

7**AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS***Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting***7/22/2025****BCC MEETING DATE****TO:** Joy Andrews, County Administrator**DATE:** June 30, 2025**FROM:** Michael Lagasse, Environmental Manager**PHONE:** 904 209-0617**SUBJECT OR TITLE:** First Reading - Proposed Amendments to the Land Development Code - Tree Ordinance.**AGENDA TYPE:** Business Item, Ordinance, Public Hearing, Report**BACKGROUND INFORMATION:**

First Hearing by the BCC on proposed Land Development Code, considering proposed "red-line" changes with regards to updates to the method of measuring and designating Specimen trees (LDC Article IV), increasing the per-inch Tree Deficiency Charge from \$25.00 to \$100.00 (LDC Article IV) and increase of the minimum preservation of upland natural vegetation required for certain Planned Urban Developments from 5% preserved to 10% preserved (LDC Article V). Also, a change to the definition of Specimen Tree is proposed in Article XII for consistency with the relevant change in Article IV.

1. IS FUNDING REQUIRED? No**2. IF YES, INDICATE IF BUDGETED.** No**IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:****INDICATE FUNDING SOURCE:****SUGGESTED MOTION/RECOMMENDATION/ACTION:**

No action needed by the Board at this time. The ordinance will be brought back to the Board for a second reading and enactment at a later date.

For Administration Use Only:**Legal:** Kealey West 7/9/2025**OMB:** ARM 7/10/2025**Admin:** Brad Bradley 7/15/2025



**Growth Management Department
Environmental Division Report
LDCA 2025-04 Land Development Code Updates**

To: Board of County Commissioners

Through: Planning and Zoning Agency

From: Michael Lagassé, Manager

Date: July 22, 2025

Subject: **LDCA 2025-04 Trees and Buffers Land Development Code Updates**

Hearing Dates: PZA – July 17, 2025
BCC – July 22, 2025 (first reading)
BCC – August 5, 2025 (second reading)

Commissioner District: N/A

Summary

This amendment includes several updates to the Land Development Code (LDC) Articles IV, V, and XII, to provide for changes to Specimen Tree regulations and Definitions, to provide for an increase in the Tree in deficiency charge, and an update to the relevant definition of Specimen Tree in Article XII (**Category 1**) and to increase the required preservation of upland natural vegetation for certain Planned Unit Developments (PUD) (**Category 2**). A drafted Ordinance is provided in **Attachment 1**. A current copy of the relevant LDC sections/pages is included in **Attachment 2**. All proposed changes are found in red-line format in **Attachment 3**. A Business Impact Statement is provided in **Attachment 4**.

CATEGORY 1: PROTECTED TREE REGULATIONS AND DEFINITIONS

A. METHOD OF MEASURING AND DESIGNATING SPECIMEN TREES

Board Direction: The Board of County Commissioners (BCC) amended the method of designating Specimen Trees.

AFFECTED CODE:

- Sec. 4.01.05 Trees and Other Vegetation

B. INCREASE TREE INCH DEFICIENCY CHARGE

Board Direction: The Board of County Commissioners (BCC) increased the Tree Inch Deficiency Charge for an unavoidable loss of trees during Development from \$25.00 per inch to \$100.00 per inch.

AFFECTED CODE:

- Sec. 4.01.05 Trees and Other Vegetation

C. DEFINITION OF SPECIMEN TREE

Board Direction: The definition of Specimen Tree is being updated to align with the update of Sec. 4.01.05.

AFFECTED CODE:

- Article XII: Definition of “Specimen Tree”

CATEGORY 2: PRESERVATION OF UPLAND VEGETATION**A. INCREASE MINIMUM OF UPLAND PRESERVATION REQUIRED**

Board Direction: The BCC increased the minimum upland preservation standard for Planned Urban Developments of a size equal to or greater than 40 acres.

AFFECTED CODE:

- Sec. 5.03.03 Specific Standards

CORRESPONDENCE/PHONE CALLS

Staff received several requests from the public for copies of the ordinance.

PLANNING AND ZONING AGENCY (PZA)

This item will be presented to the Planning and Zoning Agency on July 17, 2025. A Summary of Agency commentary and a record of the vote will be provided to the BCC before the scheduled hearing.

BOARD ACTION

Staff has provided motions for the Board to approve or deny the proposed amendments to the Land Development Code.

APPROVE: Recommendation to approve the proposed amendments to the Land Development Code based on the modifications being consistent with the St. Johns County Comprehensive Plan.

DENY: Recommendation not to adopt the proposed changes to the Land Development Code based on the modifications not being consistent with the St. Johns County Comprehensive Plan.

