

***Board of County Commissioners***

**Chapter 15, Article VIII  
(Tree Protection and Removal)  
and**

**Chapter 24, Article I  
(Landscaping, Buffering and Open Space)**

**Ordinance Public Hearing**

**September 12, 2023**

# Presentation Outline

- **Background**
- **Proposed Ordinance Overview**
- **Fee Review**
- **Summary**
- **Action Requested**





# Background

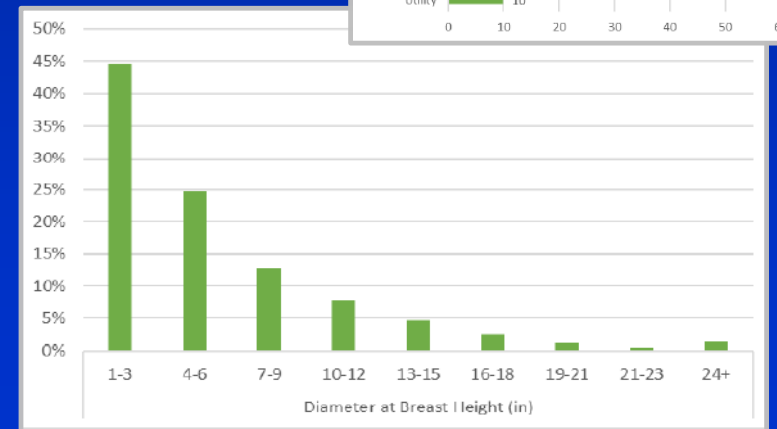
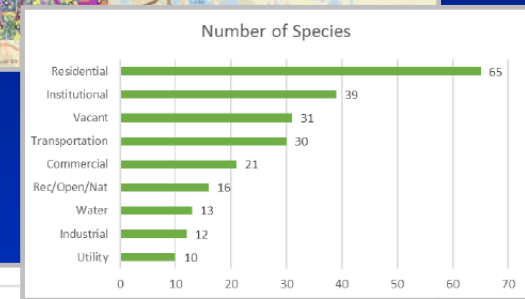
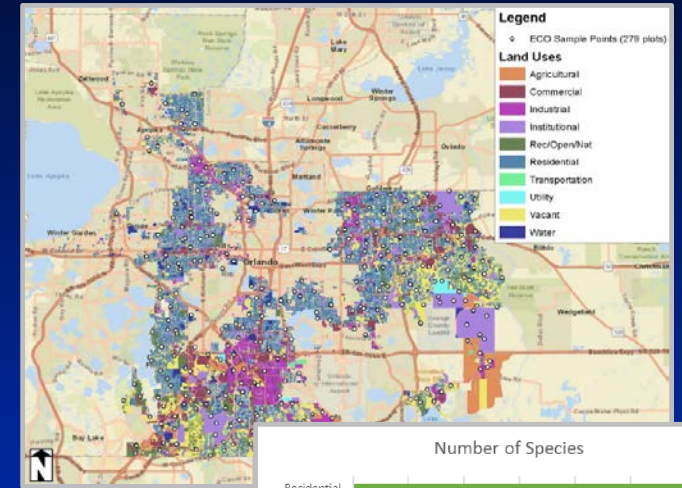
## Code Assessment and Development

### –Education Session – August 2021

- Reviewed Comp Plan and Code
- Studied our Urban Canopy
- Canopy is in good health - mostly younger trees

### –Analysis Session – January 2022

- Too many exempt trees
- No specific standards for preservation
- Criteria to justify tree removal is overly broad



# Background

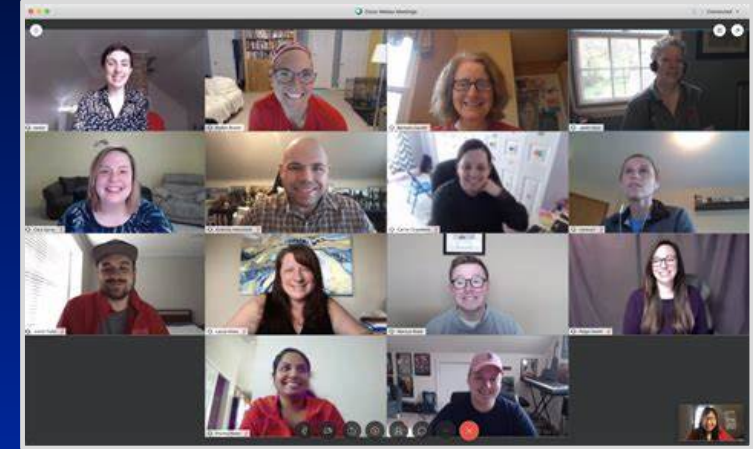
## ▪ Developing the Framework

### – Collaborative stakeholder effort

- Developers / Planners / Landscape architects
- Nursery growers / Environmental advocates / Academia
- Advisory Boards (4)

