ORDINANCE NO. 95-26-128

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, DUVAL COUNTY, FLORIDA, AMENDING CHAPTER 23, PROTECTION OF TREES AND NATIVE VEGETATION, OF THE CODE OF ORDINANCES; AMENDING ARTICLE II, LANGUAGE AND DEFINITIONS, SECTION 23-8, DEFINITIONS, TO ADD A DEFINITION FOR LANDMARK TREE; AMENDING ARTICLE IV, DIVISION 5, AREAS OF SPECIAL CONCERN, TO CREATE SECTION 23-42, LANDMARK TREES, ESTABLISHING REGULATIONS, PRESERVATION STANDARDS, REMOVAL CRITERIA, RELOCATION REQUIREMENTS, AND MITIGATION REQUIREMENTS FOR LANDMARK TREES; PROVIDING FOR FINDINGS OF FACT, CODIFICATION, APPLICABILITY, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission conducted a Town Hall meeting on May 2, 2026, during which the preservation of the City's mature live oak tree canopy was identified as a community priority; and

WHEREAS, the City Commission directed City staff to develop an expedited approach to strengthen protections for the City's most significant and mature designated maritime species trees; and

WHEREAS, mature designated maritime species trees are among the City's most valuable natural resources and contribute substantially to the environmental, aesthetic, historic, and cultural character of the community; and

WHEREAS, mature maritime species trees provide significant public benefits, including stormwater interception, carbon sequestration, air quality improvement, urban heat island mitigation, wildlife habitat, and energy conservation; and

WHEREAS, mature maritime species trees enhance neighborhood character, increase property values, improve quality of life for residents, and contribute to the City's long-term environmental resilience; and

WHEREAS, according to information published by the International Society of Arboriculture, trees of substantial trunk diameter may be many decades old, representing natural assets that cannot be readily replaced within a human lifetime; and

WHEREAS, the loss of mature canopy requires many decades to restore and may result in the permanent loss of environmental and community benefits; and

WHEREAS, the City Commission finds that certain exceptionally large and mature trees warrant special recognition and enhanced protection due to their age, size, ecological value, and contribution to the City's urban forest; and

WHEREAS, the City Commission desires to establish a classification for such trees as "Landmark Trees" and to designate those trees as regulated trees throughout the City; and

WHEREAS, the City Commission finds that the removal of Landmark Trees should be strongly discouraged and permitted only when demonstrated to be unavoidable or necessary under standards

established by this ordinance; and

WHEREAS, the City Commission further finds that relocation of Landmark Trees, when determined to be feasible by qualified professionals, should be considered prior to approving removal in order to preserve these significant community resources; and

WHEREAS, enhanced mitigation requirements are necessary to account for the extraordinary value of Landmark Trees and to discourage unauthorized removal; and

WHEREAS, the City Commission finds that requiring review by the Community Development Board and final approval by the City Commission for the removal of Landmark Trees promotes transparency, accountability, and protection of the public interest.

NOW, THEREFORE, BE ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Code of Ordinances Amended to add a new definition to Section 23-8 and a new section 23-42. Amend Section 23-8 to add a new definition of a landmark tree and New Section 23-42 - Landmark trees is hereby added to the Code of Ordinances to the City of Atlantic Beach, Florida as follows:

Section 23-8 definitions

Landmark trees are designated maritime species at least 20 inches of diameter at breast height (DBH) or greater.

Section 23-42
Landmark Trees

Landmark trees, as defined in Section 23-8, are considered regulated trees in all areas of the city, and their removal is strongly discouraged. Notwithstanding any state regulations to the contrary, a tree removal permit is required to remove any landmark tree. Prior to approving any removal, the City reserves the right to require the relocation of the tree(s) at the applicant's sole expense. Approval for removal must be granted by the Community Development Board with appeals to Commission. If mitigation is authorized by the Community Development Board, the mitigation rate is doubled for landmark trees in the required setbacks. If a landmark tree is removed without a permit, the mitigation rate for that tree shall be doubled. Planting mitigation credits are only available for planting replacement designated maritime species with a minimum 4-inch caliper, subject to prior City staff approval of a landscape plan.

Removal may be approved by the Community Development Board upon demonstration by the applicant that the development or construction activity cannot occur in any other location on the site, or that removal is unavoidable due to site conditions and/or design considerations beyond the control of the applicant.

SECTION 2. Incorporation, Codification, Scrivener's Errors, Conflict and Severability.

(a) It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Atlantic Beach, Florida, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

(b) The publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation (www.municode.com) is hereby directed to incorporate the revised and amended Code provisions provided herein into the City's Code of Ordinances. Sections of Chapter 5 may be renumbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors in Chapter 5 which do not affect the intent may be authorized by the City Manager and City Attorney without the need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

(c) All Ordinances, Resolutions, Code of Ordinances or parts of thereof in conflict herewith are hereby repealed to the extent of such conflict.

(d) If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

SECTION 3. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this 22nd day of June 2026.

PASSED by the City Commission on second and final reading this 13th day of July, 2026.

CITY OF ATLANTIC BEACH

Curtis Ford, Mayor

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Jason Gabriel, City Attorney