ATTACHMENTS

1. Ordinance
2. LDC Articles IV, V, and XII (clean)
3. LDC Articles IV, V, and XII (red-line)
4. Business Impact Statement

Attachment 1

ORDINANCE NO. 2025-_____

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA, AMENDING PORTIONS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE (ORDINANCE 1999-51, AS AMENDED); AMENDING SECTION 04.01.05 (TREES AND OTHER VEGETATION), PART 4.01.00 (NATURAL RESOURCES), ARTICLE IV (NATURAL RESOURCES) TO CHANGE THE METHOD OF MEASURING AND DESIGNATING SPECIMEN TREES AND PROTECTED TREES, AND TO INCREASE THE TREE INCH DEFICIENCY CHARGE FROM \$25.00 TO \$100.00; AMENDING ARTICLE XII (DEFINITIONS) TO MODIFY THE DEFINITION OF PROTECTED TREE AND SPECIMEN TREE; AMENDING SECTION 05.03.03 (SPECIFIC STANDARDS), PART 5.03.00 (PLANNED UNIT DEVELOPMENT DISTRICTS), ARTICLE V (DEVELOPMENT OPTIONS) TO INCREASE THE REQUIRED AMOUNT OF UPLAND NATURAL VEGETATION TO BE PRESERVED FOR CERTAIN PUDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, local land development regulations require evaluation and revision to address public health, safety and welfare issues that may occur during the implementation of land development regulations; and

WHEREAS, St. Johns County desires to amend certain provisions of the Land Development Code (the “Code”) with regards to Natural Resources protections

WHEREAS, St. Johns County desires to increase the tree-inch deficiency charge from \$25.00 to \$100.00; and

WHEREAS, St. Johns County desires to modify the definition of Specimen Tree; and

WHEREAS, St. Johns County desires to modify the method of measuring and designating Specimen Trees; and

WHEREAS, St. Johns County desires to increase the required amount of upland natural vegetation to be preserved for certain Planned Urban Developments; and

WHEREAS, St. Johns County has determined that Article IV, Article V, and Article XII of the County’s current Code, Ordinance No. 99-51, as previously amended, can be further improved by modifications herein; and

WHEREAS, pursuant to section 125.66(3)(a), Florida Statutes, a business impact estimate is hereby required and has been provided; and

WHEREAS, the Board finds and determines that the amendment to the St. Johns County Land Development Code set forth herein is in the best interest of the County and in furtherance of the health, safety, and welfare of the public, now therefore,

BE IT ORDAINED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. Legislative Findings of Fact. The above Recitals and WHEREAS clauses are true and correct and are hereby adopted as legislative findings and incorporated herein by reference and made a part hereof.

Section 2. Land Development Code Regulations. Section 4.01.05 (Trees and Other Vegetation), Article IV (Natural Resources), and Section 5.03.03 (Specific Standards), Article V (Development Options) and Article XII (Definitions) of the St. Johns County Land Development Code, Ordinance No. 1999-51, as previously amended, is hereby amended as follows in the attached Exhibit A, incorporated herein and made a part of this Ordinance.

Section 3. Applicability. The remaining portions of the St. Johns County Land Development Code, Ordinance No. 99-51, as amended, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. Inclusion and Codification into the Land Development Code. It is the intent of the St. Johns County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the St. Johns County Land Development Code, Ordinance No. 1999-51, as previously amended, and that the parts, sections, and attachments of this Ordinance may be renumbered, reorganized, re-lettered, and appropriately incorporated into the Land Development Code in order to accomplish such intentions.

Section 5. Severability. It is the intent of the St. Johns County Board of County Commissioners, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is, for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the constitutionality or validity of the ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. Scriveners Errors. It is the intent of the St. Johns County Board of County Commissioners that scriveners and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

Section 7. Effective Date. This Ordinance shall take effect upon a certified copy of this Ordinance being filed with the St. Johns County Clerk of Courts.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida,
this _____ day of _____ 2025.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: _____
Krista Joseph, Chair

Attest: Brandon J. Patty,
Clerk of the Circuit Court & Comptroller

By: _____
Deputy Clerk

Attachment 2

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|---|
| ARTICLE IV NATURAL RESOURCES |
|---|

PART 4.00.00 GENERALLY

The decision by the Owner as to whether and how to develop a Parcel of land, and the decision by St. Johns County to approve or disapprove proposed Development, may depend on the impact that the proposed Development will have on natural resources. This Article establishes standards and procedures by which these impacts are determined, and by which St. Johns County will approve or disapprove the Development in light of such impacts.

PART 4.01.00 NATURAL RESOURCES

D. Historic and Specimen Tree Designation

1. Designation as a Historic Tree may commence in any one of the following ways:

- a. An Applicant may request such designation as part of any master plan, preliminary Subdivision plat, or preliminary Site Plan application. To do so, the Applicant shall submit evidence to the County Administrator that the Historic designation is proper.
- b. A property Owner may request such designation at any time. In making such request, the property Owner shall submit the request and an expert evaluation to the County Administrator.

4.01.05.D

- c. The County Administrator may request such designation as part of an overall Historic Tree protection planning program for the County or portion thereof.

2. The County Administrator shall present, from to time, all Tree designation requests with documentation for Trees meeting the criteria of Historic Trees to the Board of County Commissioners of St. Johns County for its consideration and designation.

3. Specimen Tree Designation

The County Administrator, property Owner, or an Applicant may request that a Native Tree become a Specimen Tree when professional field measurements document species, height, crown spread, D.B.H. and overall condition. The results in total points awarded a Tree designee must be equal to or greater than seventy percent (70%) of the current Florida State Champion Tree for that species as published in "Big Trees the Florida Register" for all species except that the total points awarded must equal or exceed fifty percent (50%) for Laurel Oak, Live Oak, Southern Magnolia and Southern Red Cedar. The County Administrator shall review and approve all Specimen Tree designation requests.

