

19 * * *

20 **Section 3. Amending Section 656.1206 (Permit procedure and**
21 **criteria for tree removal, relocation and replacement of protected**
22 **trees.), Subpart B (Tree Protection), Part 12 (Landscape and Tree**
23 **Protection Regulations), Chapter 656 (Zoning Code), Ordinance Code.**
24 Section 656.1203, Ordinance Code, is hereby amended to read as
25 follows:

26 **CHAPTER 656 - ZONING CODE**

27 * * *

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

29 * * *

30 **SUBPART B. - TREE PROTECTION**

31 * * *

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

3 * * *

4 (g) Protected trees identified for removal on the site clearing or
5 tree removal permit application shall be replaced with new planted
6 trees, unprotected trees or transplanted trees.

7 (1) Protected live oaks (~~quercus virginiana~~) (*Quercus virginiana*)
8 removed shall be replaced only with live oaks. The total
9 caliper inches of replacement live oaks shall equal the total
10 ~~caliper~~ DBH inches of protected live oaks removed.

11 (2) For ~~for~~ other removed woody protected trees, the total caliper
12 inches of replacement trees shall equal one-third the total
13 ~~caliper~~ DBH inches removed.

14 (3) For protected palms with a CT height between 8 feet and 24
15 feet, the total CT height of replacement palms shall be one-
16 third of the total CT feet removed.

17 (4) For palms with a CT height greater than 24 feet, the total CT
18 height of replacement palms shall equal the amount of palm
19 feet removed. A waiver of this replacement requirement may
20 be approved by the Chief if the tree removal was for the
21 purpose of removing dead, diseased, dying or trees of similar
22 condition or for trees whose roots are causing severe damage,
23 as determined in the sole discretion of the Chief, to an
24 adjacent structure.

25 (5) No waiver shall be allowed for the removal of any tree whose
26 continued existence was necessary for compliance with the
27 City's Landscape Code, for receiving credit for conservation
28 mitigation, or for any tree which was planted as part of a
29 mitigation requirement.

30 (6) The total caliper inches (or in the case of palms, CT in feet)
31 for replacement of exceptional specimen trees shall equal the

1 total caliper inches (or feet) of exceptional specimen trees
2 removed pursuant to Section 656.1205(d).

3 (7) When there are more than an average of two exceptional specimen
4 trees per acre removed on a particular site, the required
5 mitigation shall be increased by twice the minimum caliper of
6 all exceptional specimen trees lost in order to compensate for
7 that loss.

8 (8) If multi-trunked trees are used as replacement trees, then the
9 total caliper of the four largest trunks shall equal the
10 replacement caliper.

11 (9) Palms used for mitigation may not exceed the amount of CT feet
12 of may be used only to replace protected palms removed.

13 (10) Replacement species used shall be approved by the Chief.
14 ~~Additionally, the following provisions shall apply:~~

15 (11) No replacement will be required for protected trees which
16 are determined by the Chief to be dead or deteriorated as a
17 result of age, insects, disease, storm, fire, lightning or
18 other acts of nature, or for trees whose roots are causing
19 severe damage, as determined in the sole discretion of the
20 Chief, to an adjacent structure.

21 (12) Trees that require trimming or other simple forms of
22 abatement to remain viable shall not be exempt pursuant to
23 this subsection.

24 (13) An exemption pursuant to this subsection requires the
25 following:

26 (i) Sufficient documentation supporting the exemption in a
27 form approved by the Chief; and

28 (ii) Verification of the dead or deteriorated status of the
29 tree by a Certified Arborist; and

30 (iii) Evaluation of the tree based upon the current site
31 conditions and viability of the tree, not considering

1 potential impacts of construction.

2 (~~2~~14) New replacement trees shall meet the minimum standards for
3 landscape materials established by Section 656.1211(e).

4 (~~3~~15) Existing trees, two-inch caliper or greater, which are not
5 protected trees but which are preserved or transplanted,
6 except those trees located in preserve areas, may be utilized
7 to satisfy tree replacement requirements, subject to the
8 conditions stated in Sections 656.1207 and 656.1213(b) and
9 (d).

10 (~~4~~16) New, preserved nonprotected, or transplanted exceptional
11 specimen trees or live oaks used as replacement for removed
12 exceptional specimen trees or protected live oaks shall be
13 four-inch caliper or greater.

14 (~~5~~17) Existing protected trees which would otherwise be removed
15 from the site because of development, may be utilized to
16 satisfy tree replacement requirements if transplanted to a
17 location on the site which meets the requirements of Sections
18 656.1207 and 656.1213(b) and (d).

19 (~~6~~18) If protected tree removal is associated with new
20 development, the name, size and location of all replacement
21 trees shall be shown on the required landscape plan and such
22 trees shall be installed prior to the final building
23 inspection. Otherwise, the name, size and location of the
24 required replacement trees shall be shown on the site plan
25 required for site clearing or tree removal and such trees shall
26 be installed within the time limit stated on the site clearing
27 or tree removal permit.

28 (~~7~~19) Existing nonprotected trees, transplanted trees and new
29 trees used for replacement become protected trees.

30 (~~8~~20) Replacement trees shall be maintained pursuant to the
31 requirements of Section 656.1212.

1 ~~(921)~~ Replacement trees may be used to satisfy the tree
2 requirements of Subpart C, landscaping requirements.

3 ~~(220)~~ A tree used for replacement shall be at least ten feet from
4 any other tree planted, transplanted or preserved. Greater
5 spacing may be required, based on a tree survey, to ensure
6 survivorship of a tree.

7 ~~(1123)~~ Replacement trees shall be suitable to the site at which
8 they are planted as determined by the Chief.

9 ~~(1224)~~ Replacement trees for protected trees larger than 11.5
10 inches DBH shall be shade trees as required by Article 25 of
11 the Charter of the City of Jacksonville, *Minimum Standards for*
12 *Tree Protection, Conservation and Mitigation During*
13 *Development.*

14 ~~(1325)~~ Trees planted within an area of an onsite wetland created
15 for mitigation of wetlands removed or relocated on the same
16 site may be used satisfy the requirements of this Subpart.

17 (h) Tree Fund Contribution.

18 ~~(14)~~(1) If the applicant demonstrates to the satisfaction of
19 the Chief that the site cannot accommodate the total number
20 of required replacement trees as a result of insufficient
21 planting area, the applicant shall provide a monetary
22 contribution to the Tree Protection and Related Expenses Trust
23 Fund. The amount of such contribution shall be determined as
24 follows:

25 (i) For every two caliper inches, or fraction thereof, of
26 woody replacement trees which would otherwise be required, the
27 contribution shall be equal to the retail value of a planted
28 two-inch caliper nursery grown shade tree.