### – Board Direction on Framework – August 2022

- Protect More Trees
- Preserve High Value Trees
- Prioritize USA Urban Forest
- Plant Trees – Partnerships and Programs



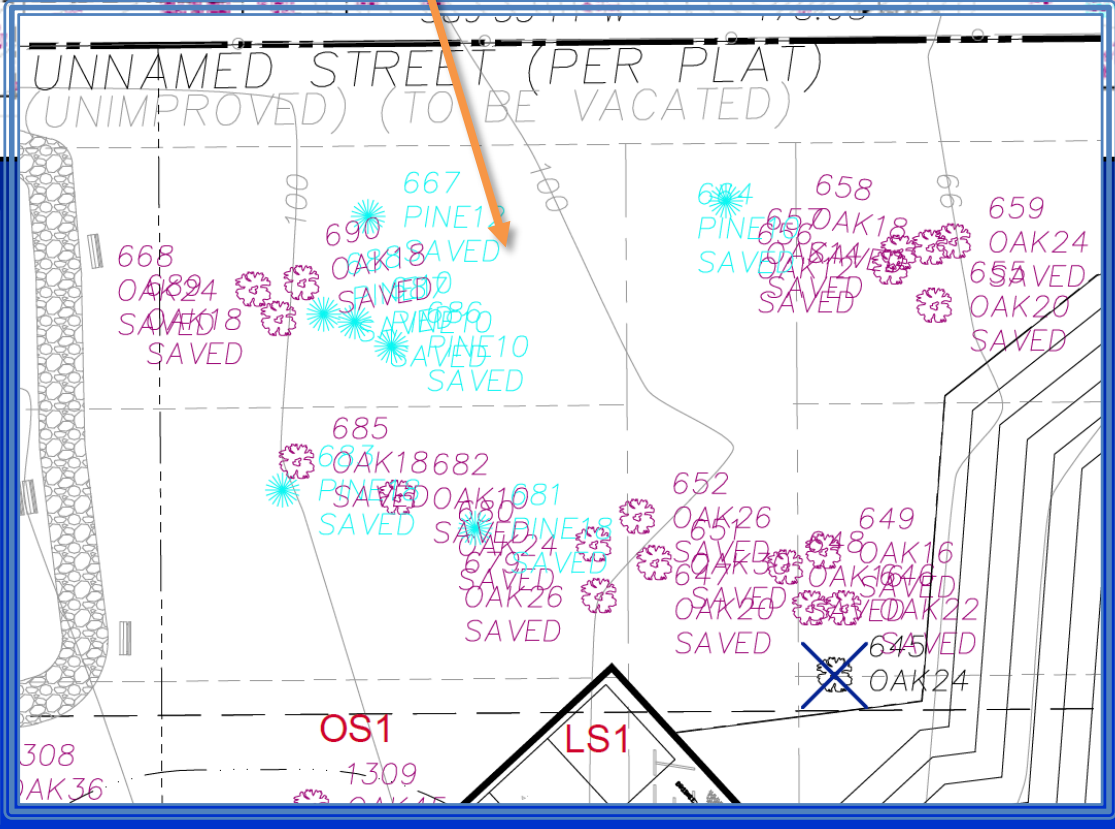
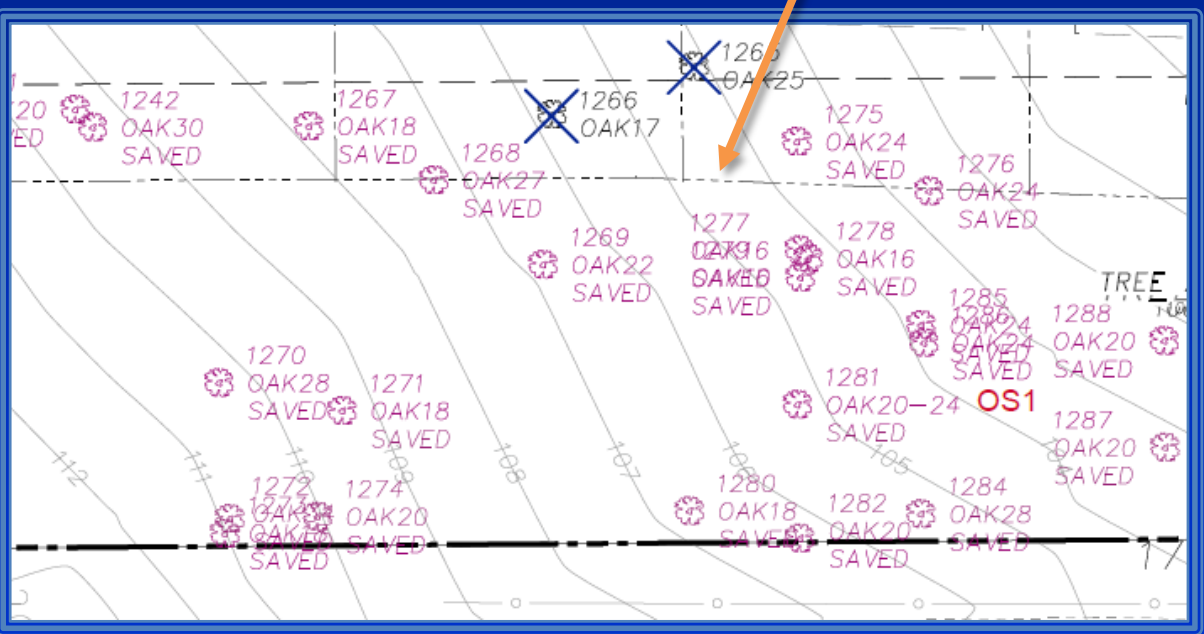
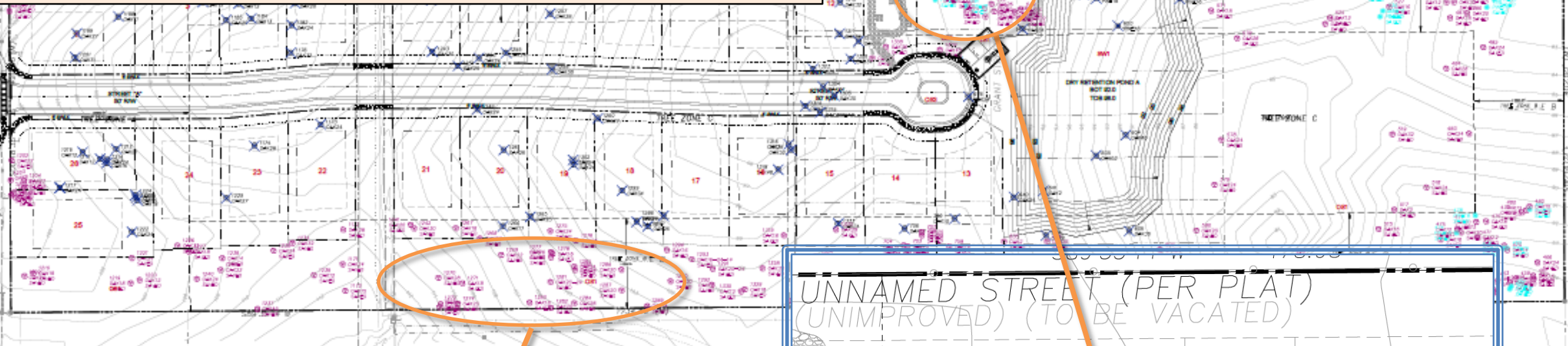


