

INTRODUCED BY:
Mayor Pruette



ORDINANCE NO. 2016-05

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT
REGULATIONS; ARTICLE IX, TREE PROTECTION AND
LANDSCAPE; ADDING SECTION 27-460, TREE CONSERVATION
TRUST FUND; AND PROVIDING AN EFFECTIVE DATE.**

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

Now, therefore, be it ordained by the City Council of the City of Neptune Beach, Florida:

Section 1. Chapter 27, Unified Land Development Regulations, Section 27-460, Tree Conservation and Trust Fund is hereby added as follows:

Section 27-460. Tree Conservation and Trust Fund.

- (a) Establishment of trust fund. The City Council hereby recognizes the establishment of the tree conservation trust fund ("tree fund") for the purposes of accepting and disbursing monies paid to the City as part of tree mitigation and any other funds deposited with the City for the purpose of tree and vegetation conservation and protection. This fund shall be used solely for the planting of trees, the protection and conservation of existing trees where appropriate, or the re-establishment of vegetative resources in the city and any other ancillary costs associated with such activities, provided that such ancillary costs shall not exceed twenty (20) percent of the cost of the particular project.
- (b) Terms of existence. The tree fund shall be self-perpetuating from year to year unless specifically terminated by the City Council.
- (c) Tree fund assets. All funds received shall be placed in trust for and inure to the public use and environmental benefit of the City.
- (d) Tree fund administration.
 - (1) Trust funds shall be used only for the purposes designated by the City in accordance with the intent of this chapter.
 - (2) All mitigation funds collected pursuant to this chapter shall be deposited in the tree fund, which shall be a separate account established and maintained apart from the general revenue fund of the City.

- (3) The City Manager will bring plans for the use of the tree fund expenditures to Council for approval.

(e) Disbursal of tree conservation trust fund assets.

- (1) Expenditures for projects funded by the tree conservation trust fund shall be made in accordance with the established purchasing procedures of the City.
- (2) Priority shall be given to the use of funds for projects that plant or replace trees or vegetation along public rights-of-way or on properties and lands in public use that will provide needed shade, aesthetic enhancement or the re-establishment of tree canopy in neighborhoods and along public roadways.

~~Secondarily, funds may be used for purchase of landscape materials or equipment necessary and proper for the preservations, maintenance, relocation or restoration of trees and ecosystems on any public land in the City, or for the funding of community educational programs which promote, enhance or implement the goals and objectives established in the chapter.~~

(f) Triggers and Controlling Provisions of the Code.

- (1) For purposes of triggering any fund payment pursuant to this section, Sections 27-447(b) and 27-448(d) shall be controlling.

(2) The applicant shall have the option of either:

- a. replacing the removed tree pursuant to Sections 27-447(b) and 27-448(d);
- b. partially replacing the removed tree(s) pursuant to Sections 27-447(b) and 27-448(d) and paying the balance to the trust fund pursuant to subsection (3) below; or
- c. paying the entire balance owed to the trust fund pursuant to subsection (3) below.

~~(3) To calculate the amount of funds that are required to offset or mitigate the removal of a qualifying tree, the applicant shall present three (3) independent quotes for the retail value of a planted four inch caliper nursery grown shade tree from bona fide nurseries located in Duval, St. Johns or Nassau County showing the cost of qualifying replacement tree(s). The quotes are subject to the review of the City for authenticity and accuracy. The City may require the applicant to obtain and submit additional quotes to satisfy the intent of this section. The average amount from the approved quotes will equal the amount required to be paid to the trust fund.~~

The applicant shall pay a sum equal to \$185.00 per caliper inch of trees(s) removed to offset or mitigate the removal of a qualifying tree. The \$185.00 rate shall be reviewed

annually by City staff to determine that it is a sufficient amount to fully account and mitigate for the removal of qualifying trees.

Section 2. The Ordinance shall become effective on after passage by the City Council.

VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on First Reading this 4th day of April, 2016.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Vice Mayor Richard Arthur	Yes
Councilor John Jolly	Yes
Councilor Kara Tucker	Yes
Councilor Scott Wiley	Yes

Passed on Second and Final Reading this 6th day of June, 2016.

Harriett Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved as to form and
correctness:

Patrick Krechowski, City Attorney