



# Tree Preservation Board Regular

March 23, 2021

Hybrid

5:00pm

Winter Park Commission Chamber  
401 Park Ave Winter Park, FL 32789

## Agenda Items

Meeting Call to Order

### Consent Agenda

Minutes approval for February 23, 2021

### Public Comment

### Action Items

- A. Removal Permit Appeal 1601 Pine Ave
- B. Tree Code Revisions-Continued

### Reports

### Discussion

### New business

New Board Members

### Adjourn

Next Meeting Date April 25, 2021

## appeals & assistance

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"If a person decides to appeal any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/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." (F.S. 286.0105).



# Tree Preservation Board Minutes

February 23, 2021

Hybrid

Winter Park Commission Chamber  
401 Park Ave South, Winter Park FL 5:00pm

## **Board Members Present**

Chuck Bell, Jill Bendick, John Nico, Meggen Wilson, Tom McMacken, Lawrence Lyman

## **Board Members Absent**

## **Administrative**

Meeting called to order by Chairman Tom McMacken at 5:06pm

## **Action Items**

Staff and the board members discussed and worked diligently on Section 58-287 of the code: Tree replacement and financial compensation requirements. After an extensive discussion of removal and replacement of trees. Board members suggested that staff and members research and gather information on comparable cities mitigation policy and process prior to continuing with revisions of the code. Staff will provide the board with a mitigation matrix of all the data collected prior to the next meeting.

## **Reports**

## **Discussion**

## **New Business**

**Adjourn** Motion made by Tom McMacken to adjourn the meeting seconded by Jill Bendick; motion carried unanimously. Meeting adjourned at 6:05pm

**Next Meeting:** March 23, 2021



**City of Winter Park**  
401 S Park Ave, Winter Park, FL 32789

Permit NO.: **TRP-2021-0192** Permit IVR Number: **273,659.00**

# Permit

Permit Type: **Tree Removal**  
Work Classification: **Tree Removal**  
Permit Status: **Issued**

Issue Date: **03/01/2021**

Expiration: **03/01/2022**

## Location Address

## Parcel Number

**1601 PINE AVE, WINTER PARK, FL 32789-2675**

**302132453604110**

## Contacts

Wilson McDowell

**Property Owner**

(407)702-4315

David Montalto

PO BOX 547103, ORLANDO, FL 32854

(321)315-1901

**Applicant**

david@mlahrhomes.com

**Description:** DENIED: live oaks 21", 16" and slash pine 20".  
APPROVED: laurel oaks 18", 11", 20", 11", 15" and slash  
pines 15", 19".

Requires replanting of nine 3" FL#1 shade trees or  
eighteen FL#1 understory trees. A payment in lieu of  
planting of \$11,990.00 may be made into the tree trust  
fund.

All other trees to be removed are under 9" DBH or are  
non-protected species.

**Valuation:** \$0.00

**Total Sq Feet:** 0.00

## Inspection Requests:

407-599-3350

| Fees                     | Amount         |
|--------------------------|----------------|
| Residential Tree Removal | \$35.00        |
| <b>Total:</b>            | <b>\$35.00</b> |

| Payments           | Amt Paid       |
|--------------------|----------------|
| <b>Total Fees</b>  | <b>\$35.00</b> |
| Check # vvbQJFwCIU | \$35.00        |
| <b>Amount Due:</b> | <b>\$0.00</b>  |

| Inspections:        |     |
|---------------------|-----|
| Inspection Type     | IVR |
| Arborist Inspection |     |