# Background

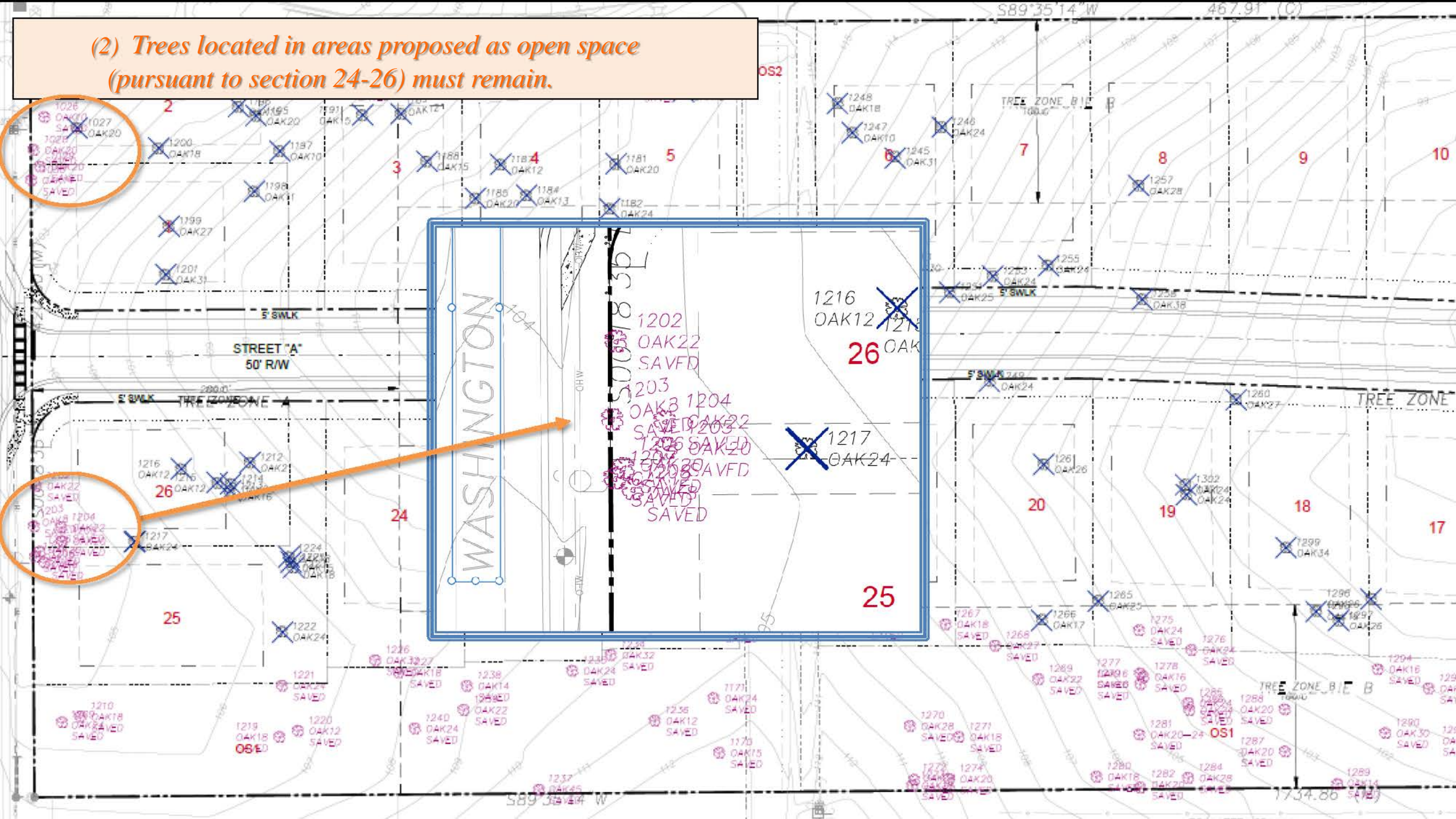
## ▪ Ordinance Work Session – May 2023

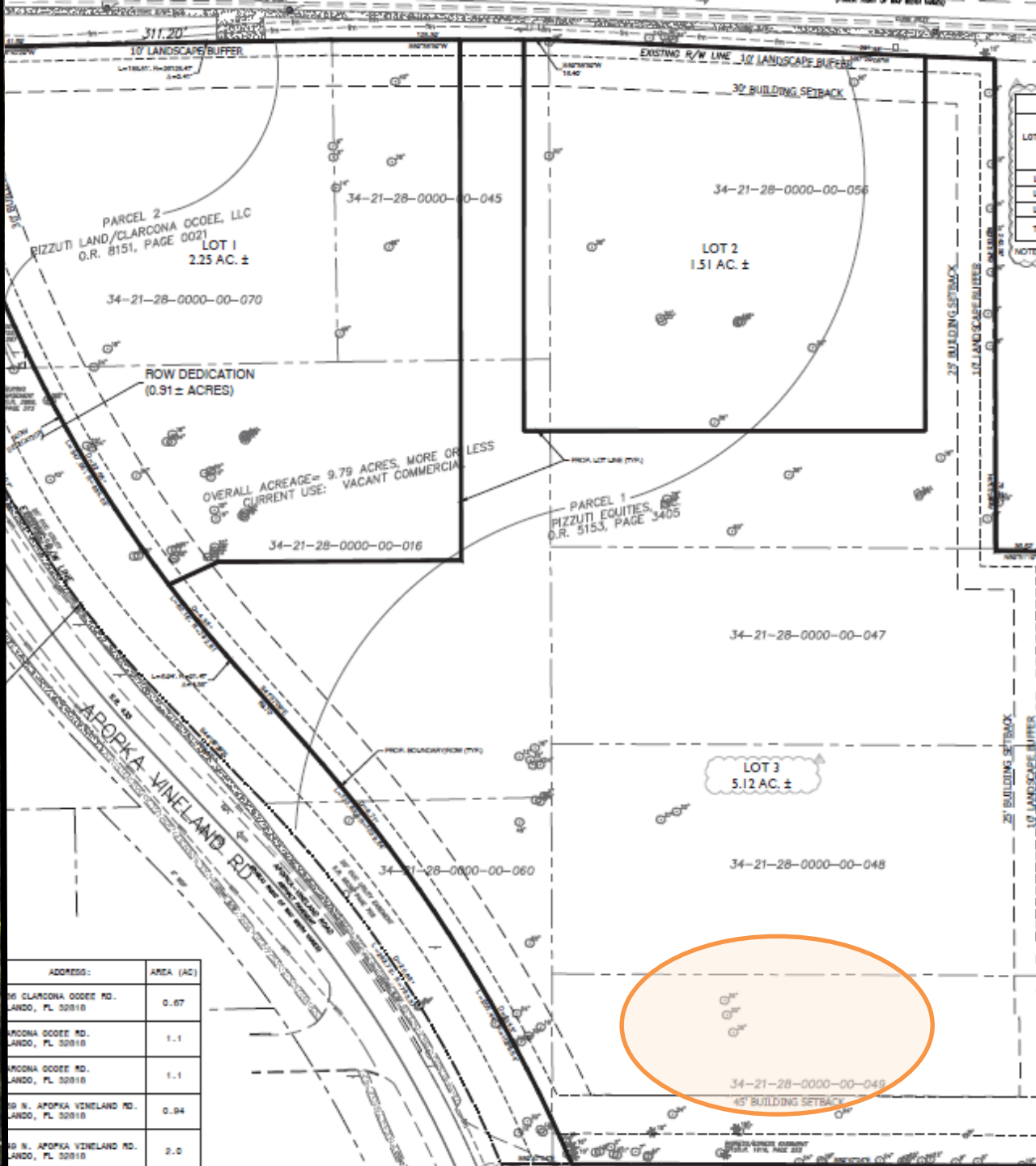
- Reviewed 2-year effort to reform current standards and process for tree removal
- Outlined Board-supported framework
- Provided examples of outcomes relating to site design
  - Preserve trees along property perimeter/easements/setback areas
  - Limit tree removal in open spaces
  - Limit tree removal near stormwater ponds
  - Preserve trees in parking lots
  - Mitigate high value trees above 90-inch cap

*(2) Trees located in areas proposed as open space (pursuant to section 24-26) must remain.*



(2) Trees located in areas proposed as open space (pursuant to section 24-26) must remain.







*(2) Specimen and heritage trees, if located within proposed parking lots or near stormwater ponds, must be incorporated into the overall design.*

