



December 28, 2015

MEMORANDUM

BULLETIN – L02-15

TO: All Interested Parties

FROM: Thomas H. Goldsbury, P.E., C.B.O. LEED A.P.
Chief, Building Inspection Division

SUBJECT: **Charter Amendment vs Tree Ordinance (Chapter 656 Part 12)
Guideline for Site Clearing/Tree Removal Permit Application**

NOTE: This Bulletin supersedes Bulletins L-02-01, L-02-05, L-01-07, L-01-08, L-02-08, L-02-09, L04-10, L-01-12, L-02-12, and L-01-14

The intent of this Bulletin is to provide a guideline for permit applicants in preparing plans and/or permit applications for Site Clearing and Tree Removal Permits. **Please note that the information provided is a suggested approach for assistance only and that the Ordinance Code and Charter take precedence over what may or may not have been included in this Bulletin.**

Please keep in mind when you are preparing your plans for submission, whether for commercial or residential projects, that both Article 25 of the Charter and Section 656 Part 12 of the City of Jacksonville Municipal Code must be followed. We will review your tree survey per the Ordinance Code first and confirm any mitigation requirements. Then we will review any trees that were exempt from the Ordinance Code to determine if any mitigation is required by the Charter.

Mitigation calculation for all property:

1. Analyze property to see what trees must be mitigated for pursuant to the **Ordinance Code** (Part 12 of the Zoning Code). This includes identifying what trees are protected, and then what trees would be exempt under the Ordinance Code. Apply all Ordinance Code requirements including inches required, type of mitigation tree, Ordinance Code cost of mitigation if ample mitigation trees are not provided.

THEN

2. Analyze the property pursuant to the **Charter** (Article 25). **Trees that are exempt under the Ordinance Code, but not exempt pursuant to the Charter, should be mitigated for pursuant to the Charter requirements.** These requirements include the inches required, type of mitigation tree allowed, and Charter cost of mitigation if ample mitigation trees are not provided.



By applying this paradigm, analyzing the property through the requirements of the Ordinance Code and then the Charter, there should not be trees that are counted twice. The following explanation outlines the protected trees, exempt trees, mitigation trees and cost per inch pursuant to the Ordinance Code and then the Charter.

ORDINANCE CODE (Chapter 656, Part 12)

Protected Trees are –

1. On private or public property - any tree with a DBH of
 - a. 6” or more located on any lot within 20 feet of a street right-of-way,
 - b. 8” or more located on any lot within 10 feet of any other property line,
 - c. 11.5” or more located elsewhere on the lot.
2. On public property – any tree with a DBH of
 - a. 6” or more located with a governmental right-of-way,
3. Exceptional specimen tree is any hardwood tree with a DBH of 24” or more,
4. Long Leaf Pines and Sabal Palms with a DBH of 11.5” or greater, located within the interior of lots (greater than 20’ from R/W and greater than 10’ from other property lines).

Permit required to remove a Protected Tree or an Exempt Tree –

1. Protected Tree –
 - a. BID may approve, conditionally approve, or deny a tree removal permit.
 - b. Mitigation required.
 - c. Approval for removal, relocation, replacement or payment into Trust Fund must be based upon the 14 criteria found in 656.1206(f), and must be stated in the application.
The 14 criteria are as follows:
 - (1) The extent to which tree removal decreases aesthetic and environmental quality, land values and physical benefits to human beings;
 - (2) The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services;
 - (3) The necessity to remove trees which pose a safety hazard to buildings;
 - (4) The necessity to remove diseased trees or trees weakened by age, weather, storm, fire or acts of God or which are likely to cause injury or damage to people, buildings or other improvements on a lot or parcel of land;
 - (5) The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams or rivers through runoff or erosion;
 - (6) The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees which are proposed to be cleared;
 - (7) The topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface water;
 - (8) The necessity to remove trees in order to construct proposed improvements to allow access around the proposed structure for construction equipment, access to the building site for construction equipment, or essential grade changes;
 - (9) The land use and natural vegetative ground coverage of surrounding property;



- (10) The extent of any damage or hardship to the applicant resulting from a denial of the requested permit;
- (11) The species and size of the tree proposed for removal;
- (12) Whether the tree to be removed is an exceptional specimen tree;
- (13) Whether the tree is located within a scenic and historic corridor; and
- (14) Areas to be converted to mitigated wetlands as required by federal, state and local agencies which regulate wetlands.