## Additional Information

**Minimum Mandated Planting::** 9 shade trees or 18 understory trees

Issued By: Josh Nye

March 01, 2021

Date

Permit\_Detailed\_Dept\_A\_Signature\_1

Date

Permit\_Detailed\_Dept\_A\_Signature\_2

Date

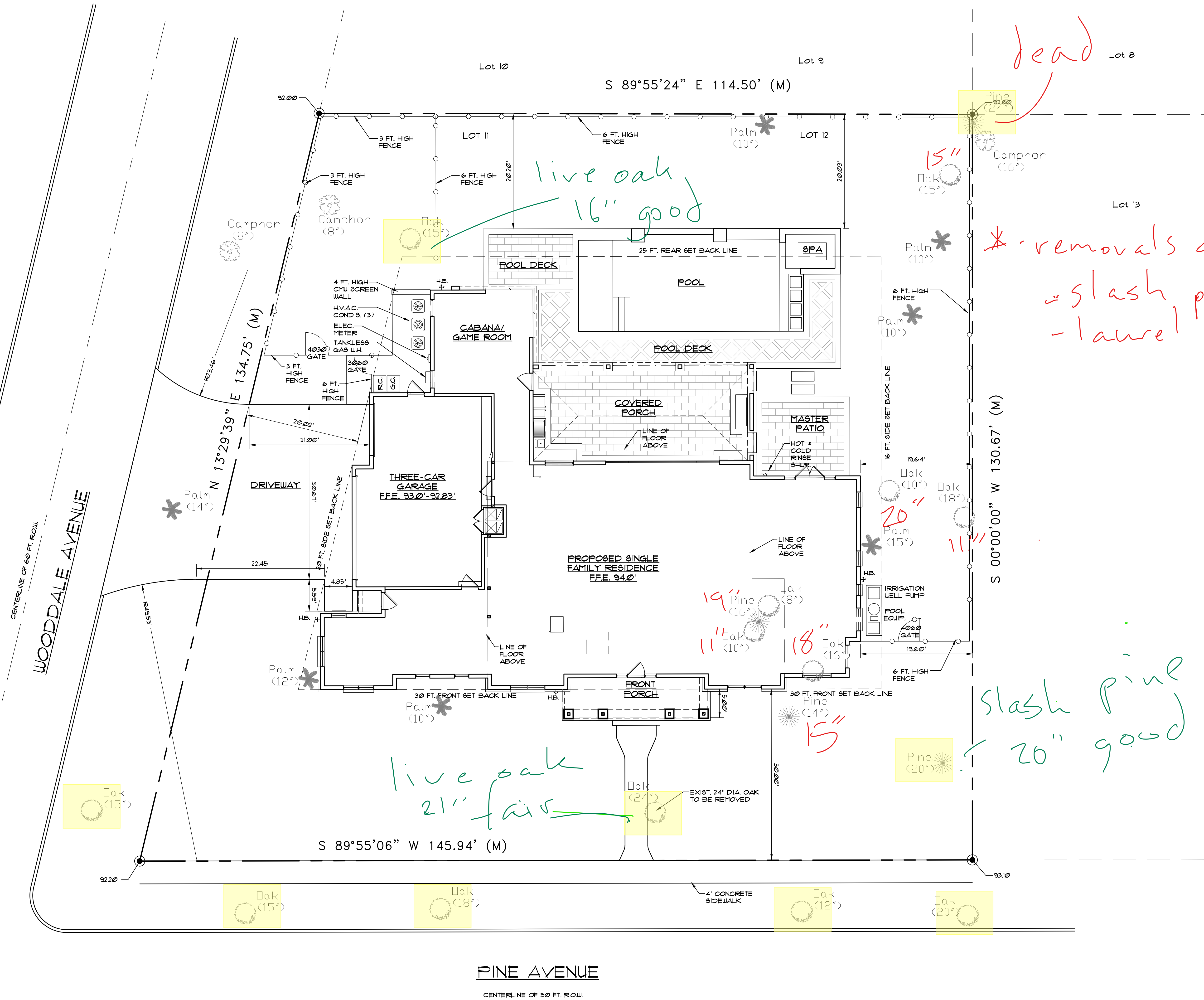
C:\Projects\David Runnels\McDowell Residence\A-0\_SITE PLAN.dwg, 10/30/2020 2:46:49 AM

#### GENERAL NOTES:

- THIS SITE PLAN IS INTENDED TO CONVEY GENERAL BUILDING RELATIONSHIPS AND BUILDING CODE DATA ONLY. REFER TO REGISTERED SURVEYOR'S DRAWINGS FOR DETAILED SITE INFORMATION.
- ANY UTILITIES SHOWN ARE APPROXIMATE LOCATIONS AND FOR REFERENCE. ACTUAL LOCATION SHALL BE VERIFIED IN FIELD.