# Tree Survey

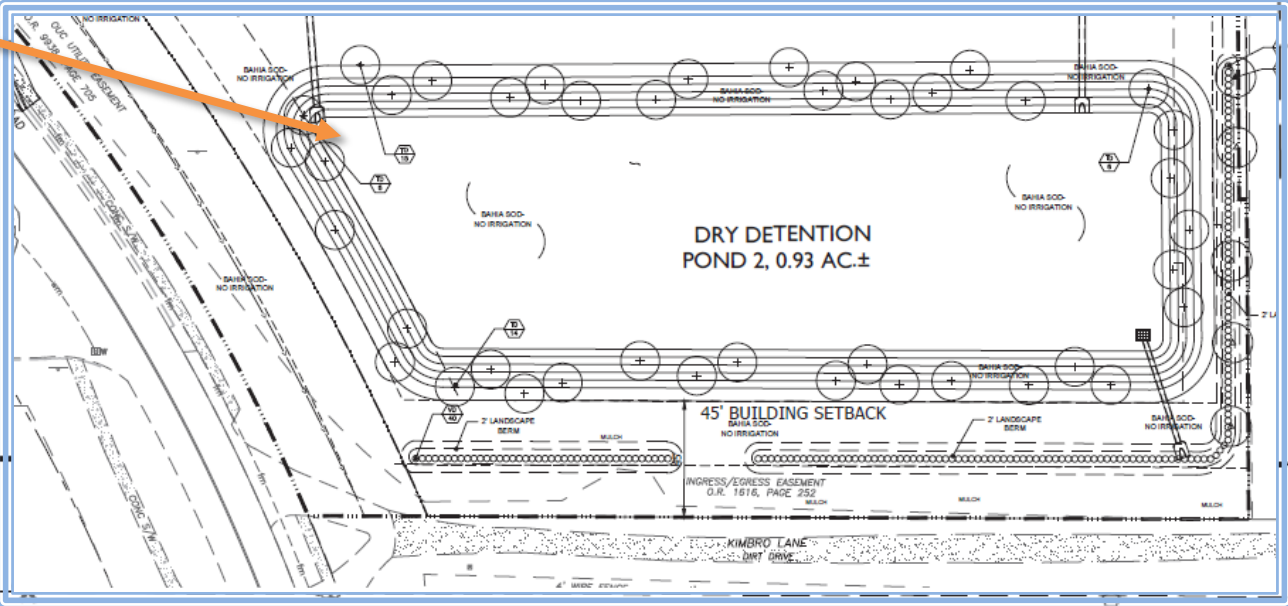
34-21-28-0000-00-048

PROP. BOUNDARY/ROW (TYP.)