29 (ii) The retail value shall be calculated by taking the
30 average of the median current wholesale price, published by

1 North Florida nurseries, for a container grown, and a balled
2 and burlapped two-inch caliper live oak, multiplied by two.

3 (iii) The retail value shall be recalculated and adjusted
4 annually on October first.

5 (iv) Calculation of payment for removal of a protected palm
6 is as follows: every 1 foot, or fraction thereof, of protected
7 palm removed is equivalent to 1-inch in caliper.

8 ~~(15)~~ (i) As an alternative to providing a monetary contribution to
9 the Tree Protection and Related Expenses Trust Fund, an applicant
10 may, under the conditions set forth in this subsection, provide
11 mitigation in certain off-site locations. In such cases, the
12 applicant shall install the required replacement trees at another
13 location (the "alternative site") which is not a residential lot
14 and which meets all of the following criteria:

15 * * *

16 ~~(16)~~ (j) As a further alternative to providing a monetary
17 contribution to the Tree Protection and Related Expenses Trust
18 Fund, an applicant may, in limited circumstances and under the
19 conditions set forth in this subsection, provide mitigation of the
20 required mitigation amount through conveyance of certain lands to
21 the City of Jacksonville. A conveyance of land in lieu of a monetary
22 contribution to the Tree Protection and Related Expenses Trust
23 Fund, must meet all of the following criteria:

24 * * *

25 **Section XX. Amending Sec. 656.1208 (Enforcement; violations**
26 **and penalties; stopping work, correction of violation.) Subpart B**
27 **(Tree Protection), Part 12 (Landscape and Tree Protection**
28 **Regulations), Chapter 656 (Zoning Code), Ordinance Code. Section**
29 **656.1208, Ordinance Code, is hereby amended to read as follows:**

30 **CHAPTER 656 - ZONING CODE**

31 * * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART B. - TREE PROTECTION

* * *

Sec. 656.1208. Enforcement; violations and penalties; stopping work, correction of violation.

* * *

(c) *Correction of violation.* A violation of this Subpart shall be corrected as follows:

- (1) When there is work done without a permit, the property owner shall pay the permit fee due the City for the work, which permit fee shall be twice the amount of the regular permit fee specified in Section 320.409(a)(15) which would have been due had the permit been obtained prior to commencing work, and by replacing the protected trees removed without a permit with new planted trees, unprotected trees or transplanted trees. The total caliper inches of the replacement woody trees shall equal to twice the amount of total caliper inches that would have been required to be planted, pursuant to Section 656.1206(h). The total CT height of replacement palms shall also be equal to twice the amount of CT height of palm that would have been required to be planted. The property owner shall also submit a tree replanting plan showing how the damage caused to the site by the violation will be mitigated shall be subject to the review and approval of the Chief and the trees installed within the time limit stated on the permit. Replacement trees shall meet the requirements of Section 656.1206, except that the minimum caliper of all replacement trees shall be four inches, the minimum size of palms shall be 8 feet CT height, and the plan shall meet

1 the requirements of Section 656.1217, to the extent
2 applicable; or

3 (2) When there is no permit, the violator shall pay the permit
4 fee due the City for the work, which permit fee shall be
5 twice the amount of the regular permit fee specified in
6 Section ~~320.408(a)(15)~~320.409(a)(15), which would have
7 been due had the permit been obtained prior to commencing
8 work, and by making a contribution to the Tree Protection
9 and Related Expenses Trust Fund to compensate for each
10 replacement tree which is not planted. The amount of such
11 contribution shall be twice the required amount, pursuant
12 to the formula described in Section 656.1206(h) ~~(14)~~. For
13 each subsequent violation by the property owner, the amount
14 of such contribution shall be triple the required amount,
15 pursuant to the formula described in Section
16 656.1206(h) ~~(14)~~.

17 (3) When there has been a permit issued for the proposed work,
18 any property owner who removes more caliper inches of woody
19 tree, or more CT height in feet of palm than the number of
20 caliper inches or CT or overall height, as the case may
21 be, approved in their permit as identified in the final
22 landscape inspection is required to pay triple the required
23 amount for those caliper inches or CT height or overall
24 height in feet that were not permitted pursuant to the
25 formula described in Section 656.1206(h) ~~(14)~~.

26 (4) If the site has been cleared and the trees have been removed
27 from the site so that the Chief is unable to determine with
28 reasonable certainty the number of protected trees removed
29 in violation of this Subpart, the violation shall be
30 corrected by making a contribution to the Tree Protection
31 and Related Expenses Trust Fund equal to \$50,000 per acre,

1 or fraction thereof per each acre, of land cleared, which
2 fine shall be assessed by the Chief. In the event the Chief
3 assesses such a fine, the Chief shall provide the following
4 information in the Notice of Violation, pursuant to
5 subsection (a), to the property owner: the amount of acres
6 presumed to be impacted by the site clearing without a
7 permit, the total fine assessed, and any other information
8 or documents the Chief relied upon to calculate the fine
9 ("preliminary assessment of fine"). The property owner
10 shall have the ability to appeal the preliminary assessment
11 of fine as follows:

12 (i) The property owner has the burden of proving the
13 preliminary assessment of fine should be reduced. The
14 property owner shall have 30 days from the receipt of
15 the Notice of Violation to dispute the assessment. The
16 notice of dispute shall be in writing and sent to the
17 Chief via electronic mail and by either hand delivery
18 or certified mail, and contain the following
19 information (if applicable): evidence of the species
20 of trees removed, the total woody caliper inches, or
21 CT or overall height in feet of palm removed, the
22 application of any exception or exemption to the trees
23 removed as provided for in this Part, and any other
24 relevant information used to dispute the preliminary
25 assessment of fine. All evidence relied upon to
26 support the dispute, including expert analysis and
27 geographical data, shall also be provided in the
28 notice of dispute.

29 * * *

30 **Section 3. Amending Sec. 656.1211 (Florida-Friendly**
31 **Landscape and Irrigation design standards.)**

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CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

* * *

SUBPART C. - LANDSCAPING REQUIREMENTS

* * *

Sec. 656.1211. Florida-Friendly Landscape and Irrigation design standards.

* * *

- (c) Trees, **excluding palm trees**, which are larger than the minimum size may be credited as indicated in Table 1. **A minimum of 50 percent of all required trees shall be shade trees.**
- (d) Trees required for vehicular use area landscaping may be used to fulfill the tree requirements of this Section.
- (e) Standards for landscape materials.

