



Tree Preservation Board Regular Meeting

Agenda

June 22, 2021 @ 5:00 pm

401 Park Ave

Winter Park, FL 32789

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed 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).

please note

Times are projected and subject to change.

-
- 1. Call to Order**
 - a. Selection of new Board Chair and Vice Chair
New Board Member Introductions 10 minutes
 - 2. Consent Agenda**
 - a. Approval of Minutes April 27, 5 minutes
 - 3. Staff Updates**
 - a. Urban Forestry Program Overview 10 minutes
 - b. TPB Approved Ordinance Revision
Appeal of Tree Removal Permit Denials Update 20 minutes
 - c. Planting Guide 10 minutes
 - 4. Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 - 5. Action Items**
 - 6. Public Hearings**
 - 7. Board Comments**
 - 8. Adjournment**



Tree Preservation
Board Regular
Meeting

agenda item

| | |
|----------------------------|----------------------------|
| item type Call to Order | meeting date June 22, 2021 |
| prepared by Kesha Thompson | approved by |
| board approval | |
| strategic objective | |

subject

Selection of new Board Chair and Vice Chair
New Board Member Introductions

motion / recommendation

background

alternatives / other considerations

fiscal impact



Tree Preservation
Board Regular
Meeting

agenda item

| | |
|----------------------------|----------------------------|
| item type Consent Agenda | meeting date June 22, 2021 |
| prepared by Kesha Thompson | approved by |
| board approval | |
| strategic objective | |

subject

Approval of Minutes April 27,

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[0427.21 Minutes.pdf](#)



Tree Preservation Board Minutes

April 27, 2021

Hybrid

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

Board Members Present

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

Board Members Absent

Lawrence Lyman

Call to Order

Meeting called to order by Chairman Tom McMacken at 5:14pm

Consent Agenda

Motion made by Chuck Bell to approve the March 23, 2021 meeting minutes; seconded by Jill Bendick. Motion carried unanimously

Staff Updates

Editable Orchard, partnership with the Winter Park Garden Club and the Sustainability Division, staff will participate in a contactless tree giveaway on May 22 for Arbor Day. staff is working on the watering program for the city trees, to reduce the use of the watering trucks.

Howell Branch Preserve Trail project has been approved by the state

Citizen Comments None

Action Items

a) Tree Ordinance -Final Draft

Staff provided the board with a final draft of the changes of the Tree Ordinance. Board members and staff reviewed the document section by section highlighting the addition of the links to be beneficial. Suggestion was made for staff to purchase a copy of the ANSI A300 and upload a more reliable link to the document. The board worked diligently with staff to make corrections, additions and suggestions; such as language to preserve wildlife habitats, counting landscaping requirements as mitigation, to the final draft to be submitted to the City Commission. Board members suggested providing language to the city attorney on the limitation on "Historic" tree removal. Staff presented examples of how the mitigation calendar

would work; the mitigation calculator will be available to the public to determine mitigation while in the permit process.

Motion made by Chuck Bell to incorporate the comments made and agreed upon with the inclusion of the historical tree protection provision that has been drafted, subject to the City Attorney's Approval; seconded by Jill Bendick. Motion carried unanimously.

Board Comments

Adjourn Motion made by Tom McMacken to adjourn the meeting seconded by Chuck Bell; motion carried unanimously. Meeting adjourned at 6:44pm

Next Meeting: June 22, 2021



Tree Preservation
Board Regular
Meeting

agenda item

| | |
|----------------------------|----------------------------|
| item type Staff Updates | meeting date June 22, 2021 |
| prepared by Kesha Thompson | approved by |
| board approval | |
| strategic objective | |

subject

Urban Forestry Program Overview

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[TPB program summary June 2021.pdf](#)

Tree Preservation Board Meeting June 22nd, 2021: Urban Forestry Superintendent's Report

Urban Forestry primary responsibilities:

- Utility Vegetation Management (UVM)
 - Routine maintenance pruning for all Winter Park Electric Utility distribution lines on 3-year cycle.
 - 24/7 emergency response for vegetation-caused outages.
 - Hurricane response.
 - UVM work will eventually decrease as undergrounding nears completion.
- Street tree maintenance
 - Street trees pruned on 3-year cycle.
 - Geographical pruning schedule based on UVM circuit work.
 - Lift over roads and sidewalk.
 - Lifting work is increasing as thousands of newly replanted street trees grow.
- Hazardous tree work
 - Two ISA Certified, Tree Risk Assessment Qualified (TRAQ) Arborists assess City trees.
 - Hazards mitigated via pruning or removal.
 - Hazard work is decreasing as aging laurel oak population is replaced with healthy trees.
- Planning
 - Superintendent provides technical advice for proposed commercial and City projects.
 - Technical Advisory Committee
- Permitting
 - Building permits.
 - Tree removal permits.
 - Residential permitting handled by City Arborist.
 - Commercial permitting handled by Superintendent.
- Code Enforcement
 - Respond to tree-related code complaints.
 - Issue code violations.
 - Ensure compliance with code violation requirements.
- Special Events
 - Duck Derby
 - Trees for Peace
 - Run for the Trees
 - Earth Day in the Park
 - Drive Up for the Trees
 - GROWvember
- Annual Special Recognition with National Arbor Day Foundation
 - Tree City USA
 - Tree Line USA
 - Tree Growth USA
- Data Generation & Analysis
 - TreeKeeper inventory
 - Internal management of City trees.
 - Public interface
 - i-Tree Canopy Analysis
 - Tracking field operations
 - Tree barricades



Tree Preservation Board Regular Meeting

agenda item

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subject

TPB Approved Ordinance Revision
Appeal of Tree Removal Permit Denials Update

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[TPB Approved Ordinance.pdf](#)

ATTACHMENTS:

[Mitigation Matrix - FINAL.pdf](#)

DIVISION 6. - TREE PRESERVATION AND PROTECTION^[5]

Footnotes:

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Editor's note— Ord. No. 2724-07, § 1, adopted Oct. 8, 2007, repealed the former Div. 6, §§ 58-281—58-306, and enacted a new Div. 6 as set out herein. The former Div. 6 pertained to similar subject matter and derived from Ord. No. 2492-02, § 1, adopted Dec. 10, 2002; Ord. No. 2588-04, § 1, adopted June 14, 2004.

Sec. 58-281. - Purpose and intent.

The City of Winter Park recognizes the benefits and contributions urban trees provide to our ecosystem, air and water quality, energy conservation, temperature moderation, economic development, aesthetic value, public health and livability. It is the intent of this division to establish policies, regulations and standards necessary to ensure that the city will continue to realize the benefits provided by its urban forest throughout the city, on public and private lands, and within rights-of-way.

The tree preservation and protection policies are intended to achieve the following objectives:

- a) Establish and nurture a sustainable urban forest through fostering biodiversity, productivity, regenerative capacity, vitality and the interconnection of our greenway/blueway system.
- b) Achieve a 45% tree canopy coverage through the preservation of existing trees and planting of diverse tree species appropriate to the various site conditions found throughout the city.
- c) Maintain our recognition as a Tree City USA community through adherence to [standards](#) set forth by the National Arbor Day Foundation.

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-282. - Definitions.

For the purposes of this division, certain terms or words used herein shall be interpreted as follows:

Caliper shall mean a nursery standard measurement of a tree's trunk diameter as measured at a predetermined point of measurement. Trunk caliper for trees up to four inches shall be measured six inches above the soil line. Trees greater than four inches in caliper shall be measured 12 inches above the soil line. Caliper measurements shall be used when measuring replacement trees.

Canopy coverage shall mean the coverage of a tree, by its limbs and leaves, of the ground below. This area may include trees offsite on adjacent properties or city public right-of-way where limbs and portions of a tree's canopy overhang onto the subject property.

Canopy tree shall mean a tree that typically reaches a height of over 25 feet and has an average DBH of nine inches or larger (see section 58-288).

Clear trunk shall mean the measurement from the top of the root ball to the point where the lowest untrimmed leaf's petiole diverges from the trunk.

City shall refer to the Parks & Recreation Department and Building & Permitting Services Department.

DBH (Diameter at breast height) shall mean a standard measurement of a tree trunk diameter as measured at a predetermined point of measurement. Trunks of existing trees shall be measured at 4½ feet above the soil line. For multi-trunked trees the DBH shall mean the cumulative diameter of the two largest trunks.

Drip-line shall mean a vertical line from the horizontal extremity of the canopy of a tree to the ground. For trees with canopies set off-center, the drip-line will be projected based on the average diameter of the existing drip-line using the tree trunk as its point of origin.

Hazardous tree shall mean a whole tree or portion of a tree which presents an unacceptable risk of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures such that public safety requires its removal.

Improper pruning shall mean poor pruning techniques including but not limited to flush cuts, stub cuts, topping, heading, thinning, lion's-tailing, hurricane cutting, and over-lifting.

Major damage shall mean improper pruning, root damage, mechanical damage, poisoning, or any other irreparable harm inflicted upon a tree which is determined by a City arborist will result in significantly reduced lifespan or death.