4. On sites where grade cuts are necessary under Historic or Specimen Trees proper root pruning shall be required. Within the Tree's Protected Area, all excavation shall be by hand, and roots two (2) inches and larger shall be evenly cut.
5. When underground Utilities are necessary under Historic or Specimen Trees, tunneling shall be required. The underground Utility tunnel shall begin at the Tree's Protected Area and be a minimum of four (4) feet deep. No open vertical trenches shall be allowed within a Historic or Specimen Tree's Protected Area.
6. A Tree Protection Barricade shall be installed at the Protected Area of each Specimen Tree and shall be inspected by the County prior to the initiation of any Construction activity on site and shall remain in place throughout Construction.

SPECIMEN TREE POINT CALCULATION

Total points shall be determined by using the following formula:

(Average crown spread in feet) divided by 4 + (Circumference in inches) + (Height in feet) = Total Points

| | | |
|----------|----------------------|---------------------------------|
| Example: | Crown spread maximum | 68 feet |
| | Crown spread minimum | <u>52 feet</u> |
| | | 120 Total / 2 = 60 feet Average |

60 feet / 4 = (15) + Circumference (135 in.) + Height (41 ft.) = (191) Total Points
61

* * *

F. Permit Application Procedures

1. Application for any Permit required by Section 4.01.05 shall be in writing on a form provided by the County Administrator. Applicants shall provide all information necessary to evaluate the application to include, but is not limited to, proof of Applicant's legal or equitable interest in the proposed site plus a scaled Site Plan giving all details on Lot configuration and dimensions plus all existing and proposed constructed Improvements of any kind. In addition, more specifics on existing Protected Trees and vegetative cover for different types of Projects shall be provided by the Applicants as detailed below. Permits shall be issued showing compliance with the procedures listed below, and may be issued before complete approval of Construction Plans.
 - a. For Commercial Building Sites and Subdivisions
 - (1) A Site Plan identifying all Protected Trees shall be provided by the Applicant. The Site Plan shall depict all the proposed Improvements and any existing Protected Trees by either Tree Location or Inventory of Trees as set forth below.

- (a) Protected Tree inches that are located within the limits of clearing where: less than six inches (6) of grade change is required, or Trees that are to be preserved for Tree inch value which offsets removed Tree inches, shall be Tree Located on the Site Plan.
- (b) Protected Tree inches that are located within the limits of clearing where: greater than six (6) inches of grade change is required, an Inventory of Trees shall be provided on the Site Plan.
- (c) Trees preserved for inch value in areas that are outside the limits of clearing may be shown by an Inventory of Trees method for value.

(2) The Site Plan shall include a tally of Tree inches lost by Removal of Protected Trees.

4.01.05.F.1.a(4)

(3) All Trees of Specimen size as defined by 4.01.05.D or Historic Trees shall be identified on the Site Plan by Tree Location method.

(4) A tally of Tree inches of all Protected Trees to be Removed under the final approved Site Plan shall be submitted with landscape plans illustrating the maximum Tree inches to be reasonable earned by replacement planted Trees. A twenty-five dollar (\$25) per lost Tree inch deficiency charge for any unavoidable loss shall be paid into the St. Johns County (SJC) Tree Bank Fund or replacement with new plantings equal to the number of Tree inches lost before final Development Review approval of the Development site. In the event that the Development site is not adequately Treed, a minimum of eighty (80) Tree inches per acre (or prorated portion) shall exist after completion of Construction.

Construction of commercial projects shall be exempt from payment in the Tree Bank Fund for lost Tree inches provided:

- (a) The project meets or exceeds the minimum eighty (80) Tree inches per acre, and
- (b) All efforts have been reasonable made to replant within the Development Area, and
- (c) Any increase in paving above minimum standards must be approved by the Environmental Division.

Construction of Regional Parks shall be exempt from payment into the Tree Bank Fund for lost tree inches upon demonstration that all reasonable efforts have been made to replant within the Development Area. This exemption does not alleviate the requirement to meet the minimum eighty (80) Tree inches per acre requirement as noted above.

b. For Development of Lot areas within Subdivisions

- (1) No Land Alteration is allowed in Lot areas which require less than six (6) inches of grade change.
- (2) All Lot areas that require more than six (6) inches of grade change shall include an Inventory of Trees of all Protected Trees within said area, and they shall be considered lost.
- (3) Mitigation for all Protected Trees lost shall be by one of the following methods:
 - (a) The total tree inches lost from the Lots are reduced by the calculated tree inches to be planted on the Lots, as calculated on the Neighborhood Site Plan. The balance of removed tree inches are to be paid into the Tree Bank fund at twenty-five dollar (\$25) per lost Tree inch, at the time of Construction Plan approval.

4.01.05.F.1.b(3)

EXAMPLE: Total Tree inches Removed minus NSP Tree inches equals balance of Tree inches.