2. Exempt Tree –

- a. Payment of \$25 application fee required.
- b. Applicant to provide supporting evidence of entitlement to exemption.

Exempt Trees are –

- 1. Any tree, **other than a 24” DBH hardwood tree**, located in or on
 - a. property that
 - i. has been subdivided for a residential development by a plat of record, or that
 - ii. is in the process of being platted and has received a sketch plan approval through the Development Services Division,
 - b. botanical gardens,
 - c. state-approved or government nurseries where the trees are grown for sale or public purpose,
 - d. existing or proposed rights-of-way or easements within single family (including mobile home) subdivisions that are
 - i. platted, or
 - ii. in the process of being platted, and have received a sketch plan approval through the Development Services Division.
 - e. cemetery plots and removed at the request of the plot owner, but not for expansion of cemeteries,
 - f. a fire break.
- 2. Any tree, **including 24” DBH hardwoods**, located in or on an
 - a. individual lot on which a single family home (including a mobile home) is currently located as long as:
 - i. the lot is not capable of further subdivision, **and**
 - ii. the home is occupied, or capable of occupancy.
 - b. agricultural land, and whose removal is regulated through Best Management Practices.
- 3. Any tree of the Palm family or the Pine family unless they are
 - a. Cabbage Palms or
 - b. Long Leaf Pines
- 4. Any tree that must be removed for maintenance of a
 - a. City drainage easement,
 - b. City drainage right-of-way,
 - c. City access right-of-way (but not street right-of-way)
- 5. Any tree determined to be a danger to traffic flow or traffic site visibility by the City Traffic Engineer.



6. Any tree that poses an imminent danger to the public health safety or welfare that requires immediate removal.
7. Invasive species, consisting of: Pond Willow, Chinese Tallow, Paper Mulberry Chinaberry Camphor, Wax Myrtle, Golden Raintree and Cherry Laurel.
8. Trees that are dead or deteriorated due to acts of nature, as certified by an Arborist.

Mitigation Trees –

1. Protected live oaks removed may only be mitigated for with live oaks.
2. Palms may only be used to mitigate for protected palms removed.
3. Invasive species may not be used.
4. Must be planted at least 10' apart.
5. Mitigation for Protected Trees greater than 11.5" in DBH shall be with the following trees: Live Oak, Red Maple, Sycamore, Loblolly, Bald Cypress, Swamp Chestnut Oak, Tulip Poplar, Pecan, Sweet Gum, Pignut Hickory, Shumard Oak, Catalpa, Southern Magnolia, Red Cedar, Leyland Cypress, River Birch, as well as any indigenous tree that reaches a height at maturity of at least 45 feet and a spread at maturity of at least 30 feet.
6. Existing trees, two-inch caliper or greater, which are not protected trees but which are preserved or transplanted, except those trees located in preserve areas, may be utilized to satisfy tree replacement requirements, subject to the conditions stated in Sections [656.1207](#) and [656.1213](#)(b) and (d).

Allowable mitigation locations –

1. On the site of removal.
2. An alternative site that is
 - a. Is non-residential, and
 - b. Is owned or leased by
 - i. the applicant, or
 - ii. a governmental entity that has approved the installation, or
 - iii. another consenting owner.
 - c. Will provide aesthetic benefits to many of the same citizens that would have received those benefits if the trees had been provided on the removal site, and
 - d. The City Landscape Architect determines that the site will support the trees.
 - e. Irrigated and maintained.