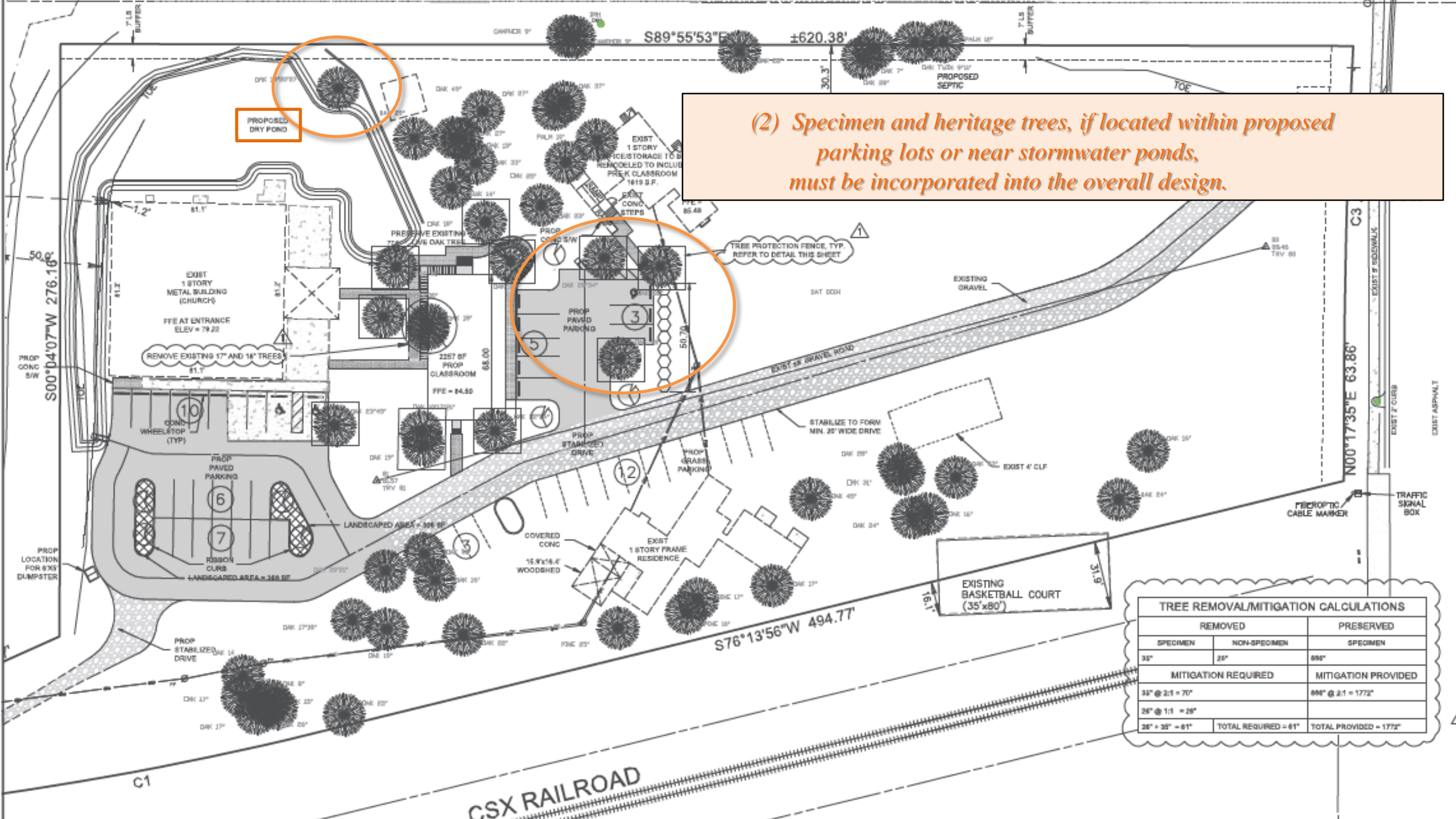
34-21-28-0000-00-060



**60" Live Oak**