- (b) The total Tree inches shall be replaced by new plantings outside the future Building Restriction Lines of each Lot.
- (4) Building Lot areas developed under this provision shall be grassed within thirty (30) Days after completion of the filling and grading of such Building Lots.
- (5) All Trees of Specimen size as defined by 4.01.05.D or Historic trees shall be identified on the Site Plan by Tree Location method.
- (6) A minimum of forty (40) Tree inches per acre shall exist after completion of Construction.

c. Development of Individual Residential Lots

- (1) No Land Clearing or Protected Tree Removal shall be allowed before receiving an approved Site Plan. Applications for such approval shall be submitted complete with a scaled detailed Site Plan showing all Lot characteristics and dimensions, all existing and proposed Construction Improvements, all fill including septic mounds, onsite sanitary disposal tanks and any wells. On any portion of a Lot with less than six (6) inches of grade change, said Site Plans shall also show in their proper approximate location all existing Protected Trees which shall thereafter be protected and saved during Building Construction to minimize future expense in planting Trees necessary to meet the forty (40) Tree inches per acre requirement.

- (2) For purposes of this Code, all Protected Trees in any area with six (6) inches or more grade change shall be considered Removed and no Tree inches shall be given for such Trees. At Final Inspection County personnel shall verify forty (40) Tree inches per acre exist, either preserved or planted in the Lot area.

d. For Right of Way or Utility Construction projects (no other proposed Construction)

- (1) The Limits of Construction shall only include the required Right of Way, drainage ways, impoundments, and Easement areas.
- (2) All Trees of Specimen size as defined by 4.01.05.D or Historic Trees shall be identified on the Site Plan by Tree Location method.
- (3) An Inventory of Trees shall be provided of all Protected Trees, and the total Protected Tree inches are to be replaced by payment into the Tree Bank fund at a rate of twenty-five dollars (\$25) per inch, or at the Developers option, replacement Tree inches planted within the site area.
- (4) A minimum of forty (40) Tree inches per acre shall exist after completion of Construction.

4.01.05.F.1.d(4)

Construction for Arterial and Collector roadways shall be exempt from payment into the Tree Bank Fund for lost tree inches upon demonstration that all reasonable efforts have been made to replant within the Development area. This exemption does not alleviate the requirement to meet the minimum forty (40) Tree inch requirement as noted above.

* * *

History: Ord. 1999-60; Ord. 2000-24; Ord. 2001-39; Ord. 2001-63; Ord. 2002-42; Ord. 2005-20; Ord. 2005-118; Ord. 2006-66; Ord. 2006-123; Ord. 2009-2; Ord. 2009-28; Ord. 2012-2; Ord. 2012-23; Ord. 2013-26; Ord. 2015-14; Ord. 2017-17; Ord. 2020-23; Ord. 2022-57

ARTICLE V DEVELOPMENT OPTIONS

PART 5.00.00 GENERALLY

PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Sec. 5.03.03 Specific Standards

Specific standards may be modified or waived if substantial compliance is met through other means, or to meet other desirable objectives, such as to accommodate traditional neighborhood design principles, maintain the function of a vegetative community, and similar issues. Modifications and waivers shall be provided with the PUD Master Development Plan Text.

A. Natural Environment

1. Minimum of twenty-five percent (25%) open space (including recreation, buffers, common areas, Environmentally Sensitive Areas, and other conservation/preservation areas providing for Significant Natural Communities Habitat or Essential Habitat);
2. Minimum of ten percent (10%) preservation of Significant Natural Communities Habitat;
3. Minimum of five percent (5%) conservation of upland natural vegetation, not including Significant Natural Communities Habitat;
4. Ten (10) foot natural/landscaped buffer along Project property lines, except as provided in paragraph 5 below.
5. Minimum forty (40) foot natural buffer along William Bartram Scenic Highway (SR 13/CR 13).

B. Setbacks

1. Residential
 - a. Fifty (50) foot setback from the Right-of-Way of Arterials & Major Collectors for any residential Lot;
 - b. Five (5) foot Side Yard setback for each residential Lot with no permitted projections into the Side Yard setback allowed;
 - c. Twenty (20) foot Front Yard setback to face of garage and/or length of the driveway; provided, the face of the garage shall be a minimum of twenty-five (25) feet from the edge of any sidewalk; Fifteen (15) foot Front Yard setback to non-garage portion of the structure;

History: Ord. 2000-43; Ord. 2000-58; Ord. 2003-90; Ord. 2005-20; Ord. 2009-2; Ord. 2009-44; Ord. 2010-17; Ord. 2010-23; Ord. 2010-53; Ord. 2013-26; Ord. 2015-14; Ord. 2017-40; Ord. 2019-84; Ord 2020-31; Ord. 2021-53; Ord 2021-55; Ord. 2023-24

ARTICLE XII DEFINITIONS

PART 12.00.00 GENERALLY

This Article contains most of the definitions for use with this Code. Other definitions, however, may be located elsewhere in this Code and should be used as indicated.

PART 12.01.00 DEFINITIONS

Specimen Tree: A Protected Tree proven by measurements documenting the Protected Tree by species, height, crown spread, D.B.H. and overall condition or its species equal to or exceeding seventy percent (70%) of the current Florida State Champion Tree as published in “Big Trees of the Florida Register” for all species except fifty percent (50%) for Live Oak, Laurel Oak, Southern Magnolia and Southern Red Cedar.

