

**CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT**

AGENDA ITEM: An ordinance amending Chapter 23 – Protection of trees and the natural environment, to include a new definition of Landmark Live Oak trees and related regulations.

SUBMITTED BY: Amanda L. Askew, AICP, Neighborhoods Department Director

TODAY'S DATE: June 11, 2026

MEETING DATE: June 22, 2026

BACKGROUND: During the May 2 Town Hall meeting, the City Commission expressed a strong interest in strengthening protections for the City's mature live oak tree canopy and directed staff to develop an expedited approach to preserve the community's most significant oak trees.

In response to this direction, staff has prepared proposed amendments to Chapter 23 of the Code of Ordinances. The proposed amendments would establish a new classification known as "Landmark Live Oak Trees" and create enhanced review, relocation, and mitigation requirements intended to discourage their removal while recognizing circumstances where removal may be unavoidable.

The Environmental Stewardship Committee (ESC) has also made a recommendation for the protection of older maritime trees.

Live oak trees are among the most significant natural assets within the City. Mature live oaks provide extensive environmental, economic, and aesthetic benefits that accumulate over many decades and cannot be readily replaced once lost.

According to estimates published by the International Society of Arboriculture, a typical live oak tree with a trunk diameter of:

20 inches = approximately 70 to 120 years old
25 inches = approximately 85 to 150 years old
30 inches = approximately 105 to 180 years old
35 inches = approximately 120 to 210 years old

As a result, many of the City's largest live oak trees represent generations of growth and stewardship. These trees provide significant ecological functions, including:

- Stormwater interception and reduction of runoff
- Carbon sequestration and greenhouse gas reduction
- Improved air quality
- Wildlife habitat and biodiversity support
- Urban heat island mitigation and shade production
- Enhanced neighborhood aesthetics and community character
- Increased property values and overall quality of life

Once a mature live oak tree is removed, replacement trees may require many decades before providing comparable canopy coverage and environmental benefits. Consequently, preservation of these trees serves an important public purpose and contributes to the City's long-term environmental resilience.

To address these concerns, staff proposes amendments that would establish a "Landmark Live Oak Tree" designation for live oak trees meeting a minimum diameter-at-breast-height (DBH) threshold to be determined by the City Commission.

The proposed amendments would:

- Define and identify Landmark Live Oak Trees within the City Code;
- Designate Landmark Live Oak Trees as regulated trees citywide;
- Require a tree removal permit for any proposed removal;
- Require review of hazard determinations through an independent third-party arborist retained by the City;
- Authorize the City to require relocation of a Landmark Live Oak Tree when determined feasible, with all relocation costs paid by the applicant;
- Require approval by both the Community Development Board and City Commission before removal may occur;
- Establish enhanced mitigation requirements for approved removals;
- Establish increased mitigation penalties for unauthorized removals; and
- Limit mitigation credit eligibility to approved replacement live oak trees meeting minimum caliper requirements.

The proposed process is intended to strongly discourage removal while still providing a mechanism for consideration of unique site constraints and circumstances where preservation is not feasible.

PROPOSED ORDINANCE STANDARDS

The draft ordinance provides that Landmark Live Oak Trees may only be removed upon demonstration by the applicant that:

1. The proposed development or construction activity cannot reasonably occur elsewhere on the property; or
2. Removal is unavoidable due to site conditions or design constraints beyond the applicant's control.

In addition, prior to approving removal, the City may require relocation of the tree if determined to be feasible by qualified professionals.

BUDGET: Unknown

RECOMMENDATION: Review and vote on Ordinance

ATTACHMENT(S): ESC minutes with the recommendation
Ordinance No. 95-26-128

REVIEWED BY CITY MANAGER:

_____

Todd Miner supported taking advantage of the current political moment, agreeing that focusing on the most important elements made sense given the rare alignment of public and commission support.

Planner Jamieson indicated that staff was looking at 20 inches DBH as the threshold and suggested the committee would be very pleased with staff's proposal, though it hadn't been reviewed by the city manager yet.

