

§ 18.18.020 TREE REMOVAL STANDARDS.

(A) *General.* This section specifies rules for removing live “resource trees” in the Zoning Districts specified in this Section. Live resource trees are those with a minimum diameter of 12 inches measured at 4 feet above ground level. The rules of this section shall also apply to the topping of any live resource tree.

(B) *Removal Criteria.* A live resource tree may be removed under this Section if the tree is one or more of the following:

1. In danger of collapse presenting a health and safety hazard;
2. Necessary to protect an historic or primary residential structure;
3. A fire hazard determined by the Fire Chief;
4. Diseased or blighted endangering its survival and that of nearby trees;
5. Located in a proposed building envelope, proposed street, driveway or parking area and there is no alternative development design eliminating the need for the tree(s)' removal; or,
6. A "Nuisance Species:" “Trees of Heaven” *Ailanthus Sp.*), Cottonwoods, Poplars, Aspens (*Populus Sp.*), Leylandi Cypress (*Cupressocyparis leylandii*) and any other species designated Nuisance Species by the Historical and Architectural Review or City Council, unless subject to protection under Chapter 18.20.

(C) *Tree Removal with Permit and Notice.* Removal of live resource trees in Historic Core, General Commercial, Artisan, and those subject to the provisions of 18.20 (Any property in all zones subject to riparian and/or wetlands designations) shall require a Planning Department-issued Tree Removal Permit. Unless otherwise exempted by this Section, a Tree Removal Application for the Permit shall be submitted by the subject property owner or agent and shall include:

1. Plans drawn to scale or with dimensions and distances showing the number, size, species, and location of the tree(s) to be removed or topped on a site plan of the property;
2. One or more of the Removal Criteria in (B) above for removal. If a prior planning approval required the subject tree(s) to be preserved, a modification request, under Chapter 18.20 may also be required;
3. Any proposed landscaping or new tree(s) to replace the tree(s) to be removed;
4. An arborist’s opinion or report, if required, about the subject tree(s)' condition; and
5. Any other relevant information required by the City.

(D) *Tree Removal by Administrative Action.* Removal of live resource trees in Residential Zoning Districts, except Hillside and Special Protection and if no development or other site approval is sought and Chapter 18.20 does not apply, may be approved by the Planning Director's Administrative Review and issuance of a Permit, without full application and notice under (C), but with the applicable fee (unless waived) and any required arborist's opinion, if one or more of the criteria in (B) clearly applies.

(E) *Hillside Residential and Special Protection Zoning Districts.* Tree removal shall be as provided in Chapter 18.20.080 Sub-Section (E) and this Section 18.18.020 shall not apply.

(F) *Emergency Tree Removal.* The Planning Director or designee shall issue a Permit for emergency tree removal, without fee, if the tree's condition presents an immediate danger of collapse and a clear and present hazard to persons or property; provided that an arborist's opinion as to the tree's condition, at applicant's expense, may be required.

(G) *Replacement and Mitigation.* Upon tree removal, the following apply:

1. Except as preempted by applicable local and/or state fire regulations or expressly waived by the Planning Director, the applicant shall plant a minimum 1.5" caliper (at four-foot height above ground) healthy and well-branched tree for each tree removed. The tree shall be a suitable species for the site, given the existing topography, soils, other vegetation, exposure to wind and sun, nearby structures and other elements that may impact the tree's growth and survival.

(H) *Conflict with other laws.* State or other applicable local laws or codes requiring tree removal for reasons of fire safety, including nuisance abatement under the Jacksonville Municipal Code, shall preempt and apply if in conflict with this Section, including, but not limited to, removal of trees as fire hazards and not requiring their replacement.

(Am. ORD ###, passed ## ## ##)

~~(Am. ORD 579, passed 3-4-2008)~~