History: Ord. 1999-60; Ord. 2000-36; Ord. 2000-58; Ord. 2001-64; Ord. 2002-62; Ord. 2004-51; Ord. 2005-118; Ord. 2007-19; Ord. 2007-85; Ord. 2008-12; Ord. 2008-30; Ord. 2009-28; Ord. 2009-44; Ord. 2009-48; Ord. 2010-23; Ord. 2011-24; Ord. 2011-36; Ord. 2011-38; Ord. 2012-2; Ord. 2012-8; Ord. 2015-9; Ord. 2015-14; Ord. 2016-36; Ord. 2017-22; Ord. 2018-20; Ord. 2018-41; Ord. 2018-62; Ord. 2019-84; Ord. 2020-23; Ord. 2020-31; Ord. 2021-23; Ord. 2021-55; Ord. 2022-32; Ord. 2022-56; Ord. 2023-09; Ord. 2023-24; Ord. 2024-26

Attachment 3

**ARTICLE IV
NATURAL RESOURCES**

PART 4.00.00 GENERALLY

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PART 4.01.00 NATURAL RESOURCES

Sec. 4.01.05 Trees and Other Vegetation

* * *

D. Historic and Specimen Tree Designation

1. Designation as a Historic Tree may commence in any one of the following ways:
 - a. An Applicant may request such designation as part of any master plan, preliminary Subdivision plat, or preliminary Site Plan application. To do so, the Applicant shall submit evidence to the County Administrator that the Historic designation is proper.
 - b. A property Owner may request such designation at any time. In making such request, the property Owner shall submit the request and an expert evaluation to the County Administrator.
- 4.01.05.D c. The County Administrator may request such designation as part of an overall Historic Tree protection planning program for the County or portion thereof.
2. The County Administrator shall present, from to time, all Tree designation requests with documentation for Trees meeting the criteria of Historic Trees to the Board of County Commissioners of St. Johns County for its consideration and designation.
3. Specimen Tree Designation

~~The County Administrator, property Owner, or an Applicant may request that a Native Tree become a Specimen Tree when professional field measurements document species, height, crown spread, D.B.H. and overall condition. The results in total points awarded a Tree designee must be equal to or greater than seventy percent (70%) of the current Florida State Champion Tree for that species as published in "Big Trees the Florida Register" for all species except that the total points awarded must equal or exceed fifty percent (50%) for Laurel Oak, Live Oak, Southern Magnolia and Southern Red Cedar. The County Administrator shall review and approve all Specimen Tree designation requests.~~

Any Native Tree of a species listed in Table 4.01.05.D.3.a Specimen Tree Thresholds with a DBH in accordance with the thresholds on the table, is a Specimen Tree, unless excepted by paragraph 5, below:

Table 4.01.05.D.3.a Specimen Tree Thresholds

| Tree Species Common Name | Specimen Tree Minimum DBH (inches) |
|---------------------------------|---|
| American Elm | 43 |
| Bay, Loblolly | 33 |
| Bay, Red | 34 |
| Black Cherry | 32 |
| Black Gum/Tupelo | 18 |
| Cherry Laurel | 13 |
| Cypress, Bald | 125 |
| Cypress, Pond | 56 |
| Eastern Redbud | 7 |
| Flowering Dogwood | 20 |
| Hickory, Pignut | 43 |
| Hickory, Water | 31 |
| Holly, American | 19 |
| Holly, Dahoon | 19 |
| Magnolia, Southern | 61 |
| Magnolia, Sweetbay | 36 |
| Oak, Blackjack | 14 |
| Oak, Bluejack | 17 |
| Oak, Bluff | 29 |
| Oak, Chapman | 19 |
| Oak, Laurel | 48 |
| Oak, Live | 50 |
| Oak, Sand Live | 49 |
| Oak, Shumard | 37 |
| Oak, Turkey | 20 |
| Oak, Water | 44 |
| Red Maple | 47 |
| Red Cedar, Eastern | 43 |
| Red Cedar, Southern | 33 |
| Red Mulberry | 46 |
| River Birch | 23 |
| Sugarberry | 58 |
| Sweetgum | 37 |
| Sycamore | 53 |

4. Specimen Tree Exceptions

The County Administrator or their designee, consulting with a certified arborist, or using principles developed with a certified arborist, may exclude trees where the health or location pose a danger to existing life or property from being designated as specimen trees.

5. On sites where grade cuts are necessary under Historic or Specimen Trees proper root pruning shall be required. Within the Tree's Protected Area, all

excavation shall be by hand, and roots two (2) inches and larger shall be evenly cut.

4.6. When underground Utilities are necessary under Historic or Specimen Trees, tunneling shall be required. The underground Utility tunnel shall begin at the Tree's Protected Area and be a minimum of four (4) feet deep. No open vertical trenches shall be allowed within a Historic or Specimen Tree's Protected Area.

7. A Tree Protection Barricade shall be installed at the Protected Area of each Specimen Tree and shall be inspected by the County prior to the initiation of any Construction activity on site and shall remain in place throughout Construction.