#### LEGAL DESCRIPTION:

LOTS 11 AND 12, BLOCK 4, LAKE KNOWLES TERRACE,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN  
PLAT BOOK K, PAGE 4, OF THE PUBLIC RECORDS OF  
ORANGE COUNTY, FLORIDA



ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"

| LOT AREA              |           |      |  |
|-----------------------|-----------|------|--|
| HOUSE FOOTPRINT       | 4,961.13  | S.F. |  |
| DRIVEWAYS & WALKS     | 843.04    | S.F. |  |
| EQUIPMENT PADS, ETC.  | 205.00    | S.F. |  |
| POOL DECK             | 102.06    | S.F. |  |
| MASTER PATIO          | 246.32    | S.F. |  |
| TOTAL IMPERVIOUS AREA | 408.28%   | S.F. |  |
| TOTAL PERVIOUS AREA   | 59.12%    | S.F. |  |
| TOTAL LOT AREA        | 17,038.64 | S.F. |  |

CODE INFORMATION/PLANS REVIEW:  
THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH  
THE FLORIDA BUILDING CODE 6th EDITION (2017) RESIDENTIAL

David E. Runnels, AIA, P.A.  
Architect  
233 West Park Avenue  
Winter Park, FL 32789  
State License No. AR 0011659

The McDowell Residence  
1601 Pine Ave.  
Winter Park, Florida 32789

DRAWN  
SE  
CHECKED  
DR  
DATE  
JULY 2020  
SCALE  
AS NOTED  
JOB NO.  
1913  
SHEET

A-0

OF SHEETS



















Trees permitted for removal shall be replaced at a rate determined by the Mitigation Matrix. The matrix assigns a separate numerical value for species and condition. The number generated by combining these values indicates the level of mitigation required. The valuation of specific species and DBH measurements are as follows:

| Species Value (SV) |              |              |            |               |               |
|--------------------|--------------|--------------|------------|---------------|---------------|
| SV0                | SV1          | SV2 (6"-18") | SV3 (>19") | SV4 (6"-18")  | SV5 (>19")    |
| Non-native palms   | Black cherry | Slash pine   | Slash pine | Live oak      | Live oak      |
| Camphor            | Crape myrtle | Red cedar    | Red cedar  | Bald cypress  | Bald cypress  |
| Ear tree           | Sabal palm   | Sycamore     | Sycamore   | Magnolia      | Magnolia      |
| Raintree           |              | Sweetgum     | Sweetgum   | Longleaf pine | Longleaf pine |
| Chinaberry         |              | Elm          | Elm        | Black gum     | Black gum     |
| Cherry laurel      |              | Red maple    | Red maple  |               |               |
|                    |              | Laurel oak   | Laurel oak |               |               |

The Mitigation Matrix Value is calculated by adding species value plus condition as follows:

| Mitigation Matrix |           |      |      |      |
|-------------------|-----------|------|------|------|
| Species Value     | Condition |      |      |      |
|                   | Dead      | Poor | Fair | Good |
| SV0               | 0         | 0    | 0    | 0    |
| SV1               | 0         | 0    | 1    | 1    |
| SV2               | 0         | 1    | 1    | 1    |
| SV3               | 0         | 2    | 2    | 2    |
| SV4               | 0         | 1    | 3    | 3    |
| SV5               | 0         | 2    | 3    | 3    |

The Mitigation Matrix Value table assigns mitigation based on a number generated by the Mitigation Matrix as follows:

| Mitigation Matrix Value | Assigned Mitigation Commercial | Assigned Mitigation Residential |
|-------------------------|--------------------------------|---------------------------------|
| 0                       | No mitigation required         | No mitigation required          |
| 1                       | One replacement tree           | One replacement tree            |
| 2                       | Two replacement trees          | Two replacement trees           |
| 3                       | Full DBH replacement           | Two replacement trees           |

March 23, 2021  
CITY OF WINTER PARK  
**TREE PRESERVATION AND PROTECTION ORDINANCE PROPOSED  
REVISIONS**

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**1. Should we change and revise the City's Ordinance's Purpose and Intent per the following suggestions:**

The Purpose and Intent of the City of Winter Park's **Tree Preservation and Protection Ordinance** are intended to achieve the following:

1. The City of Winter Park is committed to perpetuating its vision as **"The city of arts and culture, cherishing its traditional scale and charm while building a healthy and sustainable future for all generations."**
2. This commitment is demonstrated by its being **an active participant of the Tree City USA** program and achieving the standards set forth by the Arbor Day Foundation.
3. To meet these goals, the City has implemented these tree protection standards is to limit the destruction of and ensure the survival of as many trees as possible in the City by maintaining existing trees and replanting new trees to achieve the following objectives:
  - a. Promote the **value of property** and the **quality of life of its citizens**; and
  - b. **Improve environmental quality** through the retention and installation of plants, including improved air and water quality through the removal of carbon dioxide and the generation of oxygen, and mitigate of heat and glare; and
  - c. **Decrease air and noise pollution**; and
  - d. Ensure the stabilization of soil by **prevention of erosion**; to reduce stormwater runoff and sedimentation and the costs associated with it; and

