

Sec. 30-254. Permits for tree removal; mitigation.

- (a) *Removal or relocation permits.* Except as provided below, no living regulated tree may be removed or relocated without a removal permit and mitigation as provided for in this section. Only the tree advisory board may approve or deny the removal, relocation or replacement of champion trees. Exceptions to this general provision are as follows:
- (1) On property with single family residential zoning, permits shall be required only for the removal of champion or heritage trees.
 - (2) Removal of loblolly or slash pines less than 20 inches in diameter from a natural or naturalized landscape shall not require mitigation planting, unless the removals result in a uniform tree density on the site of less than one tree per 900 square feet of unpaved area. Where resulting tree density would be less, sufficient mitigation trees meeting the standard of section 30-257 must be established to achieve the specified minimum density.
 - (3) Removal of regulated trees in connection with ecosystem management or restoration on parcels with conservation easements, in conservation management areas or on parcels managed as nature parks or preserves, provided the following criteria are met:
 - a. A plan for the removal and revegetation of the area has been approved by the city manager or designee.
 - b. The only trees that may be removed are of the following species: Loblolly Pine, Slash Pine, Water Oak, Laurel Oak, Sweetgum, Sugarberry, and any species not native to Alachua County.
 - c. The tree removal is being done in furtherance of restoration of a natural community or communities appropriate to the site as indicated by soils, remnant vegetation, and hydrological and geological conditions.
 - d. The applicant has demonstrated that after the removals, the land will be maintained in a manner that promotes the continuation of the restored natural community.
 - e. The plan has been approved by the nature centers commission.
 - (4) For the immediate protection of the health, safety, or welfare of the public, trees may be removed without obtaining a permit in advance. However, the property owner or its authorized agent must file a permit application during the next city work day. Permit approval shall be granted, provided the trees removed are mitigated in accordance with this code.
- (b) *Methods of mitigation.* Mitigation shall be allowed by two methods, mitigation trees (on an inch-for-inch basis or as otherwise specified) and mitigation payment. The amount of mitigation is as specified in subsections (c) and (d) below.
- (1) Mitigation trees shall be of high quality shade species as identified on the Gainesville tree list, meeting the specifications in section 30-265, and sited in accordance with the requirements of section 30-251(1). The installation of new trees for a development as required by this chapter may count as mitigation for trees removed from the site, except where those removed trees are of a high-quality species. The preference is for mitigation trees to be planted on the site, but where it is demonstrated that no space is available, mitigation trees may be planted offsite within city limits. In these instances, the required mitigation trees may be established on a different site within the city limits approved by the city manager or designee, or the city manager or designee may allow a payment in an amount to be made to the city tree mitigation fund equivalent to the cost of the trees that would have been purchased.

(2) Mitigation payment shall be based on tree appraised value, or as otherwise specified in this code. Payment shall be made prior to the issuance of a certificate of occupancy, or at such other time as specified in a development order. Mitigation payments received by the city shall be deposited in the city tree mitigation fund. This fund may be used for new tree plantings associated with public improvement projects or for the preservation of trees through the purchase of conservation lands, but shall not be used for tree maintenance or toward the installation of new trees that would already be required for a development.

(c) *Removal and mitigation of regulated trees subject to subdivision or development plan approval.* When tree removal or relocation is contemplated in conjunction with any development requiring approval of a development plan or subdivision plat, such removal or relocation shall be considered and either approved or denied at the same time a development plan or plat is approved or denied, based upon the criteria specified in subsection (e) of this section. No separate tree removal permit is required. All of the required plans, data or other information required with the application shall be included on the proposed development plan or on the supporting documents submitted with the plan or the plat. The following requirements apply:

- (1) Decisions on tree removal shall be based on a tree survey or a qualitative tree survey. The landscaping plan shall show all trees to be preserved, provide for protective tree barriers that meet the requirements of section 30-255, and specify the details of the mitigation required in this section.
- (2) Construction drawings shall be submitted to the building department and application for building permits made before any trees are removed.
- (3) After a certificate of occupancy has been issued for a development, any additional tree removal shall require either a tree removal permit or a development plan amendment. Failure to obtain a tree removal permit before removing or relocating any existing regulated tree or any tree that was planted to comply with the approved development plan shall be subject to the measures for enforcement specified in section 30-311.
- (4) The requirements for mitigation of regulated trees approved for removal as part of development plan or subdivision plat review are as follows:

Category	Mitigation
High quality heritage trees, in fair or better condition	Mitigation payment based on tree appraised value, limited to three trees per acre averaged over the entire site. If more than three trees per acre in this category are located on the site then the trees with the highest tree appraised value throughout the site shall be used to calculate the payment. High quality heritage trees proposed for removal in excess of the overall average of three per acre shall require mitigation trees on an inch-for-inch on a diameter basis.
Heritage trees of other than high quality species, in fair or better condition	Mitigation trees on an inch-for-inch diameter basis.
Any heritage trees in less than fair or better condition; and any other regulated tree	Mitigation trees consisting of two trees of high quality shade species established for each tree removed.

(d) *Removal and mitigation of regulated trees not part of subdivision or development plan approval.* Any person desiring to remove or relocate a regulated tree, except tree removal approved as part of subdivision or development plan approval, shall file a tree removal permit with the city manager or designee. As a condition to granting a permit, the applicant shall mitigate each tree being removed. The following requirements apply:

- (1) Permit applications shall include the name of the property owner, address from which tree will be removed, tree species and diameter, and reason for removal of the tree. The permit application shall be signed by the property owner and, if applicable, its authorized agent. Applications for tree removal shall also include a scaled drawing of the site showing tree size and location, and a statement of how any other regulated trees are to be protected during any approved tree removal and any associated construction or clearing, or grade changes. The city manager or designee shall attempt to verify the information contained in the application and shall either approve or deny the application as to each regulated tree proposed to be removed.
- (2) Where construction is associated with the tree removal, construction drawings shall be submitted to the building department and application for building permits made before any trees are removed.
- (3) The requirements for mitigation of regulated trees not associated with development plan or subdivision plat review are as follows:

Category	Mitigation
<i>Properties in single-family residential zoning districts (only heritage trees are regulated):</i>	
High quality heritage trees, in fair or better condition, wherever they are located on the property.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Heritage trees of other than high quality species and high quality heritage trees in less than fair or better condition, wherever they are located between the property lines and legal setbacks.	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.
<i>Properties in all other zoning districts:</i>	
High quality heritage trees, in fair or better condition.	Mitigation payment based on tree appraised value, and mitigation trees consisting of a minimum of two shade trees of high quality species planted on site for each tree removed.
Heritage trees of other than high quality species, in fair or better condition; and high quality heritage trees, in fair or better condition, which are causing structural problems to buildings or underground utilities.	Mitigation trees on an inch-for-inch diameter basis, with a minimum of two shade trees of high quality species planted on site for each tree removed.
Any heritage trees in less than fair or better condition; and any other regulated tree.	Mitigation trees consisting of two shade trees of high quality species planted on the site for each tree removed.

- (e) *Permit approval criteria.* Removal or relocation of a regulated tree may be approved by the reviewing board, city manager or designee based upon one of the following findings:
- (1) that the tree poses a safety hazard or has been weakened by disease, age, storm, fire or other injury; or
 - (2) that the tree contains a disease or infestation that could spread to other trees; or
 - (3) that the tree prevents the reasonable development of the site, including the installation of solar energy equipment or the installation or replacement of utility lines; or
 - (4) that the tree is causing or is likely to cause (as evidenced by competent substantial evidence) structural damage or problems to buildings or underground facilities due to excessive root or trunk growth, or soil expansion and contraction caused by uneven water uptake; or
 - (5) should be removed for some other reason related to the public health or welfare. This finding cannot serve as the sole basis for removal of high quality trees.