* * *

(3) *General criteria for trees:* Trees shall be a species having an average mature crown spread of no less than 15 feet in northeast Florida. Trees having a mature crown spread of less than 15 feet, if grouped to create an equivalent 15 foot spread, may be substituted for the required tree. Single-trunk trees shall be a minimum of two inch caliper and a minimum of ten feet overall height. Multi-trunk trees shall be a minimum of three trunks eight feet high. Trees shall be planted in no less than 16 square feet of planting area, with a minimum dimension of four feet on any side. Trees shall not be planted closer than two feet from any pavement edge or right-of-way line,

1 as measured from center of trunk. Architectural
2 planters for trees shall be no less than four feet by
3 four feet in width and no less than 24 inches deep.
4 Credits for the use of trees larger than the minimum
5 size will be calculated as indicated in Table 1.
6 Fractional measurements shall be attributed to the
7 next lowest category.

8 (i) *Shade trees:* Shade trees shall be a species having an
9 average mature crown spread of no less than 30 feet;
10 provided, trees having an average mature crown spread
11 of less than 30 feet may be grouped so as to create
12 a total average mature crown spread of no less than
13 30 feet and used in lieu of a shade tree. Shade trees
14 at the time of planting shall be a minimum of two
15 inch caliper and ten feet high. Shade trees shall be
16 planted in no less than 150 square feet of planting
17 area, with a minimum dimension on any side of eight
18 feet. Shade trees shall not be planted closer than
19 four feet from any pavement edge or right-of-way line,
20 as measured from center of trunk. Those species of
21 trees whose roots are known to cause damage to
22 pavement shall not be planted closer than six feet to
23 such pavement.

24 (ii) *Palm trees:* Palms shall be a minimum ~~clear trunk~~ CT
25 height of eight feet, measured from the ground level
26 to the base of the palm fronds. Palms may be
27 substituted for the required trees at the ratio of
28 two palms for each required tree or four palms for
29 each required shade tree, except as provided below
30 for Phoenix Palm. Each palm shall be planted in no
31 less than 16 square feet of planting area, with a

1 minimum dimension of four feet. Phoenix Palm may be
2 used as a non-shade tree without meeting the ratios
3 for other types of palms if the palm has a fifteen
4 foot spread at maturity and a minimum ~~clear trunk~~ CT
5 height of eight feet.

6 * * *

7 **Sec. 656.1213. Credit for existing trees and understory.**

8 Whenever the provisions of this Subpart require trees and other
9 landscaping, such requirement may be satisfied by the preservation
10 of existing trees and understory, located in uplands or upland buffer
11 areas, as specified herein, provided all other requirements are met.
12 Trees planted in wetlands and wetland creation areas may also be
13 credited toward mitigation pursuant to Section ~~656.1206(h)(13)~~
14 656.1206(e)(13).

15 (a) Existing trees, **except palm trees**, may be used to satisfy any
16 requirement for trees pursuant to Table 1.
17

* * *

Table 1.
Tree and Understory Vegetation Credits-
Landscape Regulations

Table 1 identifies credits for landscaping under Subpart C only. Table 1 does not identify credits for mitigation required by Subpart B.

Tree Credits for <u>Required Trees</u> by using Existing Trees		Tree Credits for <u>Required Trees</u> by using New Trees	
Trunk DBH	No. of Trees Credited	Single Trunk Trunk Caliper	No. of Trees Credited
2 inch and above	1	2 inch and above	1
4 inch and above	2	4 inch and above	2
6 inch and above	3	6 inch and above	3
12 inch and above	4		
18 inch and above	4		

Tree Credits for Existing Trees		Tree Credits for New Trees	
Trunk DBH	No. of Trees Credited	Multi-Trunk Tree Height	No. of Trees Credited
24 inch and above	6	8 feet	1
30 inch and above	7	12 feet	2

* * *

Section XX. Directive to the Codifiers. In Section 656.1203, place both existing and new definitions in alphabetized order.

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

Form Approved:

Office of General Counsel

Legislation prepared by: Susan C. Grandin

5/19/22 Revisions to Landscape Code re: Palm Trees –

Goal: how they are measured for mitigation and whether they can be used for mitigation.

I tried to only make the changes that related to the Goal, but when we touched on a section, I did make changes that are needed.

1. In 656.1203 (Definitions.),
 - a. Add definition of CT
 - b. need more definitions to measure palms (grey wood, overall ht., etc.)
 - c. Alphabetize definitions
 - d. Clarify caliper vs. DBH
 - e. Reorganize definition of “protected tree” and include palm as a “tree”
 - f. Add that palm of 24’CT is an “exceptional specimen”
 - g. Relocate definition of DBH to alphabetical order (all definitions that are not in alphabetical order will be reorganized by the Codifiers)
2. In 656.1205 (Removal of protected trees prohibited; exceptions.),
 - a. Measurement of trees and palms for mitigation for Lots and for R/W, instead of redundancy.
 - b. Clarified DBH instead of caliper for existing trees.
 - c. Added palms.
 - d. In subsection (a) remove reference to subdivision “being platted”. This is not enforced now since it related only to plans going through permitting when the Code was initially drafted in 1991, so it should be removed.
3. In 656.1206 (Permit procedure and criteria for tree removal, relocation and replacement of protected trees.),
 - a. Removed redundancy about diseased trees being exempt from mitigation.
 - b. Renumbered paragraphs for clarity.
 - c. In subsection (g) it says that palms may only be used to replace palms, but in 656.1211(e)(3)(ii) it says palms may be used in place of trees and shade trees. (See below) Which one is it?
4. In 656.1211
 - a. In subsection (c), palms are not allowed to be used for mitigation credit (this should be in the “credit section),
 - b. In subsection (e)(3)(ii) it says they can be used for mitigation of trees and shade trees.
5. In 656.1213 (Credit for existing trees and understory.),
 - a. Palms may not be used for credit

1 Introduced by Council Member Salem:

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ORDINANCE 2022-

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE,
PART 12 (LANDSCAPE AND TREE PROTECTION
REGULATIONS), SUBPART A (GENERAL PROVISIONS),
SECTION 1203 (DEFINITIONS), *ORDINANCE CODE*, TO
CLARIFY THE DEFINITION OF TREE TO INCLUDE PALM
TREES

MEASUREMENT OF PALM TREES AND ...

; AMENDING CHAPTER 656 (ZONING CODE, PART 12
(LANDSCAPE AND TREE PROTECTION REGULATIONS),
SUBPART B (TREE PROTECTION), SECTION 1206
(PERMIT PROCEDURE AND CRITERIA FOR TREE REMOVAL,
RELOCATION AND REPLACEMENT OF PROTECTED TREES),
ORDINANCE CODE, TO ...

PROVIDING AN EFFECTIVE DATE.