Major root shall mean any root that is one-fifth or larger than the size of a tree's trunk measured at DBH.

Protected tree shall mean any tree measuring at least 6 inches DBH, any palm measuring at least 8 feet clear trunk, any replacement tree or any tree of any size on city property.

Pruning shall mean removing or reducing tree limbs to benefit the overall health and safety of a tree. Pruning shall be done according to current standards established by the International Society of Arboriculture (ISA), and the [American National Standards Institute \(ANSI\) A-300 Part 1](#).

Regenerated palms shall mean field-grown palms that have some type of containment placed around the root ball after harvesting and cropping, then are maintained until several new leaves and a substantial number of new roots have been produced.

Removal of a tree shall mean either actually removing a tree from the ground in which it grew, transplanting a tree, or effectively removing a tree through inflicting major damage.

Replacement tree shall mean any tree planted as a condition of approval of a tree removal permit or as may be required to meet the conditions of this division.

Residential shall refer to all "R" zoned land use codes within the Land Development Code (LDC), (see sections 58-65 through 58-69).

Right-of-way shall mean land in which the city owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Root pruning shall mean the process of cutting roots prior to mechanical excavation near a tree.

Root zone shall mean the area starting from a tree's trunk to equal to a minimum distance of 2.5 a tree's drip-line.

Size shall mean as determined by a tree's DBH or caliper as defined in this section or a palm's clear trunk height as defined in this section.

Stop work order shall mean a notice stating the reason(s) for stopping work, in writing, given to the owner of the property, or to his agent, or to the person doing the work, or a notice posted at the property upon which tree work is being performed requiring that all work cease.

Tree protection area shall mean an area surrounding a tree encompassed by a tree's drip-line or projected drip-line.

Tree protection barrier shall mean a suitable structure as installed as close as possible to the perimeter of the tree protection area prior to construction, land clearing, or demolition (see section 58-292).

Trunk root flare shall mean the swelling at the base of a tree trunk that increases the trunk diameter.

Understory tree shall mean a tree that typically does not reach a height above 25 feet.

(Ord. No. 2724-07, § 1, 10-8-07; Ord. No. 2895-12, § 1, 11-26-12)

Sec. 58-283. - Establishing duties and authority.

- (a) *The Parks & Recreation Department* is delegated the following authority:
 - (1) To jointly work with the Building & Permitting Services Department in administering the provisions of this division including, but not limited to, technical and advisory support.
 - (2) To oversee the implementation of the Tree Preservation Ordinance through the administration and operation of the Urban Forestry Division.
 - (3) To waive or modify all or some of the requirements of this division in the case of a hurricane, tornado, severe rainstorm or other emergency.
 - (4) To regulate and supervise pruning or removal of trees in the public rights-of-ways and on city property.
 - (5) To issue a stop work order at a site if unauthorized tree work is occurring.
 - (6) To require immediate removal of any tree that is determined to be hazardous to public property.
- (b) *The Building & Permitting Services Department* is delegated the following authority:
 - (1) To require that a tree removal permit be obtained with building, demolition, site development, foundation work, and other construction activity permits, where removal of a protected tree is requested.
 - (2) To process and evaluate tree removal permit applications for compliance with this division.
 - (3) To place conditions on the issuance of construction, demolition or other land development permits when recommended as a condition of a tree removal permit.

- (4) To grant a building setback encroachment up to a maximum distance of ten feet into a required setback area in order to preserve a protected tree. The City shall require a letter of approval from the affected abutting property owner(s) as a condition of approving the setback encroachment.
- (c) *The Planning & Zoning Board* is delegated the following authority:
 - (1) To make formal recommendations to the City Commission on any proposed changes to the Land Development Code, which includes the Tree Preservation Ordinance.
 - (2) Any protected trees approved for removal or protection by the Planning & Zoning Board or City Commission shall not subsequently need approval from the City or the Tree Preservation Board except for the administrative processing of a permit to verify approval by the respective board or commission. Prior to granting any tree removal request on appeal or otherwise, if the Tree Preservation Board rendered any decision with regard to tree removal or protection on a property that later comes before the Planning & Zoning Board or City Commission, then that decision and related information of that decision shall be transmitted in writing to the respective commission.
- (d) *The Tree Preservation Board* shall be delegated the following authority:
 - (1) The Tree Preservation Board is appointed by the City Commission and will consist of seven members, with three members appointed by the mayor and one member each appointed by the commissioners. All board members appointed by the City Commission must be residents of the City of Winter Park.
 - (2) The term of each member shall be as provided in [section 2-48](#), and the provisions in sections [2-46](#) through [2-49](#), and [section 2-68](#) are incorporated herein by reference and shall control the operation and procedures for this board.
 - (3) Applicants for tree removal permits may appeal to the Tree Preservation Board any denial of an application or any of the conditions attached to the approval of a tree removal permit as outlined in this division prior to any protected tree removal. The Tree Preservation Board may affirm, reverse, or modify the decision of the Director of Parks & Recreation or their designee to deny an application or conditions of the permit application.
 - (4) To make formal recommendations for revision to the Tree Preservation Ordinance and to policy guidance documents such as the [Urban Forestry Management Plan](#) and the [Urban Forestry Planting Guide](#).
 - (5) To periodically conduct educational programs and/or publish educational material as to the importance of trees to the City of Winter Park and the requirements of this division.

