

CHAPTER 34. LAND DEVELOPMENT CODE
ARTICLE VIII. SITE DEVELOPMENT STANDARDS
DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS

Sec. 34-424. Site clearing and tree protection standards.

(a) *Site clearing and tree protection requirements.* No person, directly or indirectly, shall engage in site clearing or cut down, remove, damage or destroy, or authorize the removal, damage or destruction of any protected tree as defined in the LDC or shall commit or authorize any act which physically causes the clearing of a site or destruction of any protected tree, such as damage inflicted upon the root system by heavy equipment or by changes to the existing grade, without first having obtained a site clearing and tree removal permit pursuant to section 34-424(d).

(b) *Exemptions to site clearing and tree protection standards.* The following protected trees are exempt from the site clearing and tree protection requirements of section 34-424(a):

(1) Any of the following species or sub-species of trees are not protected trees under this division:

Pine, except cedar trees.

Palm trees, unless planted to meet a requirement of an approved landscape plan.

(2) Any of the following species or sub-species of trees are not protected trees under this division and may be removed, provided that a permit is first obtained and the specie type is verified by inspection before its removal:

Australian pine	<i>casuarina cunninghamiana</i>
Australian pine thicket	<i>casuarina glauca</i>
Bischofia	<i>bischofia javanica</i>
Brazilian pepper	<i>schinus terebinthifolius</i>
Camphor tree	<i>cinnamomum camphora</i>
Carolina laurelcherry	<i>prunus caroliniana</i>
Carrotwood	<i>cupaniopsis anacardioides</i>
Castor bean	<i>ricinus communis</i>
Catclaw mimosa	<i>mimosa pigra</i>
Chinaberry tree	<i>melia azedarach</i>
Chinese tallow	<i>sapium sebiferum</i>
Chinese wisteria	<i>wisteria sinensis</i>
Climbing cassia	<i>senna pendula</i>
Earleaf acacia	<i>acacia auriculiformis</i>
Guava	<i>psidium guayava</i>
Jambolan	<i>syzygium cimini</i>
Laurel fig	<i>ficus microcarpa</i>
Lead tree	<i>leucanea leucocephala</i>
Melaleuca tree	<i>melaleuca quinquenervia</i>
Mimosa tree	<i>albizia julibrissin</i>
Orchid tree	<i>bauhinia variegata</i>
Schefflera	<i>schefflera actinophylla</i>

Seaside mahoe	<i>thespesia populnea</i>
Shoebuttton ardesia	<i>ardisia elliptica</i>
Strawberry guava	<i>psidium cattleianum</i>
Woman's tongue	<i>albizia lebbeck</i>

(3) Any tree located in botanical gardens or in state approved or government nurseries and groves which are grown for sale or public purpose.

(4) Any tree that poses imminent danger to the public health, welfare, or safety; any tree that is diseased or weakened by age, weather, storm, fire, or act of God; or any tree which is likely to cause injury or damage to persons, buildings, or other improvements. The planning and development director may require a written certification of the need to remove such a tree or trees from a person having the expertise to provide the same prior to authorizing such removal.

(c) *Temporary suspension of site clearing and tree protection requirements.* During a period of emergency, such as a hurricane, flood or other natural disaster, the requirements of this division may be temporarily waived by the planning and development director, so that private or public work to restore the city will in no way be hampered.

(d) *Site clearing and tree removal permits.* Prior to the issuance of any permit for construction, improvement, paving or surfacing under the provisions of the LDC, a site clearing and tree removal permit must be applied for at the planning and development department and approved by the planning and development director pursuant to the procedures and standards of this division.

(1) *Application contents.* In addition to the information required for a development plan submitted pursuant to section 34-221 et seq., of the LDC, the plans submitted with the site clearing and tree removal permit application shall include the following information:

a. A survey showing the location and identification by common name and DBH of protected trees to be removed, relocated, or retained, including any trees being preserved for credit under the provisions of section 34-424(f) and a listing of protected trees by type and size which provides a summary of the removal and replacement proposal. Inclusion of the botanical names of the protected trees on the survey is desirable, but is not required.

b. In preserve areas where groups of trees are to remain and no soil is to be disturbed, the trees may be identified by general species.

c. A statement explaining why any protected trees are to be removed or relocated.

d. The plans submitted with the site clearing and tree removal permit application shall overlay the development plan and show the location of sources of water within seventy-five (75) feet of any planting areas.

e. Site clearing and tree removal plans for developments of all types, except construction of a single-family residential dwelling on a lot less than one-half (1/2) acre in size, shall be prepared by persons qualified by license or other certification to do so under Florida law.

Site clearing and tree removal plans and permit applications for single-family residential construction on lots of less than one-half (1/2) acre in size may be prepared by the owner.

(2) *Inspections.* Compliance with the intent of this division shall be verified by inspections prior to development plan approval, during construction and following installation of landscaping.