SPECIMEN TREE POINT CALCULATION

Total points shall be determined by using the following formula:

$(\text{Average crown spread in feet}) \div 4 + (\text{Circumference in inches}) + (\text{Height in feet}) = \text{Total Points}$

Example: Crown spread maximum 68 feet
Crown spread minimum 52 feet
120 Total / 2 = 60 feet Average

$60 \text{ feet} / 4 = (15) + \text{Circumference (135 in.)} + \text{Height (41 ft.)} = (191) \text{ Total Points}$

F. Permit Application Procedures

1. Application for any Permit required by Section 4.01.05 shall be in writing on a form provided by the County Administrator. Applicants shall provide all information necessary to evaluate the application to include, but is not limited to, proof of Applicant's legal or equitable interest in the proposed site plus a scaled Site Plan giving all details on Lot configuration and dimensions plus all existing and proposed constructed Improvements of any kind. In addition, more specifics on existing Protected Trees and vegetative cover for different types of Projects shall be provided by the Applicants as detailed below. Permits shall be issued showing compliance with the procedures listed below, and may be issued before complete approval of Construction Plans.

a. For Commercial Building Sites and Subdivisions

(1) A Site Plan identifying all Protected Trees shall be provided by the Applicant. The Site Plan shall depict all the proposed Improvements and any existing Protected Trees by either Tree Location or Inventory of Trees as set forth below.

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- (a) Protected Tree inches that are located within the limits of clearing where: less than six inches (6) of grade change is required, or Trees that are to be preserved for Tree inch value which offsets removed Tree inches, shall be Tree Located on the Site Plan.
- (b) Protected Tree inches that are located within the limits of clearing where: greater than six (6) inches of grade change is required, an Inventory of Trees shall be provided on the Site Plan.
- (c) Trees preserved for inch value in areas that are outside the limits of clearing may be shown by an Inventory of Trees method for value.

(2) The Site Plan shall include a tally of Tree inches lost by Removal of Protected Trees.

4.01.05.F.1.a(4)

(3) All Trees of Specimen size as defined by 4.01.05.D or Historic Trees shall be identified on the Site Plan by Tree Location method.

(4) A tally of Tree inches of all Protected Trees to be Removed under the final approved Site Plan shall be submitted with landscape plans illustrating the maximum Tree inches to be reasonable earned by replacement planted Trees. A ~~one hundred twenty five~~ dollar (\$~~10025~~) per lost Tree inch deficiency charge for any unavoidable loss shall be paid into the St. Johns County (SJC) Tree Bank Fund or replacement with new plantings equal to the number of Tree inches lost before final Development Review approval of the Development site. In the event that the Development site is not adequately Treed, a minimum of eighty (80) Tree inches per acre (or prorated portion) shall exist after completion of Construction.

Construction of commercial projects shall be exempt from payment in the Tree Bank Fund for lost Tree inches provided:

- (a) The project meets or exceeds the minimum eighty (80) Tree inches per acre, and
- (b) All efforts have been reasonable made to replant within the Development Area, and
- (c) Any increase in paving above minimum standards must be approved by the Environmental Division.

Construction of Regional Parks shall be exempt from payment into the Tree Bank Fund for lost tree inches upon demonstration that all reasonable efforts have been made to replant within the Development Area. This exemption does not alleviate the requirement to meet the minimum eighty (80) Tree inches per acre requirement as noted above.

b. For Development of Lot areas within Subdivisions

- (1) No Land Alteration is allowed in Lot areas which require less than six (6) inches of grade change.
- (2) All Lot areas that require more than six (6) inches of grade change shall include an Inventory of Trees of all Protected Trees within said area, and they shall be considered lost.
- (3) Mitigation for all Protected Trees lost shall be by one of the following methods:
 - (a) The total tree inches lost from the Lots are reduced by the calculated tree inches to be planted on the Lots, as calculated on the Neighborhood Site Plan. The balance of removed tree inches are to be paid into the Tree Bank fund at ~~twenty-five~~ one hundred dollar (\$~~100~~25) per lost Tree inch, at the time of Construction Plan approval.

EXAMPLE: Total Tree inches Removed minus NSP Tree inches equals balance of Tree inches.
 - (b) The total Tree inches shall be replaced by new plantings outside the future Building Restriction Lines of each Lot.
- (4) Building Lot areas developed under this provision shall be grassed within thirty (30) Days after completion of the filling and grading of such Building Lots.
- (5) All Trees of Specimen size as defined by 4.01.05.D or Historic trees shall be identified on the Site Plan by Tree Location method.
- (6) A minimum of forty (40) Tree inches per acre shall exist after completion of Construction.

c. Development of Individual Residential Lots

- (1) No Land Clearing or Protected Tree Removal shall be allowed before receiving an approved Site Plan. Applications for such approval shall be submitted complete with a scaled detailed Site Plan showing all Lot characteristics and dimensions, all existing and proposed Construction Improvements, all fill including septic mounds, onsite sanitary disposal tanks and any wells. On any portion of a Lot with less than six (6) inches of grade change, said Site Plans shall also show in their proper approximate location all existing Protected Trees which shall thereafter be protected and saved during Building Construction to minimize future expense in planting Trees necessary to meet the forty (40) Tree inches per acre requirement.