(Ord. No. 2724-07, § 1, 10-8-07; Ord. No. 2843-11, §§ 3.b.A., 3.c.B(1)—(3), 6-13-11; Memo of 2-22-12(Att. 3.c.B(1)—(3)))

Sec. 58-284. - Tree removal permits.

- (a) Unless exempt under Florida statutes, it shall be unlawful to cut down, destroy, improperly prune, remove, move or damage the roots of any protected tree, or to authorize the cutting down, destruction of, removal of, improper pruning of, moving of, or damage to, any protected tree within the city, without prior issuance by the City of a tree removal permit approving the act or acts, or a removal authorization by the City, as further described in this division.

- (b) Each application for a tree removal permit shall be reviewed and a decision rendered on approval or denial (in whole or in part) on the basis of tree assessment standards set forth by the International Society of Arboriculture’s Tree Risk Assessment Qualification ([ISA TRAQ](#)).
- (c) Additional considerations may include but are not limited to:
 - (1) The health of the tree.
 - (2) Canopy coverage and available planting space on the lot.
 - (3) Active damage to structures or hardscapes which the City determines cannot be mitigated through lesser measures such as pruning or root pruning.
 - (4) Whether structural improvements were designed to minimize the removal of trees.
 - (5) The denial of the permit would create an unreasonable hardship on the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties. A minor reduction of the potential number of residential units or building size due to the tree location does not represent a severe limit of the economic enjoyment of the property.
 - (6) The applicant has demonstrated to the satisfaction of the city that there are no reasonable alternatives to preserve the tree(s).
- (d) 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

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-285. - Tree removal permit procedure.

- (a) *When no construction or demolition is involved.* Applications for tree removal permits shall include:
 - (1) A tree removal permit fee of an amount established by the City Commission in the [Fee Schedule](#); and
 - (2) An accurate site plan drawn (hand-drawn site plan may be acceptable) to scale indicating which protected tree(s) are proposed to be removed, depicting the location, common or scientific names, and size.
 - (3) All protected trees petitioned for removal are to be marked with flagging and noted accordingly on the site plan. Paint is not to be used for marking.
 - (4) Application forms may also request information regarding reasons for tree removal and other specifics as determined by the city.
- (b) *When construction or demolition involving other permitting is involved.*
 - (1) In addition to the requirements of subsection 58-286(a), applications arising out of new building construction, demolition permits or renovations requiring construction permits shall include an accurate site plan drawn to scale indicating the square footage of the site and the square footage of the proposed building area. The site plan shall depict any proposed grade changes and a plan view of actual tree(s) on site including:
 - a. The property lines and footprint of existing structures; and
 - b. The existing and proposed grades;
 - c. Proposed additions to existing buildings, proposed new buildings, structures, and other impervious surfaces, such as but not limited to sidewalks, pool decks,

driveways, parking areas, stormwater retention areas, overhead and underground utilities, and other physical improvements.

- (2) Incomplete or incorrect applications that require additional site visits shall require an additional fee equal to the original permit fee for each subsequent visit.

(c) *Removal voids appeals process.*

- (1) Removal of protected trees requested on the tree removal permit application is regarded as the applicant's acceptance of the conditions for removal as stated on the application and voids any appeals.
- (2) Except in the event of an emergency, removal of a protected tree without a permit, except as allowed under subsection 58-283(a)(2), shall make void any appeals as provided in this division.