- e. Facilitate aquifer recharge by replenishing **groundwater** supply; and
- f. **Provide greenbelts and buffers** to screen against noise pollution, artificial light, and glare; and
- g. **Increase land values** by providing landscaping as a capital asset.
- h. **Provide human psychological and physical benefits**, promote healthy environments, and promote participation in outdoor activities with greenscapes.
- i. **Provide habitats** for urban wildlife.
- j. **Protect endangered or threatened plant species**, habitats, and rare or endangered ecosystems.
- k. **Eliminate invasive exotic species** that threaten our ecosystem.
- l. **Prohibit the unnecessary clearing of land** to achieve no net loss of trees and to preserve, as much as possible, the existing tree canopy.
- m. **Achieve a 60 percent tree canopy** across the city through the protection of existing trees and the planting of new trees.
- n. Serve to implement several of the Goals, Objectives and Policies found in the **Growth Management Plan** (GMP) by balancing environmental and conservation concerns with development and integrating the manmade environment with the natural environment.

2. **Should the CWP Ordinance include incentives for preservation** such as "The City may approve a transfer of development rights on lands preserved for tree preservation beyond the requirements in this section during the site plan or preliminary plat process"?
3. **Should the CWP Ordinance require tree replacement or tree removal mitigation fee for trees removed from residential**

**properties?** (even though we cannot require a permit to remove tree(s) from residential property under state law).

Note: In 20 Tree City USA municipal ordinances checked, none addressed the state statute regarding tree removal from residential properties being exempt from requiring a permit to remove.

- 4. Should the CWP Ordinance be changed to no longer allow tree replacement mitigation to be counted toward landscape requirements?**
- 5. Should the CWP Ordinance require increasing tree removal mitigation formula such as:**

| The diameter of the existing Tree (Inches) | Number of Replacement Trees Required for each tree removed | Minimum caliper (Inches) | Total Replacement Required (Inches) |
|--|--|--------------------------|-------------------------------------|
| 6—11                                       | 2 replaced for 1 removed                                   | 3                        | 6                                   |
| 12—17                                      | 3 replaced for 1 removed                                   | 3                        | 9                                   |
| 18—23                                      | 4 replaced for 1 removed                                   | 4                        | 16                                  |
| 24—29                                      | 3 replaced for 1 removed                                   | 6                        | 18                                  |
| >30  | 4 replaced for 1 removed                                   | 6                        | 24                                  |

Note: If applied to Henderson Hotel Project, 157 total caliper inches to be removed / 106 total caliper inches would be required to be replaced **(+/- 67% replacement value)**

- 6. Should the CWP Ordinance require the trees to be relocated on the property?** Most of the 20 Tree City USA Ordinances reviewed require this and stipulate “Only after demonstrating relocation on-site is not feasible (some included off-site locations too), then tree removal mitigation provisions become applicable”.



7. ***Should the CWP Ordinance require a tree survey drawn to scale identifying the species and listing the height, spread and diameter of all existing trees shall be provided for applications for tree removal?***
8. ***Should the CWP Ordinance require the applicant to redesign the project to preserve specimen tree(s) and to provide an alternate plan, when feasible?***
9. ***Should the CWP Ordinance require specimen trees, or any other tree determined by the department to be of substantial value due to its species, size, age, form and/or historical significance, that is proposed for removal shall be relocated on or off-site where practical?***
10. ***Should the CWP Ordinance add flexibility in landscape code by allowing the installation of fewer but larger trees*** than specified for standard tree replacement to achieve the total replacement inches due?
11. ***Should the CWP Ordinance add “Palm trees may be utilized as replacement trees but at an increased ratio of 3:1 replacement and shall be a minimum of eight feet tall at the time of planting” with a limited percentage of tree replacement requirements such as 15%?***
12. ***Should the CWP Ordinance be further defined to include “Replacement trees shall be graded Florida No. 1 or better, as outlined in the most recent publication of the State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Grades and Standards for Nursery Plants, Part II, Palms and Trees”?***
13. ***Should the CWP Ordinance eliminate allowing tree removal mitigation credits to be counted toward landscape requirements for new projects or property renovation?***