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

**Section 1. Amending Section 656.1203 (Definitions),
Subpart A (General Provisions), Part 12 (Landscape and Tree Protection
Regulations), Chapter 656 (Zoning Code), Ordinance Code.** Section
656.1203, *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 656 - ZONING CODE

* * *

PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS

1 * * *

2 **SUBPART A. - GENERAL PROVISIONS**

3 * * *

4 **Sec. 656.1203. - Definitions.**

5 For purposes of this Part, in addition to the following terms or
6 words, the definitions provided for in Part 16 shall apply. If the
7 definitions contained in this Section at any time conflict with the
8 definitions contained in Part 16, the more restrictive definition(s)
9 shall apply. As used in this Part:

10 ~~(a)~~ *Annual consumptive use* means the yearly amount of water applied
11 to the landscape.

12 ~~(b)~~ *Automatic controller* means a mechanical or electronic timer,
13 capable of operating valve stations to set the days and length
14 of time of a water application.

15 ~~(c)~~ *Bona-fide agricultural purposes* means the use of land for bona
16 fide agricultural purposes as described in F.S. § 193.461,
17 provided the land is classified for assessment purposes by the
18 property appraiser as "agricultural", pursuant to F.S. Ch.
19 193.

20 ~~(d)~~ *Buffer yard or strip* means a strip of land, identified on a
21 site plan or by zoning ordinance requirement, established to
22 protect one type of land use from another land use that may
23 be incompatible. The area is landscaped, maintained and kept
24 in open space.

25 ~~(e)~~ *Caliper* means the trunk diameter of ~~planted~~ nursery stock
26 trees. Caliper shall be measured six inches above the ground
27 for trees up to and including four inches in caliper, and
28 measured 12 inches above the ground for trees exceeding four
29 inches in caliper. ~~If the tree has a very enlarged irregular~~
30 ~~base, then the caliper measurement shall be taken up where the~~
31 ~~trunk has a more regular circumference, but in no case higher~~

1 ~~than four and one-half feet above the ground.~~ If the tree forks
2 between ground level and one foot above ground level, then the
3 tree shall be considered a multi-trunked tree. Caliper for
4 multi-trunked trees shall be determined by measuring each
5 trunk immediately above the fork and adding the total caliper
6 of the four largest trunks. (See also and compare definition
7 of DBH ~~in subsection (nn) of this Section.~~)

8 "CT" (Clear trunk height) means the height of a palm tree
9 measured from the ground, or top of the root ball, to the
10 bottom of the first row of fronds.

11 ~~(f)~~ *Cultivated landscape area* means planted areas that are
12 frequently maintained by mowing, irrigating, pruning,
13 fertilizing, etc.

14 ~~(g)~~ *Development* means any proposed material change in the use or
15 character of the land, including, but not limited to, land
16 clearing associated with new construction, the placement of
17 any structure or site improvement on the land, or expansion of
18 existing buildings.

19 "DBH" (Diameter Breast Height) means the trunk diameter of an
20 existing tree measured four and one-half feet above the average
21 ground level at the tree base. If the tree forks between four
22 and one-half and two feet above ground level, DBH is measured
23 below the swell resulting from the fork. Trunks that fork below
24 two feet, shall be considered multi-trunk trees. DBH for multi-
25 trunk trees shall be determined by measuring each trunk
26 immediately above the fork and adding the total diameters of
27 the four largest trunks. (See also and compare definition for
28 caliper in subsection (e) of this Section.)

29 ~~(h)~~ *Drip line* means a vertical line extending from the outermost
30 branches of a tree to the ground.

31 ~~(i)~~ *Ecosystem* means a characteristic assemblage of plant and

1 animal life with a specific physical environment, and all
2 interactions among species and between species and their
3 environment.

4 ~~(j)~~ *Emitter devices* means devices which are used to control the
5 applications of irrigation water. This term is primarily used
6 to refer to the low flow rate devices used in microirrigation
7 systems.

8 ~~(k)~~ *Ground cover* means a low-growing herbaceous or woody plant
9 other than turf, not over two feet high, used to cover the
10 ground.

11 ~~(l)~~ *Hedge* means a landscape barrier consisting of a continuous,
12 dense planting of shrubs.

13 ~~(m)~~ *Infiltration rate* means the rate of water entry into the soil
14 expressed as a depth of water per unit of time (inches per
15 hour).

16 ~~(n)~~ *Irrigation system* means a permanent, artificial watering
17 system designed to transport and distribute water to plants.

18 ~~(o)~~ *Landscaped area* means the entire parcel less the building
19 footprint, driveway, nonirrigated portions of parking lots,
20 hardscapes such as decks and patios, and other nonporous areas.
21 Water features are included in the calculation of the
22 landscaped area.

23 ~~(p)~~ *Landscaping* means any combination of living plants (such as
24 grass, groundcover, shrubs, vines, hedges, or trees) and
25 nonliving landscape material (such as rocks, pebbles, sand,
26 mulch, walls or fences).

27 ~~(q)~~ *Microirrigation (low volume)* means the frequent application of
28 small quantities of water directly on or below the soil
29 surface, usually as discrete drops, tiny streams, or miniature
30 sprays through emitters placed along the water delivery pipes
31 (laterals). Microirrigation encompasses a number of methods or

1 concepts including drip, subsurface bubbler, and spray
2 irrigation.

3 ~~(r)~~ *Mulch* means nonliving organic materials customarily used in
4 landscape design to retard erosion and retain moisture.

5 ~~(s)~~ *Native vegetation*. See Vegetation, native.

6 ~~(t)~~ *Naturally occurring existing plant communities*. See
7 Vegetation, native.

8 ~~(u)~~ *Open space* means all areas of natural plant communities or
9 areas replanted with vegetation after construction, such as
10 revegetated natural areas; tree, shrub, hedge or ground cover
11 planting areas; and lawns, and all other areas required to be
12 provided as natural ground and landscaping pursuant to the
13 Zoning Code.

14 ~~(v)~~ *Perimeter landscape* means a continuous area of land which is
15 required to be set aside along the perimeter of a lot in which
16 landscaping is used to provide a transition between and to
17 reduce the environmental, aesthetic and other impacts of one
18 type of land use upon another.

19 ~~(w)~~ *Pervious paving materials* means a porous asphaltic or concrete
20 surface and a high-void aggregate base which allows for rapid
21 infiltration and temporary storage of rain on, or runoff
22 delivered to, paved surfaces.

23 ~~(x)~~ *Plant community* means a natural association of plants that are
24 dominated by one or more prominent species, or a characteristic
25 physical attribute.

26 ~~(y)~~ *Preserve areas* means vegetative areas required to be preserved
27 under the jurisdiction of the Florida Department of
28 Environmental Regulation, St. Johns River Water Management
29 District and/or the United States Army Corps of Engineers or
30 other regulatory agencies.