(d) *Appeals.*

- (1) Upon denial of an application, or conditions placed thereon for a tree removal permit, the grounds for such action shall be given to the applicant in writing. Applicants may appeal the denial decision or specific conditions placed on the approval.
- (2) Following the receipt of a written request to appeal a denial of a tree removal permit or a request to appeal conditions placed on the approval of a tree removal permit, the Tree Preservation Board shall consider the appeal within 30 calendar days or as soon as possible thereafter and make a final decision. The final decision of the Tree Preservation Board shall be sent to the applicant by certified and regular mail within ten days.
- (3) The applicant may appeal the decision of the Tree Preservation Board to the City Commission if a further appeal is filed within 15 days of the date of the decision by the Tree Preservation Board. The Commission may reverse, modify or uphold the decision of the Tree Preservation Board at its next available regular scheduled meeting or at a later meeting if requested by the applicant or the City.
- (4) The City Commission's final decision constitutes the end of the appeals process. If the Commission upholds the denial, the tree(s) may not be removed.

(e) *Time for processing tree removal permit applications.*

- (1) Notice of incomplete or inaccurate applications shall be given to the applicant within seven working days of the receipt of the application.
- (2) Each application shall be approved, approved with conditions, denied, or returned to the applicant, requesting further action on the application within 14 business days of the receipt of a complete application.

(f) *Duration of tree removal permit.* Each tree removal permit shall remain in effect for one year from the date of issuance. If the action approved in the permit is not completed within the permit's effective date, a new tree removal permit must be obtained and the existing tree removal permit is void.

All conditions for removal, except financial compensation which is required at the time a permit is approved in accordance with subsection 58-287(e), are to be met within 30 days of the tree removal date unless an extension is documented on an approved permit. Extensions of no longer than one year from date of removal may be considered on a case by case basis.

Sec. 58-286. - Tree replacement and financial compensation requirements.

Conditions for approval of a tree removal permit shall include tree replacement, financial compensation or a combination of tree replacement and financial compensation.

Tree replacement may be made in the form of planting replacement tree(s) on the subject property or other property within city limits or public property with city approval in accordance with the following criteria:

- a. Approved replacement tree species are listed in the [Urban Forest Plant Guide](#).
- b. All replacement trees shall be rated FL#1 under Florida Grades & Standards for Nursery Plants.
- c. Canopy trees shall have a minimum size of 3 caliper inches.
- d. Understory trees shall have a minimum size of 2 caliper inches.
- e. Sabal palms shall be regenerated palms with a minimum size of 8 feet clear trunk.
- f. Replacement tree substitution shall be permitted under the following conditions:
 1. Three sabal palms may be substituted for one canopy tree.
 2. Two understory trees may be substituted for one canopy tree.
 3. Sabal palms may be replaced with any approved replacement species.
 4. Lot must remain in compliance with minimum landscape requirements.
- g. Replacement trees shall not count toward meeting the planting requirements of [Division 8, Section 58-366](#), landscape regulations for non-residential properties.
- h. Any tree removal which renders a property non-compliant with the [Division 8](#) Landscape Regulations must be replanted on the same property.
- i. Hedge shrubs such as podocarpus, viburnum and clusia shall not count towards mitigation requirements.
- j. Replacement trees shall be installed with their top main root one inch above the surrounding grade. Straps, ropes and wire shall be cut from the top half of the root ball.
- k. Replacement tree(s) shall be maintained and warranted to survive for a period of one year from installation. Trees not deemed to have satisfactorily survived shall be replaced with new tree(s) of the same size. Replacement tree(s) shall comply with the same maintenance and replacement warranty as the original replacement tree(s) and the warranty period will restart at the date of replanting.

Minor deviations regarding the required replacement trees in this section may be determined by the city based on existing conditions on the property such as tree canopy coverage, topography, available planting space or similar criteria.

Tree replacement. Trees permitted for removal shall be replaced at a rate determined by a mitigation matrix. The matrix assigns mitigation values based on species, size 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* | | | | | |
|-----------------------------|----------------|-------------|-------------|---------------|---------------|
| N/A | Low | Medium <19" | Medium >19" | High <19" | High >19" |
| Non-native palms | Sabal palm >8' | Laurel oak | Laurel oak | Live oak | Live oak |
| Camphor | Crape myrtle | Red cedar | Red cedar | Bald cypress | Bald cypress |
| Ear tree | Black cherry | Sycamore | Sycamore | Magnolia | Magnolia |
| Raintree | Slash pine | Sweetgum | Sweetgum | Longleaf pine | Longleaf pine |
| Chinaberry | | Elm | Elm | Black gum | Black gum |
| Cherry laurel | | Red maple | Red maple | | |
| FLEPPC List | | Hickory | Hickory | | |
| Fruit trees | | | | | |

* Species not listed here may be found in the [Urban Forest Plant Guide](#).