(3) *Standards for issuance of permits.* The issuance of a site clearing and tree removal permit by the planning and development director shall be based on consideration of the following standards.

a. The necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services or which pose a safety hazard to buildings.

b. 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;

c. 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;

d. The proposed landscaping, including plans whereby the applicant has planted or will plant perennial vegetative cover to replace those trees or natural landscape areas which are proposed to be cleared;

e. The topography of the site and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface water;

f. 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;

g. The land use and natural vegetative ground coverage of surrounding property;

h. The extent of any damage or hardship to the applicant resulting from a denial of the requested permit;

i. The species and size of the trees proposed for removal, and whether the tree to be removed is an exceptional specimen tree.

(e) *Tree removal and trimming on public property.*

(1) *Permits required.* Any person who intends to remove, prune, or otherwise disturb any protected tree on a public easement or right-of-way shall first obtain a permit from the

planning and development director. All work shall be conducted in strict accordance with the National Arborist Association Pruning Standards for Shade Trees and The American National Standards for Tree Care Operations (ANSI #Z133.1).

(2) *Annual permits.* Any department or division of the City of Jacksonville Beach, any independent authority or agency of the city, and any provider of utility service may obtain an annual permit to trim or remove protected trees for maintenance purposes, for the installation of new facilities, or to maintain a proper clearance on existing facilities upon the submission of an operational manual, including procedures and/or standards subject to the approval of the planning and development director.

(f) *Replacement of protected trees.* Protected trees which are identified for removal on a site clearing and tree removal permit application shall be replaced with new planted trees or transplanted trees, all called replacement trees. The following standards shall govern replacement of protected trees.

(1) *Tree replacement formula.* The total caliper inches of replacement trees required to be planted shall equal one-third (1/3) the total DBH inches of the protected trees removed.

(2) *Replacement credit for preserved trees.* Existing protected trees may be used to satisfy the tree replacement requirements of section 34-424(f) and the landscape requirements of section 34-425, provided that the protected trees satisfy the following conditions.

a. An area within the dripline of the tree or trees at least one (1) foot in diameter for each one (1) inch of DBH shall be preserved in a previous state.

b. All trees shall be protected in accordance with tree and landscape protection standards of section 34-424(g), and shall be healthy and free of damage and insect infestations potentially lethal to the tree.

c. The number of inches of DBH of existing protected trees which may be removed without a requirement that they be replaced shall be computed on the ratio of one (1) inch of DBH of existing protected tree allowed to be removed for each one (1) inch of DBH of protected trees retained.

(3) *Replacement tree species and size.* Replacement trees shall meet the tree and landscape material standards of section 34-425(e). If multi-trunked trees are used as replacement trees, the total caliper of the two (2) largest trunks shall equal the re- placement caliper.

(4) Dead, diseased and deteriorated trees. No replacement will be required for removed protected trees which are determined to be dead or deteriorated as a result of age, insects, disease, storm, fire, lightning or other natural acts. Written notification of such determination by a certified tree expert must be provided prior to any action.

(5) *Tree protection trust fund.* If the planning and development director determines that the site cannot accommodate the total required replacement trees because of insufficient

planting area, then the applicant shall provide an equitable contribution to the landscape and tree protection trust fund to compensate for those replacement trees which cannot be accommodated. Such contributions shall be used to fund public tree planting projects, such as Adopt-A-Tree programs. For every two (2) inches, or fraction thereof, of replacement trees requiring compensation, the contribution shall be the retail price of a two (2) inch caliper oak as determined by the planning and development department, based on written information obtained by the applicant from a nursery which is licensed by the State of Florida.

(g) *Protection of trees during construction.* All protected trees, preserved understory vegetation, and trees retained for tree credit pursuant to section 34-424(f)(2), shall be protected from injury during any land clearing and construction process in the following manner:

(1) A temporary barrier shall be constructed to prevent disturbance of the soil a minimum of six (6) feet from the trunk at any point or an area equal to fifty (50) percent of the area within the drip line. The barriers shall remain in place throughout construction.

(2) The developer shall not cause or allow the cleaning of equipment, storage or disposal of materials or waste materials such as paints, solvents, asphalt, concrete, mortar, or any other material that may endanger the health of trees or vegetation within the drip line of protected trees.

(3) The protected area shall be maintained at its original grade with no trenching or cutting of any roots, and there shall be no storage of fill or compaction of soil. In no event shall motorized vehicles or equipment be allowed to park on or traverse that area within the drip line of protected trees, nor shall any dirt or other materials be stored within the barriers.

(4) No attachment, wires (other than protective guy wires), signs or permits shall be fastened to a tree.

(5) Developers shall post signs governing tree removal. The sign shall be not less than two (2) feet by two (2) feet in size and shall contain the following:

PROTECTED TREES

**ALL TREES MARKED TO BE SAVED ARE PROTECTED
BY CITY OF JACKSONVILLE BEACH LAND
DEVELOPMENT CODE. ANY PERSON DAMAGING ANY
MARKED TREES WILL BE SUBJECT UP TO A FINE OF
UP TO \$250.00 PER DAY AND A STOP WORK ORDER.**

(6) Standards for protection of trees on disturbed sites are contained in the publication: Tree Protection Manual for Builders and Developers, published by the Florida Department of Agriculture and Consumer Services, Printing Date February 1986 and available through the Florida Department of Agriculture, Division of Forestry. (Ord. No. 7500, § 8.3(D), 8-19-91; Ord. No. 2006-7919, § 1, 4-3-06)