The city manager or designee may require the applicant to provide verification of the findings in the form of a written report signed and sealed by an appropriate licensed professional within the State of Florida. Regulated trees shall not be removed, damaged or relocated for the purpose of installing, replacing or maintaining utility lines and connections unless no reasonably practical alternative is available, as determined by the city manager or designee. Where a tree may be preserved by cutting the tree roots instead of removing a tree, that strategy shall be preferred.

- (f) *Natural emergencies or disasters.* In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disasters, issuances of permits for the removal of damaged trees may be waived by the city manager or designee. Such waiver may not be for an indefinite period and shall expire when the city manager or designee determines that emergency conditions have ended.

Sec. 30-23. Definitions. (Limited)

Fair or better condition means that the tree has a relatively sound and solid root, trunk, and canopy structure, no major insect infestation or pathological problem, or problems that cannot be remedied with cultural practices, and a life expectancy greater than 15 years as determined by the city manager or designee. In the event of a disputed health condition, the condition rating system outlined in the latest edition of the Council of Tree and Landscape Appraisers Guide for Tree Appraisers shall be used by the city manager or designee to evaluate the health condition. A score of 60 or higher shall qualify a tree as fair or better condition.

Heritage trees are trees that are larger than 20 inches diameter breast height; except for Water Oaks (*quercus nigra*), Laurel Oaks (*Quercus hemispherica*), Sweetgums (*Liquidambar styraciflua*), Loblolly Pine (*Pinus taeda*) and Slash Pine (*Pinus elliotii*) which become heritage trees only when they are larger than 30 inches diameter breast height.

High quality trees are any trees of the following species: Live Oak (*Quercus virginiana*), Sand Live Oak (*O. geminata*), Bluff Oak (*Q. austrina*), Basket Oak (*Q. michauxii*), Southern Red Oak (*Q. falcata*), Southern Magnolia (*Magnolia grandiflora*), Florida Maple (*Acer barbatum*), Longleaf Pine (*Pinus palustris*), Spruce Pine (*P. glabra*), Cedar Elm (*Ulmus crassifolia*), Winged Elm (*U. alata*), Florida Elm (*U. floridana*), Bald Cypress (*Taxodium distichum*), Pond Cypress (*T. ascendens*), Tupelo (*Nyssa sylvatica*), Mockernut Hickory (*Carya tomentosa*), Pignut Hickory (*C. glabra*), Pecan (*C. illinoensis*), Persimmon (*Diospyros virginiana*), Basswood (*Tilia Americana*), Tulip Poplar (*Liriodendron tulipifera*), White Ash (*Fraxinus Americana*), Green Ash (*F. pensylvanica*) and Yaupon, Dahoon, and American Holly species (*Ilex vomitoria*, *I. cassine*, and *I. opaca*). *High quality heritage trees* are heritage trees of the species identified in the definition of high quality trees.

Regulated trees are those of eight inches or greater in diameter breast height or any tree that was planted or preserved in compliance with an approved development order or to mitigate the removal of a regulated tree. Slash and Loblolly Pines are not regulated until they reach 20 inches in diameter.

Tree appraised value means the dollar value to the city of a tree on private or public property used for the purpose of calculating cash recompense for removal or destruction. The tree appraised value shall be calculated as follows:

$$(3.14) \times (\frac{1}{2} \text{ diameter breast height})^2 = \text{trunk area}$$

$$(\text{trunk area}) \times (\text{unit factor for square inch price, as determined annually by the tree advisory board in consultation with the city manager or designee}) = \text{square inch value}$$

$$(\text{square inch value}) \times (55\% \text{ diminution rating}) = \text{tree appraised value}$$

Example calculation: 20" Live Oak in fair or better condition:

$$(3.14) \times (\frac{1}{2} \times 20)^2 = 314 \text{ square inches of trunk area}$$

$$(314 \text{ sq in}) \times (\$40) = \$12,560 \text{ square inch value}$$

$$(\$12,560) \times (.55) = \$6,908 \text{ tree appraised value}$$