- (2) For purposes of this Code, all Protected Trees in any area with six (6) inches or more grade change shall be considered Removed and no Tree inches shall be given for such Trees. At Final Inspection County personnel shall verify forty (40) Tree inches per acre exist, either preserved or planted in the Lot area.

d. For Right of Way or Utility Construction projects (no other proposed Construction)

- (1) The Limits of Construction shall only include the required Right of Way, drainage ways, impoundments, and Easement areas.
- (2) All Trees of Specimen size as defined by 4.01.05.D or Historic Trees shall be identified on the Site Plan by Tree Location method.
- (3) An Inventory of Trees shall be provided of all Protected Trees, and the total Protected Tree inches are to be replaced by payment into the Tree Bank fund at a rate of ~~one hundredtwenty-five~~ dollars (\$~~10025~~) per inch, or at the Developers option, replacement Tree inches planted within the site area.
- (4) A minimum of forty (40) Tree inches per acre shall exist after completion of Construction.

Construction for Arterial and Collector roadways shall be exempt from payment into the Tree Bank Fund for lost tree inches upon demonstration that all reasonable efforts have been made to replant within the Development area. This exemption does not alleviate the requirement to meet the minimum forty (40) Tree inch requirement as noted above.

* * *

ARTICLE V DEVELOPMENT OPTIONS

PART 5.00.00 GENERALLY

Sec. 5.03.03 Specific Standards

Specific standards may be modified or waived if substantial compliance is met through other means, or to meet other desirable objectives, such as to accommodate traditional neighborhood design principles, maintain the function of a vegetative community, and similar issues. Modifications and waivers shall be provided with the PUD Master Development Plan Text.

A. Natural Environment

1. Minimum of twenty-five percent (25%) open space (including recreation, buffers, common areas, Environmentally Sensitive Areas, and other conservation/preservation areas providing for Significant Natural Communities Habitat or Essential Habitat);
2. Minimum of ten percent (10%) preservation of Significant Natural Communities Habitat;
3. Minimum of ~~five percent (5%)~~ten percent (10%) conservation of upland natural vegetation for properties 40 acres or greater, and minimum of five percent (5%) for properties under 40 acres, not including Significant Natural Communities Habitat;
4. Ten (10) foot natural/landscaped buffer along Project property lines, except as provided in paragraph 5 below.
5. Minimum forty (40) foot natural buffer along William Bartram Scenic Highway (SR 13/CR 13).

History: Ord. 2000-43; Ord. 2000-58; Ord. 2003-90; Ord. 2005-20; Ord. 2009-2; Ord. 2009-44; Ord. 2010-17; Ord. 2010-23; Ord. 2010-53; Ord. 2013-26; Ord. 2015-14; Ord. 2017-40; Ord. 2019-84; Ord 2020-31; Ord. 2021-53; Ord 2021-55; Ord. 2023-24

ARTICLE XII DEFINITIONS

PART 12.00.00 GENERALLY

This Article contains most of the definitions for use with this Code. Other definitions, however, may be located elsewhere in this Code and should be used as indicated.

PART 12.01.00 DEFINITIONS

Specimen Tree: A Protected Tree ~~proven by measurements documenting the Protected Tree by species, height, crown spread, D.B.H. and overall condition or its species equal to or exceeding seventy percent (70%) of the current Florida State Champion Tree as published in "Big Trees of the Florida Register" for all species except fifty percent (50%) for Live Oak, Laurel Oak, Southern Magnolia and Southern Red Cedar~~
of a qualifying species or a tree of another species meeting the required threshold criteria and identified as a Protected Tree by the County Administrator or designee, according to Sec. 4.01.05.D."
meeting the criteria defined in Section 4.01.05.D.3.

History: Ord. 1999-60; Ord. 2000-36; Ord. 2000-58; Ord. 2001-64; Ord. 2002-62; Ord. 2004-51; Ord. 2005-118; Ord. 2007-19; Ord. 2007-85; Ord. 2008-12; Ord. 2008-30; Ord. 2009-28; Ord. 2009-44; Ord. 2009-48; Ord. 2010-23; Ord. 2011-24; Ord. 2011-36; Ord. 2011-38; Ord. 2012-2; Ord. 2012-8; Ord. 2015-9; Ord. 2015-14; Ord. 2016-36; Ord. 2017-22; Ord. 2018-20; Ord. 2018-41; Ord. 2018-62; Ord. 2019-84; Ord. 2020-23; Ord. 2020-31; Ord. 2021-23; Ord. 2021-55; Ord. 2022-32; Ord. 2022-56; Ord. 2023-09; Ord. 2023-24; Ord. 2024-26

Attachment 4

Business Impact Estimate

In accordance with Section 125.66 (3), Florida Statutes, the following information is relevant to the impact of the regulation on private business:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the County:

This amendment includes several updates to the Land Development Code (LDC) Articles IV, V, and XII, to provide for changes to Protected Tree regulations and Definitions and to increase the required preservation of upland natural vegetation for certain Planned Unit Developments (PUD), for the purposes of better protecting irreplaceable trees, protecting additional trees in developments where there may be more flexibility in the site or development plan, disincentivizing removal and collecting mitigation for other plantings, and generally preserving trees for the benefit of the public health, safety, aesthetic, and welfare of the County.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including the following, if any:
 - a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

All Elements

1. This ordinance will not directly affect existing businesses already in operation in their current location in the County.
2. A business looking to build or expand must comply with the change to the LDC.
3. A business operating for the purpose of developing land must also comply with the change to the LDC in all projects not yet initiated.