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

| Mitigation Matrix | | | | |
|-------------------|-----------|------|------|------|
| Species Value | Condition | | | |
| | Dead | Poor | Fair | Good |
| n/a | 0 | 0 | 0 | 0 |
| Low | 0 | 0 | 1 | 1 |
| Medium <19" | 0 | 1 | 1 | 2 |
| Medium >19" | 0 | 1 | 2 | 3 |
| High <19" | 0 | 1 | 3 | 4 |
| High >19" | 0 | 1 | 4 | 4 |

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

| Mitigation Matrix Value | Assigned Mitigation – Non-residential | Assigned Mitigation – Residential |
|-------------------------|---------------------------------------|-----------------------------------|
| 0 | No mitigation required | No mitigation required |
| 1 | One replacement tree | One replacement tree |
| 2 | Two replacement trees | One replacement tree |
| 3 | Four replacement trees | Two replacement trees |
| 4 | Full DBH replacement | Two replacement trees |

Financial compensation. Caliper inches not planted as replacement trees are to be compensated by payment to the tree replacement trust fund. Compensation shall equal the rate per caliper inch set by the City Commission in the [Fee Schedule](#), multiplied by the caliper inches of assigned mitigation.

- a. Compensation is established in the [Fee Schedule](#) and shall be dispersed per section 58-289 “Tree Replacement Trust Fund”.
- b. Protected sabals palms permitted for removal and not replanted as mitigation shall have a compensation value equal to that of a 3-inch caliper replacement tree.
- c. A stop work order may be issued for any development or active construction project until all applicable permit compensation conditions are satisfied.
- d. The certificate of occupancy or certificate of completion shall not be issued for any development until all applicable permit conditions have been satisfied.

(Ord. No. 2724-07, § 1, 10-8-07; Ord. No. 2895-12, § 1, 11-26-12)

Sec. 58-288. - Tree replacement trust fund.

- (a) There is hereby created a tree replacement trust fund. All funds collected as tree replacement fees shall be administered by the Director of Parks & Recreation or their designee.

- (b) Disbursements from the tree replacement trust fund shall be made only for the following purposes:
 - 1. Purchasing trees for planting and any associated costs in accordance with the city's tree planting program; or
 - 2. For educational purposes; or
 - 3. Protection of trees and enforcement of this division.
- (c) Fees for the tree replacement trust fund are established by the City Commission in the [Fee Schedule](#).

(Ord. No. 2724-07, § 1, 10-8-07; Ord. No. 2895-12, § 1, 11-26-12)

Sec. 58-289. - Responsibilities for costs, fees or fines.

- (a) Any agent or representative, including without limitation a contractor or subcontractor, who applies for a tree removal permit on behalf of a property owner or, who on behalf of a property owner removes a tree or otherwise violates this division of the code without appropriate permits or city approval, is jointly and severally liable with the property owner for resulting costs, fees, or fines. The city may pursue, in its sole discretion, one or more liable parties to recover said costs, fees, or fines.
- (b) Any person or entity who is liable for unpaid costs, fees, or fines under this division is subject to the placement of a "stop work" order on any project involving said person or entity until such time as the costs, fees, or fines are paid and such is certified as having occurred by the city. No person or entity who is liable for unpaid costs, fees, or fines under this division shall be entitled to obtain or perform work under any other permits until such time as the costs, fees, or fines are paid and such is certified as having occurred by the city. No person or entity who is liable for unpaid costs, fees, or fines under this division shall be entitled to obtain a certificate of occupancy until such time as the costs, fees, or fines are paid and such is certified as having occurred by the city.
- (c) For purposes of this section, the City is entitled to and shall determine the real party or parties in interest when an entity is liable for a cost, fee, or fine, and the real party or parties in interest shall be subject to the sanctions in subsection (b), by way of illustration and not limitation, an individual who does business in more than one corporate or business name shall be considered the "real party in interest" for purposes of applying subsection (b) if any of that individual's entities have unpaid costs, fines, or fees under this division and both that individual and any of the individual's entities may be subjected to the sanctions in subsection (b) until such time as there are no longer any unpaid costs, fees, or fines.

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-290. - Penalties for tree removal without required permit or for tree damage.

- (a) Any protected tree(s) removed without a permit or destroyed or having received major damage in violation of this division must be replaced and/or compensated at double the rate set forth by the City Commission in the [Fee Schedule](#).
- (b) If no evidence exists on site to calculate the DBH inches of the tree(s) removed, then the tree shall be presumed to be a minimum of a 24-inch DBH tree. It is the property owner's responsibility to prove otherwise.