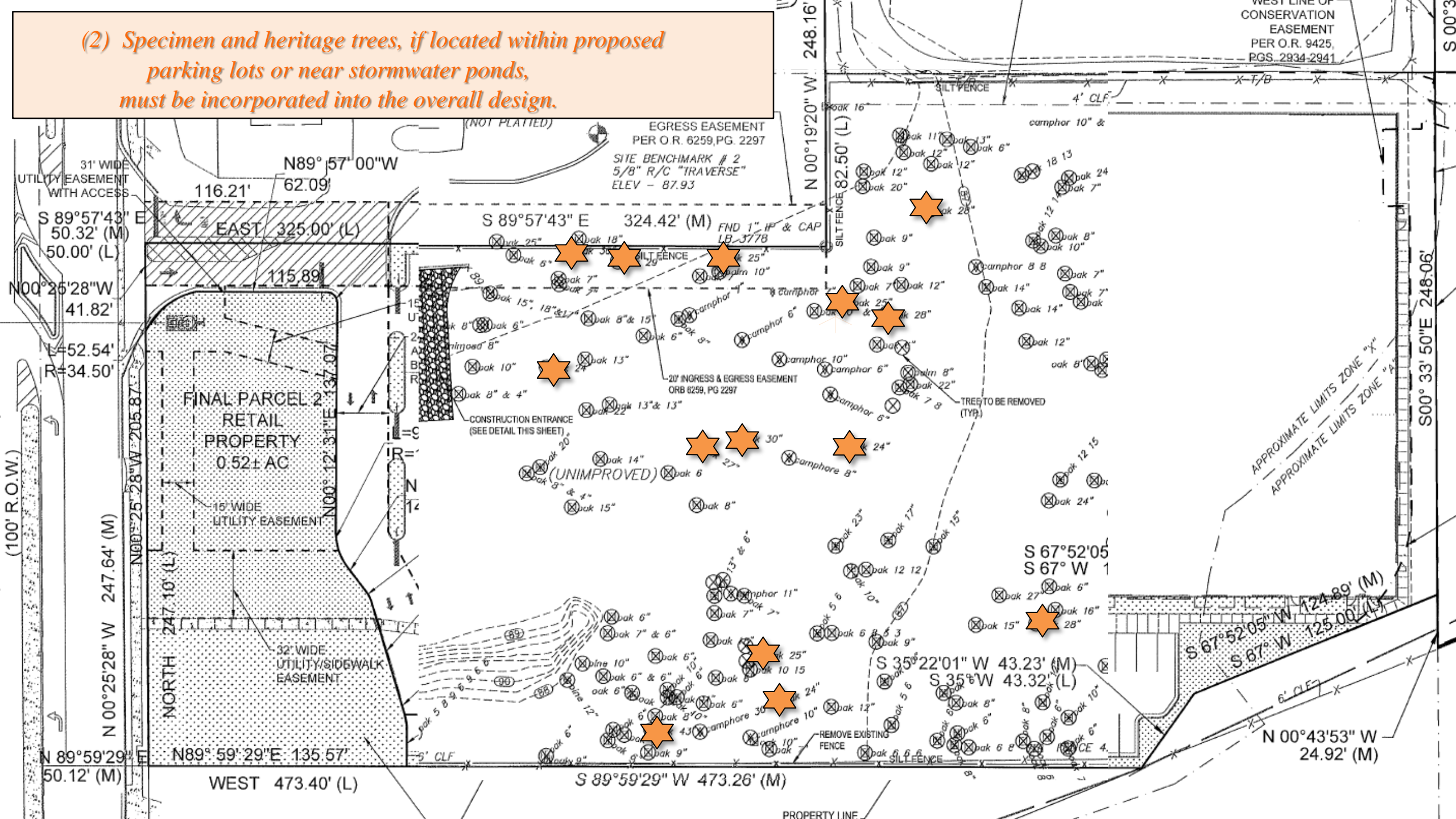
INGRESS/EGRESS EASEMENT  
2015 P.R. 1616, PAGE 252