31 ~~(z)~~ *Reserved*.

1 ~~(aa)~~ *Runoff water* means water from rainfall and irrigation systems
2 which is not absorbed by the soil or landscape to which it is
3 applied and flows from the area, often contaminated with
4 pesticides, fertilizers, and other pollutants.

5 ~~(bb)~~ *Protected tree* includes both woody species which are measured
6 by DBH; and palm species which are measured by CT.~~all of the~~
7 ~~following:~~

8 (1) ~~Private protected tree~~ Protected trees on a lot: means any
9 tree with:

10 (i) a DBH of six (6) inches or more, or any palm with a CT
11 of 8 feet or more, located ~~on any lot~~ within 20 feet of
12 a street right-of-way (including an approved private
13 street or other access easement); ~~or a tree with~~

14 (ii) a DBH of eight (8) inches or more, or any palm with
15 a CT of 8 feet or more, located within ten feet of any
16 other property line; ~~and or a tree with~~

17 (iii) a DBH of 11.5 inches or more, or Sabal palms with a
18 CT of 8 feet or more, located elsewhere on the lot.

19 (2) ~~Public protected tree~~ Protected trees within rights-of-way
20 and easements means any tree located on lands owned by the
21 City, or other governmental agencies or authorities, or any
22 land upon which easements are imposed for the benefit of
23 the City, or other governmental agencies or authorities, or
24 upon which other ownership control may be exerted by the
25 City, or other governmental agencies or authorities,
26 including rights-of-way, ~~parks, public areas~~ and easements
27 for drainage, sewer, water and other public utilities, with-

28 ~~(i)~~ A DBH of six inches or more, or a CT of 8 feet or more;
29 ~~located within a City or other governmental right-of-way,~~
30 ~~or~~

31 ~~(ii)~~ A DBH of six inches or more and located on any lot

1 ~~within 20 feet of a street right of way, or~~
2 ~~(iii) A DBH of eight inches or more located on any lot within~~
3 ~~ten feet of any other property line, or~~
4 ~~(iv) A DBH of 11.5 inches or more located elsewhere on the~~
5 ~~lot.~~

6 (3) *Exceptional specimen tree* means any hardwood tree with a
7 DBH of 24 inches or greater, or any palm with a CT of 24
8 feet or greater.

9 ~~(ee)~~ *Scenic and historic corridors* means any street right-of-way,
10 including approved private streets, which is so designated by
11 the Council, pursuant to the procedures hereinafter
12 established and adopted by Council, as a result of its special
13 historic, architectural, archaeological, aesthetic or cultural
14 interest and value to the citizens of Jacksonville. The Chief
15 shall maintain a list which specifies the location and
16 boundaries of all corridors so designated.

17 ~~(dd)~~ *Shrub* means a self-supporting woody perennial plant
18 characterized by multiple stems and branches continuous from
19 the base naturally growing to a mature height between two and
20 12 feet.

21 ~~(ee)~~ *Site specific plant* means a selection of plant material that
22 is particularly well suited to withstand the physical growing
23 conditions that are normal for a specific location.

24 ~~(ff)~~ *Soil texture* means the classification of soil based on the
25 percentage of sand, silt, and clay in the soil.

26 ~~(gg)~~ *Tree* means:

27 (1) a self-supporting woody plant having a single trunk or a
28 multi-trunk of lower branches, growing to a mature height
29 of at least 12 feet in northeast Florida; and-

30 (2)

1 ~~(hh) Tree palm~~ means an evergreen plant of the Palmaceae family
2 cold hardy in northeast Florida having a single trunk, or
3 multiple trunks, and terminal crown of large pinnate or fan-
4 shaped leaves.

5 ~~(ii) Turfgrass~~ means continuous plant coverage consisting of grass
6 species suited to growth in the City of Jacksonville.

7 ~~(jj) Understory~~ means assemblages of natural low-level woody,
8 herbaceous, and ground cover species which exist in the area
9 below the canopy of the trees.

10 ~~(kk) Vegetation, native~~ means any plant species with a geographic
11 distribution indigenous to all or part of the State of Florida.

12 ~~(ll) Water use zone~~ means a grouping of sprays, sprinklers, or
13 microirrigation emitters so that they can be operated
14 simultaneously by the control of one valve according to the
15 water requirements of the plants used.

16 ~~(mm) Florida-Friendly~~ means a type of landscaping that maximizes
17 the conservation of water by the use of site-appropriate plants
18 - right plant in the right place methodology, efficient
19 watering systems, appropriate fertilization, mulching,
20 attraction of wildlife, responsible management of pests,
21 recycling of yard waste, reduction of stormwater runoff ,and
22 waterfront protection. The principles include planning and
23 design, appropriate choice of plants, soil analysis, the use
24 of solid waste compost, practical use of turf, efficient
25 irrigation, appropriate use of mulches, and proper
26 maintenance.

27 ~~(nn) DBH (Diameter Breast Height)~~ means ~~the trunk diameter of an~~
28 ~~existing tree measured four and one-half feet above the average~~
29 ~~ground level at the tree base. If the tree forks between four~~
30 ~~and one-half and two feet above ground level, DBH is measured~~
31 ~~below the swell resulting from the fork. Trunks that fork below~~

1 ~~two feet, shall be considered multi-trunk trees. DBH for multi-~~
2 ~~trunk trees shall be determined by measuring each trunk~~
3 ~~immediately above the fork and adding the total diameters of~~
4 ~~the four largest trunks. (See also and compare definition for~~
5 ~~caliper in subsection (c) of this Section.)~~

6 ~~(oo)~~ Chief means the Chief as designated by the Director of the
7 Planning and Development Department.

8 ~~(pp)~~ Shade tree means a species having a height at maturity of at
9 least 45 feet and an average mature crown spread of no less
10 than 30 feet, or trees having an average mature crown spread
11 of less than 30 feet grouped so as to create a total average
12 mature crown spread of no less than 30 feet.

13 ~~(qq)~~ Sensor Device means

14 (1) Rain sensor device - a low voltage electrical or mechanical
15 component placed in the circuitry of an automatic turfgrass
16 irrigation system which is designed to turn off a sprinkler
17 controller when precipitation has reached a pre-set
18 quantity.

19 (2) Soil Moisture sensor device - a low voltage electrical or
20 mechanical component placed in the landscape of an
21 automatic turfgrass irrigation system which is designed to
22 suspend a sprinkler controller from operation when adequate
23 soil moisture is present.

24 (3) Weather sensor device - a low voltage electrical or
25 mechanical component placed in the circuitry, either
26 directly or remotely, of an automatic turfgrass irrigation
27 system which is designed to estimate plant water need and
28 adjust a compatible sprinkler controller to apply the
29 appropriate amount of supplemental irrigation.