- (c) For repeat offenders the city has the right to double restoration requirements or fines (or both) for each subsequent infraction, and in the alternative or in addition to revoke or suspend a contractor's license to do business in the city.

(Ord. No. 2724-07, § 1, 10-8-07; Ord. No. 2895-12, § 1, 11-26-12)

Sec. 58-291. - Precautions and standards required during construction and other land development permits.

- (a) Before plans are submitted for permit, the city or designee is to be consulted before any permanent structure or impervious paving is constructed within the tree protection area.
 - (1) A tree protection barrier plan shall be provided illustrating how protected trees located on or adjacent to the subject property will be protected from any adverse effects of proposed construction or grade changes. The plan must include the tree protection barrier that will be installed.
 - (2) If a major root of any protected tree affected by a grade change extends beyond its drip-line, then additional root protection per section 58-293 may be required.
 - (3) Prior to demolition, grade change and/or construction, a tree protection barrier shall be placed and maintained as necessary to prevent damaging protected trees on, or adjacent to the subject property.
 - (4) Tree protection barrier(s) is to be placed at or beyond the tree's drip-line whenever possible. At no time shall the tree protection barrier(s) be closer than ten feet from a trunk unless existing or proposed structures are within that range.
- (b) On all construction sites and all demolition sites, tree protection shall be provided by a barrier consistent with guidelines laid out in the [Urban Forest Plant Guide](#).
- (c) Unless prior approval is granted by city, the following activities are prohibited within the drip-line of a protected tree or within ten feet of its trunk, whichever is greater:
 - (1) Parking or use of vehicles, equipment or machinery.
 - (2) Storing or dumping any material or liquids or
 - (3) Construction, excavation or trenching.
- (d) Permit/inspection boxes, wires, braces, nails, screws, bolts, chains, ropes, lights, antennas, flags, banners, and other similar materials, shall not be attached to a tree in a way that the city determines to be injurious to the tree.
- (e) The precautions required in this section may be modified or waived in writing by the city.

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-292. - Precautions required for significant grade changes for protected trees.

- (a) Grade changes involving the addition of more than three inches of fill material will require a dry well to be constructed around the trunk of the protected tree encompassing an area equal to the drip-line of the protected tree, as defined in section 58-282. The addition of fill is not allowed within the drip-line of pine trees unless authorized by the city.
 - (1) Dry wells constructed of crushed stone and piping shall be constructed to allow the passage of air and water to tree roots and shall be installed at the original grade.

- (2) Dry wells shall be protected from washout by raising the well copings above the surrounding terrain.
 - (3) No part of the dry well shall be closer than three feet from the trunk of the protected tree.
- (b) Grade changes involving the removal of more than three inches of soil within a protected tree's drip-line or projected drip-line are not allowed. The removal of any soil is not allowed within the drip-line of pine trees. Before any grade changes involving the removal of up to three inches of soil, the property owner or permittee shall:
- (1) Leave the area within the drip-line at its original grade with terraces by use of dry retaining walls at the drip-line that are constructed to allow for drainage and aeration;
 - (2) Cut roots cleanly and re-trim them after excavation;
 - (3) Cover exposed root system and keep moist;
 - (4) Irrigate tree to compensate for root loss.

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-293. - Precautions required for excavation and paving around protected trees.

- (a) Whenever possible, water, sewer, and other underground utility lines shall be routed around the drip-lines of protected trees.
- (b) If compliance with subsection (a) is impossible, then tunneling or directional boring for the utility shall be routed under the protected tree's root zone to prevent damage to major roots. Mechanical trenching is prohibited.
- (c) Suitable pervious pavement may be placed within the drip-line of a protected tree as long as the tree is not damaged by grade change, soil compaction, or any other cause. There is to be no disturbance to the trunk root flair.

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-294. - Trees on city property.

- (a) The City of Winter Park shall have control of all trees now or hereafter in any park, city right-of-way, easement, or other public place within the city limits, and shall have the power to plant, care for, maintain, remove, and replace such trees.
- (b) It shall be unlawful to move, remove, or damage any tree of any size on City property except as part of official city business and operations.
- (c) Trees permitted for removal on City property shall be mitigated and/or compensated according to requirements for non-residential properties.
- (d) Trees on City property removed without a permit or destroyed or having received major damage as defined in section 58-282 shall be replaced as per applicable sections of this division.
- (e) Trees within the city rights-of-way are pruned on a routine maintenance cycle for clearance over roads and sidewalks. The city does not perform pruning of portions of right-of-way trees which encroach on private property or structures unless such pruning is incidental to routine maintenance pruning.
- (f) Trees planted on City rights-of-way adjacent to roads and sidewalks shall be species which are able to be maintained at a minimum clear trunk height of 8' feet at maturity.
- (g) Property owners may request authorization from the city to perform pruning of right-of-way trees at their own cost provided that:

1. Pruning shall retain the natural form of that tree species.
2. All tree pruning shall be conducted according to the International Society of Arboriculture (ISA) standards, and the [American National Standards Institute \(ANSI\) A-300 Part 1](#) that are hereby incorporated by this reference.