Dan Giovannucci presented a comprehensive motion addressing the discussion points. His proposal included designating all maritime trees over 20 inches DBH as protected landmark trees with several requirements: a statement of infeasibility to retain the tree with criteria including alternative building design statements from architects or design engineers; health and risk review from certified arborists; minimum 30-day timeout for examination by city arborist or consulting arborist if there was disagreement; and if no alternatives could be found, presenting the case to commission for approval while still requiring appropriate mitigation unless the tree was dead or clearly dangerous.

Bruce Andrews requested a friendly amendment to clearly state that infeasibility determinations should not be made by arborists, emphasizing the importance of having the right professional assess design alternatives.

MOTION: That the city designate all maritime trees 20 inches DBH or greater as protected landmark trees, unless the tree is dead or a clear danger. This would require proof of infeasibility to retain the tree, with criteria including alternative building design statements from architects or design engineers, ISA risk review from qualified certified arborists, minimum 30-day timeout for examination by city arborist, and if no alternatives are found, presentation to city commission. If approved by commission, appropriate mitigation for actual tree type and size would still apply.

Motion: *Daniele Giovannucci*

Second: *Bruce Andrews*

Motion passed 7 to 0.

B. General Fund Budget Discussion

Chair Palmer reported on her discussion with Director Askew about ESC budget support. She confirmed that staff support for ESC priorities did include budgetary support, with staff putting together their budget keeping ESC priorities in mind.

For their major priorities, Chapter 23 work and most tree fund items were covered under existing budgets. Florida Friendly initiatives were seen as more of a cultural shift than requiring extra dollars initially. The parks plan and stormwater management were staff-led initiatives. The Marsh pilot project had Steve Swan putting together funding with grants and contingencies.

Environmental Stewardship Committee (ESC)
May 13, 2026

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 LIVE OAK TREE; AMENDING ARTICLE IV, DIVISION 5, AREAS OF SPECIAL CONCERN, TO CREATE SECTION 23-42, LANDMARK LIVE OAK TREES, ESTABLISHING REGULATIONS, PRESERVATION STANDARDS, REMOVAL CRITERIA, RELOCATION REQUIREMENTS, AND MITIGATION REQUIREMENTS FOR LANDMARK LIVE OAK 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 live oak trees; and

WHEREAS, mature live oak 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 live oak 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 live oak 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, live oak trees of substantial trunk diameter may be many decades to more than two centuries old, representing natural assets that cannot be readily replaced within a human lifetime; and

WHEREAS, the loss of mature live oak 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 live oak 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 Live Oak Trees" and to designate those trees as regulated trees throughout the City; and

WHEREAS, the City Commission finds that the removal of Landmark Live Oak Trees should be strongly discouraged and permitted only when demonstrated to be unavoidable or necessary under standards established by this ordinance; and

Ordinance No. 5-26-75

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WHEREAS, the City Commission further finds that relocation of Landmark Live Oak 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 Live Oak 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 Live Oak 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 oak tree and New Section 23-42 – Landmark Oak trees is hereby added to the Code of Ordinances to the City of Atlantic Beach, Florida as follows:

Section 23-8 definitions

Landmark live oak trees are live oaks at least (amount to be determined) inches of diameter at breast height (DBH) or greater.

Section 23-42

Landmark Oak Trees

Landmark live oak 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 live oak. If an applicant proposes removal based on a certified arborist's report deeming the tree a hazard to persons or property, the City will retain an independent, third-party arborist to evaluate the 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. Final approval for removal must be granted by both the Community Development Board and the City Commission. If mitigation is authorized by the City Commission, the mitigation rate shall be (determined by the City Commission). If a landmark live oak is removed without a permit, the mitigation rate for that tree shall be (to be determined by the City Commission). Planting mitigation credits are only available for planting replacement live oaks with a minimum 4-inch caliper, subject to prior City staff approval of a landscape plan. Landmark live oaks.

Removal may be approved by the City Commission 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 ____ day of _____, 2026.

PASSED by the City Commission on second and final reading this ____ day of _____, 2026.

CITY OF ATLANTIC BEACH

Curtis Ford, Mayor

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Jason Gabriel, City Attorney