30 ~~(rr)~~ Best Management Practices (BMP) means turf and landscape
31 practices or a combination of practices, based on research,

1 field testing, and expert review, determined to be most
2 effective and practicable on-location means, including
3 economic and technological considerations, for improving water
4 quality, conserving water supplies and protecting natural
5 resources.

6 ~~(ss)~~ *Pressure Regulating Device* means a device that maintains a
7 constant flow and pressure for increased efficiency of
8 irrigation systems. This device shall have a pressure
9 regulating device built into the stem of head or provided in
10 conjunction with the valve. If pressure regulation is derived
11 through the head, it shall be identifiable from the top of the
12 head.

13 ~~(tt)~~ *Hardscape* means areas such as patios, decks, driveways, in-
14 ground swimming pools, paths and sidewalks that do not require
15 irrigation.

16 ~~(uu)~~ *As-Constructed Sketch* means a legible drawing indicating the
17 date of the irrigation system installation, the number of
18 zones, locations of zones, backflow prevention devices,
19 valves, emitter types and locations, controller(s), pressure
20 regulating devices and sensor device(s). The drawing shall
21 represent the irrigation system as it exists at the time of
22 irrigation system completion and shall be prepared by or at
23 the direction of the person installing the system.

24 ~~(vv)~~ *Irrigation Zone* means a grouping of rotors or sprinkler heads
25 or pop-up sprays or micro irrigation emitters or other
26 irrigation system equipment operated simultaneously by the
27 control of one valve.

28 ~~(ww)~~ *Low Maintenance Zone* means an area a minimum of six feet wide
29 adjacent to water courses which is planted and managed in order
30 to minimize the need for fertilization, watering and mowing.

1 See Chapter 366 Part 6 (Fertilizer Application), Ordinance
2 Code.

3 ~~(xx)~~ *Efficient Irrigation System* means irrigation system design,
4 installation, and maintenance that incorporate water efficient
5 strategies and components, including, but not limited to,
6 pressure regulation devices, sensor devices, correct head
7 spacing, minimum areas of zones of matched precipitation rates
8 and BMP.

9 ~~(yy)~~ *Water Wise Principles* means appropriate planning and design,
10 proper choice of plants, soil analysis that may include the
11 use of solid waste compost, efficient irrigation, practical
12 use of turf, appropriate use of mulches, and proper maintenance
13 consistent with Florida Statutes.

14 **Section 2. Amending Section 656.1205 (Removal of protected**
15 **trees prohibited; exceptions.), Subpart B (Tree Protection), Part 12**
16 **(Landscape and Tree Protection Regulations), Chapter 656 (Zoning**
17 **Code), Ordinance Code.** Section 656.1205, *Ordinance Code*, is hereby
18 amended to read as follows:

19 **CHAPTER 656 - ZONING CODE**

20 * * *

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

22 * * *

23 **SUBPART B. - TREE PROTECTION**

24 * * *

25
26 **Sec. 656.1205 (Removal of protected trees prohibited; exceptions.)**

27 (a) No person, organization, society, association or corporation,
28 or any agent or representative thereof, directly or indirectly,
29 shall cut down, remove, damage or destroy, or shall authorize
30 the cutting down, removal, damage, or destruction of any
31 protected tree, as defined in Section 656.1203~~(bb)~~ hereof, or

1 shall commit any act or authorize the commission of any act
2 which physically removes a protected tree or causes a tree to
3 die, such as damage inflicted upon the root system by heavy
4 machinery, chemicals or paving, changing the natural grade above
5 the root system and tree damage permitting infection or pest
6 infestation, without first having obtained a permit as herein
7 provided.

8 * * *

9 (7) Any tree other than an exceptional specimen tree, as
10 defined in Section 656.1203~~(bb)(3)~~, located on property
11 that has been subdivided for residential development by a
12 plat of record ~~or that is in the process of being platted~~
13 ~~and as received preliminary sketch plan approval pursuant~~
14 ~~to Section 654.108, Ordinance Code.~~ Property with trees
15 that are exempt under this subsection (8) must comply
16 with the buffer requirements for residential subdivisions
17 of Section 656.1222.

18 * * *

19 **Section 3. Amending Section 656.1206 (Permit procedure and**
20 **criteria for tree removal, relocation and replacement of protected**
21 **trees.), Subpart B (Tree Protection), Part 12 (Landscape and Tree**
22 **Protection Regulations), Chapter 656 (Zoning Code), Ordinance Code.**
23 Section 656.1203, *Ordinance Code*, is hereby amended to read as
24 follows:

25 **CHAPTER 656 - ZONING CODE**

26 * * *

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

28 * * *

29 **SUBPART B. - TREE PROTECTION**

30 * * *

31 **Sec. 656.1206. - Permit procedure and criteria for tree removal,**

1 relocation and replacement of protected trees.

2 * * *

3 (g) Protected trees identified for removal on the site clearing or
4 tree removal permit application shall be replaced with new planted
5 trees, unprotected trees or transplanted trees.

6 (1) Protected live oaks (~~quercus virginiana~~) (*Quercus virginiana*)
7 removed shall be replaced only with live oaks. The total
8 caliper inches of replacement live oaks shall equal the total
9 caliper DBH inches of protected live oaks removed.

10 (2) For ~~for~~ other removed woody protected trees, the total caliper
11 inches of replacement trees shall equal one-third the total
12 caliper DBH inches removed.

13 (3) For palms with less than 24 feet of CT, the total CT height
14 of replacement palms shall be one-third of the total CT feet
15 removed.

16 (4) For palms with a CT height of 24 feet or greater, the total
17 CT height of replacement palms shall equal the amount of feet
18 removed. A waiver of this replacement requirement may be
19 approved by the Chief if the tree removal was for the purpose
20 of removing dead, diseased, dying or trees of similar
21 condition or for trees whose roots are causing severe damage,
22 as determined in the sole discretion of the Chief, to an
23 adjacent structure.

24 (5) No waiver shall be allowed for the removal of any tree whose
25 continued existence was necessary for compliance with the
26 City's Landscape Code, for receiving credit for conservation
27 mitigation, or for any tree which was planted as part of a
28 mitigation requirement.

29 (6) The total caliper inches for replacement of exceptional
30 specimen trees shall equal the total caliper inches of

1 exceptional specimen trees removed pursuant to Section
2 656.1205(d).

3 (7) When there are more than an average of two exceptional specimen
4 trees per acre removed on a particular site, the required
5 mitigation shall be increased by twice the minimum caliper of
6 all exceptional specimen trees lost in order to compensate for
7 that loss.

8 (8) If multi-trunked trees are used as replacement trees, then the
9 total caliper of the four largest trunks shall equal the
10 replacement caliper.