(Ord. No. 2724-07, § 1, 10-8-07)

Sec. 58-295. - Trees on private property that impact public facilities.

- (a) Removal or pruning of a tree on private property that poses a risk to public property is the responsibility of the property owner. If a hazardous condition is determined to exist, a written notice will be sent outlining the hazard remediation that needs to be performed. The required work must be performed within 30 days of receipt of the notice.
- (b) Failure to remove or otherwise make safe any hazardous tree shall constitute a violation of this article. Such violation may result in giving notice to the owner or the agent of the owner an order to correct by removing the entire tree or hazardous limb(s) of the tree. Failure to comply with such an order may result in the City taking the necessary action to remove the tree or hazardous limb(s). All costs incurred by the City shall be assessed to the owner of the property plus an administrative fee as established under the City's [Fee Schedule](#) as determined by the City Commission. Where the full amount due the city is not paid by such owner or agent of the owner within 30 days after invoicing the owner for removing the hazardous or dead tree or limb(s) such charges shall be declared a lien on the property.

(Ord. No. 2724-07, § 1, 10-8-07)

Secs. 58-296—58-320. - Reserved.

Tree replacement. Trees permitted for removal shall be replaced at a rate determined by a mitigation matrix. The matrix assigns mitigation values based on species, size 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* | | | | | |
|-----------------------------|----------------|-------------|-------------|---------------|---------------|
| N/A | Low | Medium <19" | Medium >19" | High <19" | High >19" |
| Non-native palms | Sabal palm >8' | Laurel oak | Laurel oak | Live oak | Live oak |
| Camphor | Crape myrtle | Cedar | Cedar | Cypress | Cypress |
| Ear tree | Black cherry | Sycamore | Sycamore | Magnolia | Magnolia |
| Raintree | | Sweetgum | Sweetgum | Longleaf pine | Longleaf pine |
| Chinaberry | | Elm | Elm | Black gum | Black gum |
| Cherry laurel | | Red maple | Red maple | | |
| FLEPPC List | | Slash pine | Slash pine | | |
| Fruit trees | | Hickory | Hickory | | |

* Species not listed here may be found in the [Urban Forest Plant Guide](#).

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

| Mitigation Matrix | | | | |
|-------------------|-----------|------|------|------|
| Species Value | Condition | | | |
| | Dead | Poor | Fair | Good |
| n/a | 0 | 0 | 0 | 0 |
| Low | 0 | 0 | 1 | 1 |
| Medium <19" | 0 | 1 | 1 | 2 |
| Medium >19" | 0 | 1 | 2 | 3 |
| High <19" | 0 | 1 | 3 | 4 |
| High >19" | 0 | 1 | 4 | 4 |

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

| Mitigation Matrix Value | Assigned Mitigation – Non-residential | Assigned Mitigation – Residential |
|-------------------------|---------------------------------------|-----------------------------------|
| 0 | No mitigation required | No mitigation required |
| 1 | One replacement tree | One replacement tree |
| 2 | Two replacement trees | One replacement tree |
| 3 | Four replacement trees | Two replacement trees |
| 4 | Full DBH replacement | Two replacement trees |



Tree Preservation
Board Regular
Meeting

agenda item

| | |
|----------------------------|----------------------------|
| item type Staff Updates | meeting date June 22, 2021 |
| prepared by Kesha Thompson | approved by |
| board approval | |
| strategic objective | |

subject

Planting Guide

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[TPB supplemental guide briefing.pdf](#)

Urban Forestry Supplemental Guide

Development of a supplemental guide will begin in earnest once the ordinance revision is complete. Below are some of the topics discussed for inclusion in the Urban Forestry Supplemental Guide:

- Approved species for planting/replanting.
- Proper planting specs.
- Proper and improper pruning techniques.
- Tree protection barrier requirements.
- Tree removal permit procedures.
- Construction site guidelines.
- Right-of-way planting guidelines.
- Minimum landscape requirements.
- Links to tree-related City services.
- Fees.

This document will provide information relevant to the public regarding standards, procedures and requirements for a range of tree-related issues. As a supplemental to the ordinance, the guide may be more easily updated than a code revision.