

## **AN INFORMATIONAL GUIDE TO ANSWER SOME COMMONLY ASKED QUESTIONS ABOUT THE CITY OF WINTER PARK'S TREE PROTECTION ORDINANCE**

*The following is a summary of the portion of the Tree Protection Ordinance that applies to Tree Removal Permit Applications, Tree Replacement and Compensation Requirements, and appeal of denial of permits or required compensation.*

*This document should not be construed to take the place of the Tree Protection Ordinance. Any person or entity engaged in any activity that may affect the health and well being of the urban forest or individual trees within the City of Winter Park is responsible for knowing and adhering to requirements of the complete ordinance.*

### **NOTE:**

**Removal of a tree or trees with or without a permit prior to appeal voids your right to appeal any compensation requirements placed upon you by the City.**

### **APPLICATION PROCESS:**

- **Submit completed application to the Code Enforcement Office (allow 5 to 14 days for processing)**
- **Pay appropriate fees (fees include inspection and permit)**
- **Arborist inspects site and determines if permit can be issue and determines compensation requirements**
- **Applicant is contacted by staff and informed of compensation requirements**
- **Applicant pays compensation or submit tree planting plan in order to obtain permit**

### **Exempt Trees**

No permit shall be required to remove the following types of trees:

Citrus

Ear (Enterolobium species);

Chinaberry (Melia azedarach);

Mulberry (Morus species);

Cajeput punk or Melaeuca trees (Melaeuca quinquinervia/leucadendra);

Palm

Australian Pine (Casuarina species);

Australian Silk Oak (Grevillea robusta);

Chinese Tallow (Sapium sebiferum);

Brazilian Pepper (Schinus terebinthifolius);

Any tree with a dbh less than nine (9) inches, as long as the tree was not planted as a replacement tree.

**Definitions:**

**Caliper** shall mean a nursery standard measurement of a tree's trunk diameter. Trunk caliper for trees up to four (4) inches shall be measured six (6) inches above the soil line. Trees greater than four (4) inches in caliper shall be measured twelve (12) inches above the soil line. Caliper measurements shall be used when measuring replacement trees.

**DBH** (Diameter at breast height) shall mean a standard measurement of a tree trunk diameter. Trunks of existing trees shall be measured at dbh, four and one half (4 ½) feet above the soil line. For multi-trunked trees the dbh shall mean the cumulative diameter of the two largest trunks.

**Historic tree** is any protected tree(s) which is thirty-six (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.

**Protected tree** shall mean any self-supporting woody or fibrous perennial plant of a species that normally grows to a mature height of twenty-five (25) feet or greater and has a tree trunk dbh of nine (9) inches or greater and is not an exempt tree. The term "protected tree" shall also apply to any replacement tree.

**Specimen tree** shall mean a tree, other than exempt trees, with a trunk dbh of twenty-four inches (24) or greater unless deemed a historical tree. Special conditions apply to specimen trees.

**Trees Requiring Permits**

It is unlawful to cut down, destroy, improperly prune, remove, top, or move any protected or replacement tree, or to authorize the cutting down, destruction, removal, topping, or moving of, or damage to, any protected or replacement tree within City, without prior issuance by the City of a tree removal permit.

**Criteria for the Issuance of a Tree Removal Permit**

- The health of the tree, i.e. whether the tree is deemed dead or beyond recovery, deteriorated or hazardous.
- The topography of the land and the effect of the tree removal upon erosion, soil retention and the diversion or increased flow of surface waters.
- The number, species, size, location and canopy of existing trees in the area and the effect the removal would have upon shade, sunlight, privacy, scenic beauty, wildlife, noise, air quality, wind, health, safety, prosperity, historic values and the general welfare of the area as a whole.
- Whether structural improvements have been designed and located to minimize the removal of protected trees.

- Whether 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.
- The applicant has demonstrated to the satisfaction of the City that there are no reasonable alternatives to preserving the tree(s).
- Such other criteria or factors as the City deems to be reasonable under the circumstances.
- Trees 36" dbh or greater may not be removed unless determined in writing, by the City said tree is dead, beyond recovery, or hazardous.

### **Tree Replacement and Financial Compensation Requirements**

Conditions for approval of a tree removal permit shall include tree replacement and/or 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:

- Protected trees of any dbh requested to be removed because they are deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with an approved replacement tree having a minimum caliper of three (3) inches.
- Protected trees requested to be removed and not deemed to be dead or beyond recovery, hazardous, or deteriorated shall be replaced with one approved replacement tree.
- Replacement of non-specimen protected trees shall be based on a one-to-one (1:1) ratio of the cumulative dbh of the protected trees removed.
- Replacement of specimen trees shall be based on a two-to-one (2:1) ratio of the cumulative dbh of the protected tree(s) removed.
- Replacement of historic trees shall be based on a three-to-one (3:1) ratio of the cumulative dbh of the protected tree(s) removed.
- No single replacement shade tree shall have a caliper of less than three (3) inches. No single replacement understory tree, if approved, shall have a caliper of less than two (2) inches.
- If understory trees are approved as replacement, the caliper inches required shall be double that required when using approved shade trees.
- At least one tree used for replacement of each specimen tree or historic tree shall have a caliper of no less than four and one half (4 ½) inches.
- 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.
- All replacement trees shall adhere to the current guidelines established by the

Florida Grades and Standards for nursery-grown trees and must be Florida grade #1 or better. Replacement trees shall be installed with their top main root (1) one inch above the surrounding grade.

- Replacement tree(s) shall be maintained and warranted to survive for a period of one (1) 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.

### **Financial Compensation**

When the cumulative caliper inches of replacement trees is insufficient to meet the replacement requirements, financial compensation shall be paid into the Tree Replacement Trust Fund.

The current rate is \$110.00 per caliper inch not replanted.

### **Appeal of Denial of Permit or Compensation Requirements**

- The reason for denial of a permit will be provided to you in writing.
- You may appeal denial of a permit to the City's Tree Preservation Board.
- You may appeal conditions of approval or compensation requirements to the City's Tree Preservation Board.
- Your appeal will be considered by the Board within 30 calendar days or as soon as possible thereafter.
- The Tree Preservation Board's decision may be appealed to the City Commission whose decision is final.

### **Recommended Shade**

Notes:

Under story trees may only be used as replacement trees on a limited basis and must be approved in writing by the City.

Camphor (*Cinnamomum camphora*) trees shall not be used as replacement trees.

Others may be approved on a case-by-case basis.

### **SHADE TREES**

BOTANICAL NAME/ COMMON NAME

*Acer rubrum*/ Red Maple

*Betula nigra*/River Birch

*Liquidambar styraciflua*/ Sweetgum

*Magnolia grandiflora*/ Southern Magnolia

*Quercus hemisphaerica*/ Darlington oak

*Quercus laurifolia*/ Laurel oak

*Quercus nigra* /Water oak

*Quercus phellos* /Willow oak

*Quercus shumardii*/ Shumard oak

*Quercus virginiana* /Live oak

*Taxodium distichum*/ Bald cypress

*Ulmus alata*/ Winged elm

**Understory trees recommended on limited basic see section 58- of the code**