

1 Introduced by the Council President at the Request of the Mayor:

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3
4 **ORDINANCE 2020-409**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
6 CODE), PART 12 (LANDSCAPE AND TREE PROTECTION
7 REGULATIONS), SUBPART B (TREE PROTECTION),
8 SECTION 656.1205 (REMOVAL OF PROTECTED TREES
9 PROHIBITED; EXCEPTIONS), *ORDINANCE CODE*, TO
10 CREATE A NEW EXEMPTION FOR CITY MAINTAINED
11 CEMETERIES AND REMEDIATION SITES IN CERTAIN
12 CIRCUMSTANCES; PROVIDING AN EFFECTIVE DATE.

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14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Amending Chapter 656 (Zoning Code), Part 12**
16 **(Landscape and Tree Protection Regulations), Subpart B (Tree**
17 **Protection), Ordinance Code.** Chapter 656 (Zoning Code), Part 12
18 (Landscape and Tree Protection Regulations), Subpart B (Tree
19 Protection), *Ordinance Code*, is hereby amended to read as follows:

20 **CHAPTER 656 - ZONING CODE**

21 * * *

22 **PART 12. - LANDSCAPE AND TREE PROTECTION REGULATIONS**

23 * * *

24 **SUBPART B. - TREE PROTECTION**

25 * * *

26 **Sec. 656.1205. - Removal of protected trees prohibited;**
27 **exceptions.**

28 (a) No person, organization, society, association or
29 corporation, or any agent or representative thereof, directly or
30 indirectly, shall cut down, remove, damage or destroy, or shall
31 authorize the cutting down, removal, damage, or destruction of any

1 protected tree, as defined in Section 656.1203(bb) hereof, or shall
2 commit any act or authorize the commission of any act which
3 physically removes a protected tree or causes a tree to die, such
4 as damage inflicted upon the root system by heavy machinery,
5 chemicals or paving, changing the natural grade above the root
6 system and tree damage permitting infection or pest infestation,
7 without first having obtained a permit as herein provided.

8 (b) The following protected trees are exempted from the
9 provisions of subsection (a). Where an exemption is claimed, an
10 applicant must obtain a permit pursuant to Section 656.1206 for a
11 fee as found in www.coj.net/fees, and provide supporting evidence
12 that the applicant is entitled to the exemption, as requested by
13 the Building Inspection Division:

14 * * *

15 (9) Trees in cemeteries meeting one of the following
16 criteria:

17 A. Any tree located on an individual cemetery
18 plot and removed at the request and with the consent of an
19 individual cemetery plot owner; provided, however, that this
20 exemption shall not apply to the expansion of existing cemeteries.
21 As used in this subsection, *cemetery plot* shall mean a lot in any
22 cemetery designated and maintained for the interment of a human
23 body, or bodies or remains thereof and for no other purpose. As
24 used in this subsection, *cemetery plot owner* shall mean a person,
25 or his representative, in whose name a plot is listed in a cemetery
26 organization's office as the owner of the exclusive right of
27 sepulture or burial right; or who holds from a cemetery
28 organization, a certificate of ownership or other instrument of
29 conveyance of the exclusive right of sepulture or burial right in a
30 particular plot in the organization's cemetery. If the cemetery
31 plot owner or any living relative of the deceased cannot be located

1 after a good faith effort by the City to search for the owner, the
2 City may remove the tree if it is damaging headstones or other
3 structures associated with the plot; or

4 B. Any tree located in a cemetery that is being
5 maintained by the City of Jacksonville pursuant to Sec. 497.284,
6 Florida Statutes (Abandoned cemeteries; immunity; actions) that:

7 (i) is not located on an individual cemetery
8 plot within such cemetery; and

9 (ii) is interfering with structures such as a
10 road, fence, monuments, mausoleum, columbarium, ossuary, or other
11 structure or place used or intended to be used for the interment or
12 disposition of cremated remains.

13 * * *

14 (12) Trees located within the areal extent of
15 contamination or in very close proximity to the contamination and
16 removal is necessary for implementation of a remediation plan
17 required to assess or remove contaminants in soil, surface water or
18 groundwater, pursuant to a governmental Consent Order or Decree or
19 other remedial action plan required by a regulatory agency.

20 * * *

21 **Section 2. Effective Date.** This ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

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25 Form Approved:

26
27 /s/ Kealey A. West

28 Office of General Counsel

29 Legislation prepared by: Kealey A. West

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