Mitigation calculation –

1. Live oaks and hardwoods greater than 24" diameter: for each inch removed, replace with an inch (1:1), with minimum 4" caliper.
2. All other trees: for every 3 inches, replace with one inch (3:1), and
3. Chief may require that size of replacement trees be twice the required cal.
4. For each caliper inch required that is not planted on removal site, multiply by the retail value of a planted 2" cal. nursery grown shade tree as posted on a Bulletin entitled "**Tree Mitigation Costs for [year] for Ordinance Code Protected Trees and Charter Protected Trees**".

Cost per inch if monetary mitigation is approved by the Chief –

1. Effective on October 1 of each year and shall be posted on a Bulletin entitled "**Tree Mitigation Costs for [year] for Ordinance Code Protected Trees and Charter Protected Trees**".



2. The cost per inch for Ordinance Code Protected Trees is based upon prices published by North Florida nurseries. It is the average of:
 - a. The median current wholesale price of a container grown 2" laurel oak, and
 - b. The median current wholesale price of a balled and burlapped 2" laurel oak.

CHARTER (Article 25)

Protected Trees on any land in Duval County being cleared for improvements or construction—

1. Any tree,
 - a. Located anywhere on the site,
 - b. including Long Leaf Pines and Sabal Palms,
 - c. with a DBH of 11.5" or greater.
2. Any tree that was utilized as a replacement tree.
3. Any tree that was utilized for tree conservation credit.

Exempt Trees –

1. Dead and diseased trees are exempt. Pursuant to the Findings, intent and purpose stated in Article 25 of the Charter, the purpose was to protect mature and maturing trees. This means that dead and diseased trees (in other words no longer maturing) are exempt from mitigation requirements, even though they are not specifically called out as exempt.
2. All pines, except Long Leaf.
3. All palms, except Sabal.
4. Trees identified as invasive species, terrestrial weed or noxious weed by the Florida Department of Environmental Regulation or the St. Johns River Water Management District.
5. Trees located on
 - a. Land used exclusively for bona fide agricultural purposes,
 - b. Cemeteries,
 - c. Any lot on which a single family home (or mobile home) is already constructed and occupied, or is currently vacant but capable of occupancy (not condemned), or
 - d. City drainage easement or right-of-way (but not road rights-of-way or road easements requiring drainage).

Mitigation Trees for all Protected Trees –

1. Live Oak, Red Maple, Sycamore, Loblolly Bay, Bald Cypress, Swamp Chestnut Oak, Tulip Poplar, Pecan, Sweet Gum, Pignut Hickory, Shumard Oak, Catalpa, Southern Magnolia, Red Cedar, Leyland Cypress, River Birch, as well as any indigenous tree that reaches a height at maturity of at least 45 feet and a spread at maturity of at least 30 feet.
2. Must be planted at least 10' apart.

Allowable mitigation locations –

1. Removal site.
2. Another site in Duval County, if replacement trees are at least 2" in caliper.



Mitigation calculation –

1. Live oaks – for each inch removed, one inch shall be replaced (1:1).
2. For all other Charter Protected Trees – for every 3 inches removed, one inch shall be replaced (3:1).
3. For each caliper inch required that is not planted on removal site, multiply by the cost as posted on the Bulletin entitled **“Tree Mitigation Costs for [year] for Ordinance Code Protected Trees and Charter Protected Trees”**.

Cost per inch for monetary mitigation of Ordinance Code Protected Trees –

1. Effective on January 1 of each year, the cost shall be posted on a Bulletin entitled **“Tree Mitigation Costs for [year] for Ordinance Code Protected Trees and Charter Protected Trees”**.
2. The cost per inch for Charter Protected Trees is based upon prices published by North Florida nurseries, as determined by the City Landscape Architect.
3. Per caliper inch of replacement tree required, that is not planted on site, is the lesser of –
 - a. \$85, or
 - b. ½ of the median wholesale price for a container grown 2” cal. live oak.

Additional Notes:

1. All mitigation trees must be installed prior to final building inspection.

Cc: Jeff Lucovsky
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