14. ***Should the CWP Ordinance add “Instead of allowing tree removal replacement credit toward landscaping requirement, replace with an incentive to keep existing trees and allow them to be applied to new landscaping requirements?”***
15. ***Should the CWP Ordinance add incentives to relocated existing trees deemed desirable on a property or even to another property or city-owned land?*** (such as “Under an application for a tree permit, the applicant may be required, where practical, to relocate a tree being removed to an appropriate new location on the site? The decision to require the relocation of a tree shall be made by the city manager per accepted forestry practices after evaluating the species, size, quality, and the number of trees”).
16. ***Should the CWP Ordinance require adding “No approval will be granted for the alteration of any city tree that contains active nests of migratory birds, bird species listed as species of special concern, rare, threatened, or endangered by the Florida Fish and Wildlife Commission, or which are a breeding area for a colony of birds”?***
17. ***Should the CWP Ordinance add a definition for “Historic tree means any protected tree(s) which is 36 inches in DBH or greater and has such unique and intrinsic value to the general public because of its size, age, historic association, or ecological value as to justify this classification. Any tree in the town selected and duly designated a Florida State Champion, United States Champion, or a World Champion by the American Forestry Association shall likewise be deemed a historic tree”?***
18. ***Should the CWP Ordinance add a further definition for “Protected tree means any self-supporting woody or fibrous perennial plant/tree of a species that normally grows to a mature height of 25 feet or greater and has a tree trunk DBH of eight inches or greater and is not an exempt tree. Includes palm trees with more than four and one-half feet of clear trunk, any replacement tree, any non-***

***exempt tree that is represented in a planning document to secure an approved building or demolition permit, and all trees on City property”?***

**19. *Should the CWP Ordinance add a further definition for “Replacement tree means any tree planted as a condition of approval of a tree removal permit or as may be required to meet the conditions of an approved plan for development. Any tree planted as a requirement for tree replacement mitigation due to an illegal removal”?***

**20. *Should the CWP Ordinance add a provision on tree abuse such as “Tree abuse is prohibited. Abused trees may not be counted toward fulfilling landscape requirements. Tree abuse shall include:”***

**21. *Should the CWP Ordinance add a provision for tree species diversity standards? Such as:***

| Required Number of Trees | Minimum Number of Tree Species | Percentage of Each Tree Species |
|--------------------------|--------------------------------|---------------------------------|
| 11—20                    | 2                              | 50 percent                      |
| 21—50                    | 4                              | 25 percent                      |
| 51 or more               | 6                              | 16 percent                      |

**22. *Should the CWP Ordinance add a minimum shade/canopy tree quantity requirement?***

| Lot size     | Minimum Number of Trees | Minimum Diameter (DBH)(inches) |
|--------------|-------------------------|--------------------------------|
| 0—8,000 s.f. | 2                       | 7                              |

|                    |                    |    |
|--------------------|--------------------|----|
| 8,001—16,000 s.f.  | 4                  | 14 |
| 16,001—24,000 s.f. | 7                  | 22 |
| 24,001—36,000 s.f. | 10                 | 31 |
| 36,001—43,560 s.f. | 12                 | 37 |
| 43,560+ s.f.       | (37" DBH per acre) |    |

\*One tree is required for a replacement for every 2,000 square feet, or portion thereof, more than 15,000 square feet.

**23. Should we include further defining “During development or site alteration activities, the following standards shall be met:**

- (a) **Protective barricades** shall be placed to define a protective area around existing trees to remain. Barriers shall be placed around all regulated trees at **a minimum of two-thirds of the area of the dripline** of the tree or stand of trees or at six feet from the trunk of the tree, whichever is greater.
- (b) **Protective barricades shall be placed at the dripline of all heritage trees, champion trees, and regulated palm trees.**
- (c) Protective barricades shall be placed around all trees to be retained on the site and shall remain in place until site clearing and **construction activities are complete**, except where land alteration and construction activities are approved within the protected area.
- (d) Protective barricades shall be at least four feet high and constructed of either wooden corner posts at least four inches in width by four inches in depth by four feet in height buried one foot deep with at least two courses of wooden side slats at least



two inches in width by four feet with colored flagging or colored mesh construction fencing attached or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.