11 (9) Palms may be used only to replace protected palms removed.
12 Replacement species used shall be approved by the Chief.
13 Additionally, the following provisions shall apply:

14 (10) No replacement will be required for protected trees which
15 are determined by the Chief to be dead or deteriorated as a
16 result of age, insects, disease, storm, fire, lightning or
17 other acts of nature, or for trees whose roots are causing
18 severe damage, as determined in the sole discretion of the
19 Chief, to an adjacent structure. Trees that require trimming
20 or other simple forms of abatement to remain viable shall not
21 be exempt pursuant to this ~~subsection~~ paragraph. An exemption
22 pursuant to this ~~subsection~~ paragraph requires the following:

23 (i) Sufficient documentation supporting the exemption in a
24 form approved by the Chief; and

25 (ii) Verification of the dead or deteriorated status of the
26 tree by a Certified Arborist; and

27 (iii) Evaluation of the tree based upon the current site
28 conditions and viability of the tree, not considering
29 potential impacts of construction.

30 (211) New replacement trees shall meet the minimum standards for
31 landscape materials established by Section 656.1211(e).

1 (~~3~~12) Existing trees, two-inch caliper or greater, which are not
2 protected trees but which are preserved or transplanted,
3 except those trees located in preserve areas, may be utilized
4 to satisfy tree replacement requirements, subject to the
5 conditions stated in Sections 656.1207 and 656.1213(b) and
6 (d).

7 (~~4~~13) New, preserved nonprotected, or transplanted exceptional
8 specimen trees or live oaks used as replacement for removed
9 exceptional specimen trees or protected live oaks shall be
10 four-inch caliper or greater.

11 (~~5~~14) Existing protected trees which would otherwise be removed
12 from the site because of development, may be utilized to
13 satisfy tree replacement requirements if transplanted to a
14 location on the site which meets the requirements of Sections
15 656.1207 and 656.1213(b) and (d).

16 (~~6~~15) If protected tree removal is associated with new
17 development, the name, size and location of all replacement
18 trees shall be shown on the required landscape plan and such
19 trees shall be installed prior to the final building
20 inspection. Otherwise, the name, size and location of the
21 required replacement trees shall be shown on the site plan
22 required for site clearing or tree removal and such trees shall
23 be installed within the time limit stated on the site clearing
24 or tree removal permit.

25 (~~7~~16) Existing nonprotected trees, transplanted trees and new
26 trees used for replacement become protected trees.

27 (~~8~~17) Replacement trees shall be maintained pursuant to the
28 requirements of Section 656.1212.

29 (~~9~~18) Replacement trees may be used to satisfy the tree
30 requirements of Subpart C, landscaping requirements.

1 (~~190~~) A tree used for replacement shall be at least ten feet from
2 any other tree planted, transplanted or preserved. Greater
3 spacing may be required, based on a tree survey, to ensure
4 survivorship of a tree.

5 (~~1120~~) Replacement trees shall be suitable to the site at which
6 they are planted as determined by the Chief.

7 (~~1221~~) Replacement trees for protected trees larger than 11.5
8 inches DBH shall be shade trees as required by Article 25 of
9 the Charter of the City of Jacksonville, *Minimum Standards for*
10 *Tree Protection, Conservation and Mitigation During*
11 *Development.*

12 (~~1322~~) Trees planted within an area of an onsite wetland created
13 for mitigation of wetlands removed or relocated on the same
14 site may be used satisfy the requirements of this Subpart.

15 (~~1423~~) If the applicant demonstrates to the satisfaction of the
16 Chief that the site cannot accommodate the total number of
17 required replacement trees as a result of insufficient
18 planting area, the applicant shall provide a monetary
19 contribution to the Tree Protection and Related Expenses Trust
20 Fund. The amount of such contribution shall be determined as
21 follows: For every two caliper inches, or fraction thereof, of
22 replacement trees which would otherwise be required, the
23 contribution shall be equal to the retail value of a planted
24 two-inch caliper nursery grown shade tree. The retail value
25 shall be calculated by taking the average of the median current
26 wholesale price, published by North Florida nurseries, for a
27 container grown, and a balled and burlapped two-inch caliper
28 live oak, multiplied by two. The retail value shall be
29 recalculated and adjusted annually on October first.

30 (~~1524~~) As an alternative to providing a monetary contribution to
31 the Tree Protection and Related Expenses Trust Fund, an

1 applicant may, under the conditions set forth in this
2 subsection, provide mitigation in certain off-site locations.
3 In such cases, the applicant shall install the required
4 replacement trees at another location (the "alternative site")
5 which is not a residential lot and which meets all of the
6 following criteria:

7 (i) The alternative site must be located within the same
8 planning district as the applicant's property, as such
9 districts are defined in the City's Comprehensive Plan
10 approved by the City Council. Applicants are encouraged to
11 coordinate with, and seek input from, Planning District
12 Citizen Planning and Advisory Committees in selecting
13 alternative sites for tree mitigation. A location in the
14 proximity of the applicant's property is preferred;

15 (ii) The alternative site must be owned or leased by the
16 applicant or by a governmental entity which has authorized
17 the installation of the trees, or is privately owned and
18 nonconforming with respect to the requirements of this Part
19 and the owner has consented to the use of his property as
20 an alternative site; provided, however, that governmental
21 entities providing off-site mitigation may do so only on
22 property owned or leased by a governmental entity;

23 (iii) The installation of the trees at the alternative site will
24 provide aesthetic benefits to many of the same citizens
25 which would have benefited from the installation of the
26 landscaping on the applicant's property; and

27 (iv) The alternative site is determined by the Landscape
28 Architect to be a location where the trees are likely to
29 survive.

30 If the applicant elects to install the required trees at the
31 alternative site, the applicant must submit plans for the

1 alternative site for review and approval of the Landscape
2 Architect prior to the issuance of the site clearing permit.
3 Any trees planted at the alternative site pursuant to this
4 Section shall be in addition to, and not in lieu of, the
5 requirements of this Chapter. Irrigation and maintenance of
6 the replacement trees in accordance with the requirements of
7 this Chapter are the responsibility of the applicant, and
8 failure to comply with these requirements is a violation of
9 this Chapter.