Method of Measuring Specimen Tree, Definition of a Specimen Tree

The method of measuring specimen trees has been simplified. The designation has been scaled to provide predictability in identifying and designating more specimen trees by applying the current local rule to the simpler DBH measure.

Tree Bank Fund

A business subject to this standard may incur the costs associated with (b), below.

Increase in Upland Preservation

A business operation for the purpose of developing land may incur additional costs by being able to place buildings on less of the land than previously allowed (the additional 5% upland preservation). The increase is limited to PUDs 40 acres or more, which can be a means for a business securing additional flexibility in site design, and do not affect the overall density associated with the future land use on the site.

Example Calculation: A business in the process of subdividing a 40 acre parcel and developing half acre lots for single family homes where the preserved upland is increased from 5% to 10% would go from a maximum of 75 units to a maximum of 70 units, unless the business took advantage of the flexibility in the PUD process to organize the site to still yield the expected density.

- b. Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

Tree Bank Fund

1. The Tree Bank Fund deficiency charge does not affect existing businesses already in operation in their current location in the County. A business looking to build or expand that ultimately has a deficiency between Protected Tree inches removed and planted will pay an increased fee of \$100 per lost Tree inch, up from \$25 per lost tree inch.
2. A business operating for the purpose of developing land is also subject to the increased fee of \$100 per lost Tree inch, up from \$25 per lost tree inch, and if the business cannot design around the restriction, may pass that cost on to the occupant.

Example calculation: For a development or expansion that ends up deficient by 20 inches, the deficiency charge would increase from \$500 to \$2,000. A business may avoid the cost by replanting sufficient tree inches.

- c. An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

Tree Bank Fund

With the current deficiency charge of \$25 per deficient inch, the County receives 1/8 the cost of a replacement. With the proposed increase of a deficiency charge to \$100 the County recovers 1/2 the cost of replacement

Example Calculation: In response to a site deficient by 20 inches, the County could currently use the \$500 collected to plant 2 live oaks on a County site. With the increased deficiency charge, the County could use the \$2,000 to plant 8 live oaks on a County site.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

All Elements

This ordinance will not directly affect existing businesses already in operation in their current location in the County. The County reviews on average, 130 Commercial project applications per year. This ordinance will likely impact the majority of those new projects in a given year.

4. Any additional information the board determines may be useful.

Specimen Tree Definition

A land owner or developer gains time and certainty with the revised definition of Specimen Tree that may offset costs associated with protecting individual trees, and that may reduce the burden of design work in the case where identifying a Specimen tree under the existing standards would require new planning or other application documents.

LOCAL10

FLORIDA

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STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

07/08/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/08/2025

Legal Clerk: *Amy Kahlert*

Notary, State of WI, County of Brown

8-25-26

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NOTICE OF A PUBLIC HEARING OF THE ST JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE / REGULATIONS

NOTICE IS HEREBY GIVEN that public hearings will be held to consider the enactment of the following proposed ordinance at regular meetings, as follows:

St. Johns County Planning and Zoning Agency

Tuesday, July 17, 2023, at 1:30 PM

St. Johns Board of County Commissioners

Tuesday, July 22, 2023, at 9:00 AM

St. Johns Board of County Commissioners

Tuesday, August 05, 2023, at 9:00 AM

The public hearings will be held in the St. Johns County Auditorium, located at 500 San Sebastian View, St. Augustine, Florida

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA, AMENDING PORTIONS OF ST. JOHNS COUNTY LAND DEVELOPMENT CODE (ORDINANCE 1999-51, AS AMENDED); AMENDING SECTION 01.01.05 (TREES AND OTHER VEGETATION), PART 1.01.00 NATURAL RESOURCES, ARTICLE IV (NATURAL RESOURCES) TO CHANGE THE METHOD OF MEASURING AND DESIGNATING SPECIMEN TREES AND PROTECTED TREES, AND TO INCREASE THE TREE INCH DEFICIENCY CHARGE FROM \$25.00 TO \$100.00; AMENDING ARTICLE XII (DEFINITIONS) TO MODIFY THE DEFINITION OF PROTECTED TREE AND SPECIMEN TREE; AMENDING SECTION 05.03.03 (SPECIFIC STANDARDS), PART 5.03.00 (PLANNED UNIT DEVELOPMENT DISTRICTS), ARTICLE V (DEVELOPMENT OPTIONS), TO INCREASE THE REQUIRED AMOUNT OF UPLAND NATURAL VEGETATION TO BE PRESERVED FOR CERTAIN PUDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

All interested parties may appear at the public hearings to be heard regarding any or all of the proposed amendment. Board of County Commissioner items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The proposed ordinance is on file and is available for review in the Planning and Zoning Division of the Growth Management Department, at the Permit Center, 1010 Lewis Speedway, St. Augustine, Florida and may be examined by interested parties prior to said public hearings.

Interested parties may appear at the public hearings to be heard regarding the proposed amendment.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING-IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the St. Johns County Facilities Management, 2446 Dobbs Road, St. Augustine, FL 32086. Hearing-impaired persons, call Florida Relay Service 1-800-352-8770, no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
MEAGAN PERKINS CHAIR

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
KRISTA JOSEPH CHAIR

