

ORDINANCE NO. 2025-03

AN ORDINANCE ESTABLISHING A TREE MITIGATION FUND FOR THE TOWN OF HILLIARD, PROVIDING FOR FEES COLLECTED FROM TREE REMOVAL AND ASSOCIATED ACTIVITIES, AND PROVIDING FOR THE USE OF SUCH FUNDS TO PROMOTE TREE CONSERVATION, PRESERVATION, AND REPLACEMENT.

WHEREAS, trees and green spaces are essential components of the Town's built and natural environment, promoting social, economic, and environmental health by providing ecological services, improving air and water quality, reducing urban heat islands, supporting biodiversity, and enhancing the aesthetic and cultural value of the community; and

WHEREAS, the Town of Hilliard has adopted a goal of protecting the tree canopy cover to improve public health, increase energy efficiency, and foster community resilience, and acknowledges that strategic planning, community involvement, and policies for tree conservation and green infrastructure are essential to achieving this goal; and

WHEREAS, the Town of Hilliard recognizes the importance of mitigating the impacts of tree removal by ensuring the replacement or financial compensation for trees removed from the public and private landscape, thereby contributing to the growth and sustainability of the community's tree canopy; and

WHEREAS, the Town of Hilliard desires to establish a tree mitigation fund to collect fees for trees removed and utilize those funds for tree-related initiatives, including tree replacement, preservation, and environmental education.

NOW, THEREFORE, THE TOWN OF HILLIARD HEREBY ORDAINS, as follows:

Section 1. Title and Purpose.

This ordinance shall be known as the "Tree Mitigation and Preservation Ordinance" and is enacted for the purpose of establishing a fund to collect fees for tree removal, which will be used to enhance and protect the urban forest, support tree preservation and restoration efforts, and promote the Town's goal of increasing tree canopy cover.

Section 2. Tree Mitigation Fees.

1. Fee for Removal of Trees:

(a) Except as allowed or prohibited by the Hilliard Town Code, Article XII, Sec. 62-574 and Sec. 62-569, any individual or entity removing a tree within the Town's jurisdiction that is not replaced shall be required to pay a tree mitigation fee of \$100 per inch of tree diameter measured at 4.5 feet above ground level

(DBH), for each tree removed.

(b) The fee shall apply to trees removed as part of construction, development, or other activities that result in the removal of trees without replacement on-site.

This fee applies regardless of whether the removal is from private or public land.

(c) Fees collected under this section shall be deposited into the Tree Mitigation Fund established by this ordinance.

2. Replacement of Trees:

(a) Tree removal applicants shall be encouraged to replace trees removed with new trees of appropriate species and size. If replacement is not feasible on-site, the applicant shall be required to pay the tree mitigation fee in lieu of planting.

(b) The Town may, at its discretion, require the planting of specific tree species or the payment of the mitigation fee as a condition of approval for development or construction projects.

(c) Except for live oaks, trees removed over 12 inches DBH on the site shall be replaced; such replacement shall equal one-third of the total caliper at DBH of the trees removed. Live oak tree replacement shall equal 100% of the total caliper at DBH of the live oak trees removed.

3. Credit for trees:

In accordance with Hilliard Town Code, Article XII, Sec. 62-574(b), trees which are preserved shall receive credit against the landscape requirements according to the following schedule:

(a) Trees 12 to 18 inches: Live oaks, one-inch credit; all others, 50 percent-inch credit.

(b) Trees 19 to 30 inches: Live oaks, one and one-quarter-inch credit; all others, 75 percent-inch tree credit.

(c) Trees over 30 inches: Live oaks, one and one-half-inch credit; all others, 100 percent-inch credit.

Section 3. Tree Mitigation Fund.

1. Establishment of Fund:

(a) The Town shall establish a special account within its operating budget called the "Tree Mitigation Fund" (the "Fund").

(b) The Fund shall include all fees collected from tree mitigation charges, penalties, fines related to tree removal, violations of landscaping requirements under Article XI and Article XII of the Town Code, and other donations or contributions designated for tree-related purposes.

(c) Fifty percent (50%) of all fees collected from permits issued under this article shall be deposited into the Fund.

2. Use of Fund:

(a) The Fund shall be used exclusively for tree-related purposes, including but not limited to:

- The purchase and planting of trees in the public right-of-way, parks, and other public properties.
- The preservation and maintenance of existing trees on public land.

- Strategic tree planting and canopy restoration efforts in areas identified as having low canopy cover.
 - Education programs aimed at increasing public awareness of tree benefits, tree care, and environmental stewardship.
 - Support for grants aimed at increasing tree canopy, diversity, and optimal tree placement on public and private properties.
- (b) The Fund may not be used for general town operating expenses and shall only be used for activities directly related to tree preservation, protection, and replacement.
3. **Annual Appropriation:**
- (a) The Town Council may appropriate up to \$5,000 annually from the Tree Mitigation Fund to finance educational programs, outreach efforts, and activities that promote tree conservation, community engagement, and the Town's tree canopy goals.

Section 4. Grant Program for Tree Canopy Enhancement.

1. **Eligibility for Grants:**
- (a) Neighborhood associations, business organizations, or other community groups may apply for grants of up to \$5,000 for tree planting or canopy enhancement projects.
- (b) Applicants must demonstrate that their project will contribute to increasing the Town's tree canopy, diversify tree species, or improve the tree canopy in public spaces or neighborhoods.
- (c) Projects must meet the requirements established by the Town and comply with any other relevant ordinances and codes.
2. **Grant Criteria and Priorities:**
- (a) The Town's Tree Canopy and Diversity priorities shall guide the selection of projects.
- (b) Projects that target areas of the Town with low canopy cover or that promote community collaboration and beautification will be given priority.

Section 5. Enforcement and Penalties.

1. **Violation of Tree Removal Provisions:**
- (a) Any person or entity found to have removed trees without complying with the tree mitigation requirements of this ordinance may be subject to penalties, including fines, and shall be required to pay the mitigation fee for trees removed.
- (b) Penalties for non-compliance may include additional fees, remedial planting, or other corrective actions deemed necessary by the Town.

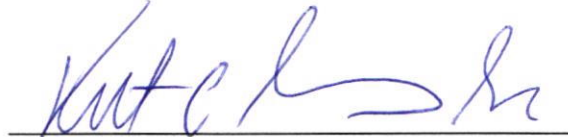
Section 6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption by the Town Council.

ADOPTED this 17th day of April, 2025 by the Hilliard Town Council, Hilliard, Florida.



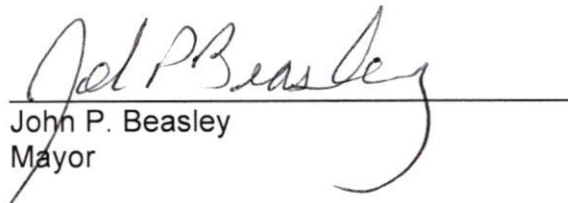
Kenneth A. Sims, Sr.
Council President

ATTEST:



Lisa Purvis
Town Clerk

APPROVED:



John P. Beasley
Mayor

Town Council First Reading:	March 20, 2025
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