10 (~~1625~~) As a further alternative to providing a monetary
11 contribution to the Tree Protection and Related Expenses Trust
12 Fund, an applicant may, in limited circumstances and under the
13 conditions set forth in this subsection, provide mitigation of
14 the required mitigation amount through conveyance of certain
15 lands to the City of Jacksonville. A conveyance of land in
16 lieu of a monetary contribution to the Tree Protection and
17 Related Expenses Trust Fund, must meet all of the following
18 criteria:

19 (i) The property to be conveyed to the City must be property
20 the City is willing to accept pursuant to this subsection
21 and maintain as open space;

22 (ii) The property to be conveyed to the City must be of a type
23 and in a condition that will result in the preservation of
24 open space and provide the opportunity for substantial tree
25 planting and increase in tree canopy on the site;

26 (iii) The value of the property being conveyed to the City, as
27 established in an appraisal acceptable to the City's Real
28 Estate Division or the land value of which was established
29 in an eminent domain proceeding within the previous five
30 years, must equal or exceed the amount of the monetary
31 contribution which would be made under this section;

- 1 (iv) The property being conveyed to the City must be free from
2 environmental contamination, as established in
3 environmental audits and studies acceptable to the City;
- 4 (v) The property being conveyed to the City must have clear
5 title and be free and clear of any outstanding liens or
6 unpaid taxes;
- 7 (vi) Prior to conveyance to the City the owner shall furnish to
8 the City, at no expense to the City, a landscape plan
9 acceptable to the City for the City's use in planting trees
10 on the property and a boundary survey of the property
11 prepared by a licensed surveyor;
- 12 (vii) Prior to conveyance to the City the property shall have
13 been rezoned to Conservation (CSV) zoning district;
- 14 (viii) The property being conveyed to the City must be located
15 within a one-mile radius of the property from which
16 protected trees were removed creating the requirement for
17 mitigation under this section;
- 18 (ix) The property being conveyed to the City shall be contiguous
19 to a City right-of-way or City-owned land;
- 20 (x) The property being conveyed to the City should be a minimum
21 size of approximately 1.25 acres;
- 22 (xi) The property being conveyed to the City shall not be land
23 protected from development by other restrictions, such as
24 subdivision buffer areas or St. Johns River Water
25 Management District conservation easements;
- 26 (xii) The property being conveyed to the City shall be free from
27 easements which would limit tree planting such as overhead
28 or underground utility, drainage or access easement which
29 would, in the opinion of the City, unduly limit the ability
30 of the City to plant trees on the site; and
- 31 (xiii) The land being conveyed to the City shall be upland areas

1 suitable for tree planting.

2 In the event that any portion of this subsection is declared
3 invalid, unenforceable, unconstitutional or void, or is
4 permanently enjoined, or if the existence of this subsection
5 would result in any other portion of Chapter 656, Part 12, or
6 Article 25 of the Charter being held to be invalid,
7 unenforceable, unconstitutional or void, then thereafter no
8 conveyance of land as mitigation shall be accepted pursuant to
9 this subsection and all mitigation requirements shall be
10 satisfied as otherwise allowed in this section.

11 * * *

12 **Section 3. Amending Sec. 656.1211 (Florida-Friendly**
13 **Landscape and Irrigation design standards.)**

14
15 **CHAPTER 656 - ZONING CODE**

16 * * *

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

18 * * *

19 **SUBPART C. - LANDSCAPING REQUIREMENTS**

20 * * *

21 **Sec. 656.1211. Florida-Friendly Landscape and Irrigation design**
22 **standards.**

23 * * *

24 (c) Trees, excluding palm trees, which are larger than the
25 minimum size may be credited as indicated in Table 1. A
26 minimum of 50 percent of all required trees shall be shade
27 trees.

28 (d) Trees required for vehicular use area landscaping may be
29 used to fulfill the tree requirements of this Section.

30 (e) Standards for landscape materials.

31 * * *

1 (3) *General criteria for trees:* Trees shall be a species
2 having an average mature crown spread of no less than
3 15 feet in northeast Florida. Trees having a mature
4 crown spread of less than 15 feet, if grouped to
5 create an equivalent 15 foot spread, may be
6 substituted for the required tree. Single-trunk trees
7 shall be a minimum of two inch caliper and a minimum
8 of ten feet overall height. Multi-trunk trees shall
9 be a minimum of three trunks eight feet high. Trees
10 shall be planted in no less than 16 square feet of
11 planting area, with a minimum dimension of four feet
12 on any side. Trees shall not be planted closer than
13 two feet from any pavement edge or right-of-way line,
14 as measured from center of trunk. Architectural
15 planters for trees shall be no less than four feet by
16 four feet in width and no less than 24 inches deep.
17 Credits for the use of trees larger than the minimum
18 size will be calculated as indicated in Table 1.
19 Fractional measurements shall be attributed to the
20 next lowest category.

21 (i) *Shade trees:* Shade trees shall be a species having an
22 average mature crown spread of no less than 30 feet;
23 provided, trees having an average mature crown spread
24 of less than 30 feet may be grouped so as to create
25 a total average mature crown spread of no less than
26 30 feet and used in lieu of a shade tree. Shade trees
27 at the time of planting shall be a minimum of two
28 inch caliper and ten feet high. Shade trees shall be
29 planted in no less than 150 square feet of planting
30 area, with a minimum dimension on any side of eight
31 feet. Shade trees shall not be planted closer than

1 four feet from any pavement edge or right-of-way line,
2 as measured from center of trunk. Those species of
3 trees whose roots are known to cause damage to
4 pavement shall not be planted closer than six feet to
5 such pavement.

6 (ii) Palm trees: Palms shall be a minimum clear trunk
7 height of eight feet, measured from the ground level
8 to the base of the palm fronds. Palms may be
9 substituted for the required trees at the ratio of
10 two palms for each required tree or four palms for
11 each required shade tree, except as provided below
12 for Phoenix Palm. Each palm shall be planted in no
13 less than 16 square feet of planting area, with a
14 minimum dimension of four feet. Phoenix Palm may be
15 used as a non-shade tree without meeting the ratios
16 for other types of palms if the palm has a fifteen
17 foot spread at maturity and a minimum clear trunk
18 height of eight feet.

19
20
21 **Sec. 656.1213. Credit for existing trees and understory.**

22 Whenever the provisions of this Subpart require trees and other
23 landscaping, such requirement may be satisfied by the preservation
24 of existing trees and understory, located in uplands or upland buffer
25 areas, as specified herein, provided all other requirements are met.
26 Trees planted in wetlands and wetland creation areas may also be
27 credited toward mitigation pursuant to Section 656.1206(h)(13).

28 (a) Existing trees, except palm trees, may be used to satisfy any
29 requirement for trees pursuant to Table 1.
30
31

1 **Section XX. Directive to the Codifiers.** In Section
2 656.1203, place the definitions in alphabetized order.

3 **Section XX. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6
7 Form Approved:

8
9 _____
10 Office of General Counsel

11 Legislation prepared by: Susan C. Grandin

12 *GC-#1499503-v2-Landscape_Code_Amend_for_Palms.docx*

DRAFT