- (b) **A minimum distance of ten feet shall be maintained from all retained regulated, heritage, and champion trees when installing underground utilities.** If this results in unreasonable hardship, a soil auger shall be used to tunnel under the root systems.
- (c) **No attachments shall be secured to trees designated to remain on site.**
- (d) **A three-inch layer of mulch shall be applied over the surface of any exposed roots** of retained regulated, heritage, and champion trees and kept wet during the site clearing and construction phases.
- (e) **Raising or lowering of grade within the dripline of existing trees to remain shall not be permitted**
- (f) During the site clearing or construction phases, the following activities shall be prohibited within the protective area unless approved with the appropriate protective strategies by the City during site plan or construction plan approval:
  - (1) The clearing of vegetation except by hand;
  - (2) The compaction, filling, or removal of soil deposits;
  - (3) The placement of debris;
  - (4) The placement or dumping of solvents or other chemicals;
  - (5) The placement or storage of construction materials, machinery, or other equipment of any kind; and

- (6) The use of concrete, asphalt, or other paving materials.
- (g) Any retained or relocated **tree shall be replaced per the requirements of this ordinance if the tree dies within one year after site clearing and construction.**
- (h) Any root pruning and/or pruning of retained regulated, heritage, and champion trees during the site clearing or construction phases shall be done per arboricultural standards and directly overseen by an ISA-certified Arborist.

City of Charlotte, NC Tree Ordinance Guidelines  
City Tree Mitigation Policy and Requirements  
Charlotte Tree Ordinance Sections: 21-32, 21-61.

Mitigation Policy Summary

Trees located on City property and on public street right-of-way (R/W) are considered assets of the City of Charlotte and are protected by the Charlotte Tree Ordinance. The City manages City trees to provide the highest level of benefits possible to the Charlotte community while maintaining a high standard of public safety and acceptable risk. Community data collected during City Council's Urban Forest Master Plan process and the City Manager's series of Meet & Eat community meetings identified the Charlotte community's highest priority relative to tree canopy is to protect/preserve existing trees. In support of this community value, the City seeks to preserve all healthy and structurally sound City trees. Removal of City trees will not be authorized except in cases of significant hardship. When removal is authorized, mitigation is required. Examples of significant hardship include: no property access, significant utility installation/maintenance impacts, construction crane positioning, authorized land disturbing activity that will cause significant decline in health or structural stability of a City tree.

Mitigation Fee Usage

Fees collected during the City Tree Mitigation Process shall be used to support the City's Neighborhood Tree Planting Program and management of City trees in street R/W.

Mitigation Requirements

- Tree Planting Option - One mitigation tree shall be planted in street R/W for every 3 inches of (DBH) removed.

DBH of Existing Tree / 3" DBH = quantity of mitigation trees

Example: City authorizes one 30" DBH tree for removal.  $30" / 3" = 10$  mitigation trees

- Mitigation Fee Option - submit mitigation payment equaling \$200 for every inch of diameter (DBH) removed.

DBH of Existing Tree \* \$200 = mitigation fee

Example: City authorizes one 30" DBH tree for removal.  $30" * \$200 = \$6,000$  mitigation fee

- Trees in very poor health or that are structurally unsound will not require mitigation.
- If a future streetscape condition provided by a project significantly improves community tree canopy benefits, per the City Arborist/Urban Forestry Supervisor or their designee, mitigation may not be required.
- Mitigation trees shall be 3" caliper in size and meet planting requirements outlined in CLDS 40.01 (Tree Planting Detail), unless otherwise authorized by the City Arborist/Urban Forestry Supervisor or their designee. Staff highly recommends coordinating pre-inspection of mitigation trees prior to planting.
- Mitigation credit may be given for any newly planted code-required trees per the Charlotte Tree Ordinance.

Reviewed by Charlotte Tree Advisory Commission: 8/20/2019 1

City of Charlotte, NC Tree Ordinance Guidelines  
Definitions

- City property – City of Charlotte-owned parcels and all Tree Canopy Preservation Program (TCPP) protected areas located anywhere in Mecklenburg County, NC.

- City tree – see Tree Ordinance Guideline – City Trees and Protected Woody Vegetation
  - DBH – diameter at breast height. The diameter of a tree stem measured at 4.5’ from the ground. On sloping ground, the measure is taken from the up-hill side.
  - Street right-of-way (R/W) - all segments of City-accepted and/or City Landscape Management-maintained public street R/W (CDOT or NCDOT) in Charlotte’s corporate city limits. Landscape Management maintains trees on NCDOT street R/W in the city limits except for road segments identified in Tree Ordinance Guideline – City Landscape Management Maintenance Areas. Contact Information - <https://charlottenc.gov/ld/treeordinance/Pages/default.aspx>
  - Commercial/subdivision permitting scenarios- Urban Forestry Group  
704-336-6692 / <https://charlottenc.gov/ld>
  - All other scenarios - City Arborist Group – General Services  
704-336-4262 / [LandscapeManagement@charlottenc.gov](mailto:LandscapeManagement@charlottenc.gov)
- Reviewed by Charlotte Tree Advisory Commission: 8/20/2019 2