

1 to Section 163.3174, Florida Statutes, held a public hearing and voted to make a recommendation
2 to the City Commission regarding the subject of this ordinance; and

3 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
4 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
5 Auditorium located on the first floor of City Hall in the City of Gainesville; and

6 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
7 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

8 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
9 described herein is consistent with the City of Gainesville Comprehensive Plan.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

11 **FLORIDA:**

12 **SECTION 1.** Subsection C of Section 30-8.7 of the Land Development Code is amended as follows.

13 Except as amended herein, the remainder of Section 30-8.7 remains in full force and effect.

14 **Sec. 30-8.7. Permits for tree removal; mitigation.**

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16 C. *Methods of mitigation.* Mitigation is allowed by two methods: 1) mitigation trees (on an
17 inch-for-inch basis or as otherwise specified); and 2) mitigation payment. The amount of
18 mitigation is as specified in subsections D. and E. below.

19 1. *Mitigation trees.* Mitigation trees shall be of high quality shade species as identified on
20 the Gainesville tree list and sited in accordance with the requirements of section 30-
21 8.3.A. The installation of new trees for a development as required by this chapter may
22 count as mitigation for trees removed from the site, except where those removed trees
23 are of a high-quality species. Increasing the diameter of trees required to be planted
24 with a development shall not be used to meet mitigation requirements. The preference
25 is for mitigation trees to be planted on the site, but where it is demonstrated that no
26 space is available, mitigation trees may be planted offsite within city limits as approved
27 by the city manager or designee.

28 2. *Mitigation payment.* Mitigation payment shall be based on tree appraised value, or as
29 otherwise specified in this code. Payment shall be made prior to the approval of a final
30 development order, or prior to issuance of a certificate of occupancy for any

1 development requiring only building permits. Mitigation payments received by the city
2 shall be deposited in the city tree mitigation fund, which must be used in accordance
3 with this subsection. ~~This fund may be used for new tree plantings associated with~~
4 ~~public improvement projects or for the preservation of trees through the purchase of~~
5 ~~conservation lands, but shall not be used for tree maintenance or toward the~~
6 ~~installation of new trees that would already be required for a development. In addition,~~
7 ~~this fund may be used for an ecological assessment of the urban forest every five~~
8 ~~years, and for an update of the urban forest management plan every ten years.~~

9 a. *Offsets for tree mitigation payment.* A tree mitigation payment may be offset by
10 installing improvements that create an improved growing environment for existing
11 or proposed trees located within the project's street tree landscape zone within the
12 public right-of-way, including:

- 13 i. Use of a pre-manufactured, modular structural product to suspend and support
14 paving over the root zone volume area of the tree in order to prevent soil
15 compaction.
- 16 ii. Provision of root zone volume greater than the required minimum as specified
17 in section 30-8.3.A, provided that the root zone volume does not exceed six
18 feet in depth. Credit will be granted per cubic foot over the required minimum
19 up to 2,000 cubic feet total root zone volume. Trees must be provided with a
20 minimum of 1,000 cubic feet of root zone volume to be eligible.

21 Proposed improvements and installation methods must be consistent with industry
22 standards, and must be approved by the city arborist or urban forestry inspector
23 prior to installation and inspected and approved prior to any credit towards the
24 project's tree mitigation payment. The requested offset may not exceed the
25 project's total tree mitigation payment, and proposed improvements must be used
26 on the project requiring tree mitigation. Improvements must be installed by a
27 qualified installer of the product as identified by the manufacturer's specifications.

28 b. *Use of tree mitigation funds.* The intent of the tree mitigation fund is to benefit the
29 public and properties that contribute to the tree mitigation fund by expanding,
30 improving, preserving, and managing a healthy and sustainable urban forest. Tree
31 mitigation funds may not be used to plant or establish new trees required by this
32 chapter for development or redevelopment and may not be used for routine
33 landscape maintenance on public rights-of-way. Tree mitigation funds may be
34 used for any of the following uses:

- 35 i. New tree and native landscape planting and establishment on city-owned
36 property, including purchase of trees, irrigation supplies, mulch, equipment,
37 staking materials, fertilizer, and innovative or engineered tree planting materials
38 or techniques.
- 39 ii. Structural pruning of trees on city-owned property in accordance with industry
40 standards.
- 41 iii. Preservation of tree canopy, with an emphasis on preserving high quality trees,
42 through the city's purchase of conservation lands and associated acquisition
43 costs including survey, fencing, appraisal, and invasive vegetation control.
- 44 iv. Site preparation, planting, land management, invasive vegetation control, or
45 natural regeneration of the city's urban forests.

- 1 v. Ecological inventory or assessment of the urban forest every five years and
2 updating the urban forest management plan every ten years.
- 3 vi. Arboriculture, landscape architecture, engineering, and other professional
4 services directly related to the development of the city's urban forest.
- 5 vii. Purchase and supply of trees for planting in the city, including on private
6 property, with a priority on replacement of invasive vegetation and establishment
7 of high quality trees.
- 8 viii. Reasonable miscellaneous costs necessary for or directly related to the uses
9 allowed herein or expanding, improving, preserving, and managing a healthy
10 and sustainable urban forest.

11

12 **SECTION 2.** It is the intent of the City Commission that the provisions of Section 1 of this
13 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
14 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
15 relettered in order to accomplish such intent.

16 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
17 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
18 will not affect the other provisions or applications of this ordinance that can be given effect
19 without the invalid or unconstitutional provision or application, and to this end the provisions of
20 this ordinance are declared severable.

21 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
22 conflict hereby repealed.

23 **SECTION 5.** This ordinance will become effective immediately upon adoption.

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25 **PASSED AND ADOPTED** this ____ day of _____, 2023.

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HARVEY WARD
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. NATTIEL-WILLIAMS
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2023.

This ordinance passed on second reading this ____ day of _____, 2023.