*(2) Specimen and heritage trees, if located within proposed parking lots or near stormwater ponds, must be incorporated into the overall design.*

TREE REMOVAL/MITIGATION CALCULATIONS		
REMOVED		PRESERVED
SPECIMEN	NON-SPECIMEN	SPECIMEN
35"	28"	886"
MITIGATION REQUIRED		MITIGATION PROVIDED
35" @ 2:1 = 70"		886" @ 2:1 = 1772"
28" @ 1:1 = 28"		
28" = 35" = 61"		TOTAL PROVIDED = 1772"
TOTAL REQUIRED = 61"		

**(2) Specimen and heritage trees, if located within proposed parking lots or near stormwater ponds, must be incorporated into the overall design.**



EGRESS EASEMENT  
PER O.R. 6259, PG. 2297  
SITE BENCHMARK # 2  
5/8" R/C "TRAVERSE"  
ELEV - 87.93

WEST LINE OF  
CONSERVATION  
EASEMENT  
PER O.R. 9425,  
PGS. 2934-2941

FINAL PARCEL 2  
RETAIL  
PROPERTY  
0.52 ± AC

CONSTRUCTION ENTRANCE  
(SEE DETAIL THIS SHEET)

20' INGRESS & EGRESS EASEMENT  
ORB 6259, PG 2297

TREE TO BE REMOVED  
(TYR)

APPROXIMATE LIMITS ZONE "X"  
APPROXIMATE LIMITS ZONE "A"

31' WIDE  
UTILITY EASEMENT  
WITH ACCESS

N00°25'28"W  
41.82'

E=52.54'  
R=34.50'

(100' R.O.W.)

N 00°25'28" W 247.64' (M)

N00°25'28"W 205.87'

NORTH 247.10' (L)

N 00°25'28" W 247.64' (M)

N 89°59'29" E 50.12' (M)

N89°57'00"W  
62.09'

S 89°57'43" E 50.32' (M)

50.00' (L)

EAST 325.00' (L)

115.89'

15' WIDE  
UTILITY EASEMENT

N00°12'31"E 137.07'

N 00°12'31" E 137.07' (M)

N 00°25'28" W 247.64' (M)

N 00°25'28" W 247.64' (M)

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N 00°25'28" W 247.64' (M)

N 89°59'29" E 135.57'

WEST 473.40' (L)

S 89°57'43" E 324.42' (M)

FND 1" IF & CAP  
LB-3778

SILT FENCE

camphor 8" 8"

camphor 6" 6"

camphor 10" 10"

camphor 6" 6"

camphore 8" 8"

camphore 11" 11"

camphor 7" 7"

camphor 10" 10"

camphor 12" 12"

camphor 6" 6"

camphor 8" 8"

camphore 10" 10"

camphore 30" 30"

camphore 10" 10"

S 89°59'29" W 473.26' (M)

S 89°57'43" E 324.42' (M)

camphor 10" 10"

camphor 6" 6"

camphor 10" 10"

camphor 6" 6"

camphor 6" 6"

camphore 8" 8"

camphore 11" 11"

camphor 7" 7"

camphor 10" 10"

camphor 12" 12"

camphor 6" 6"

camphor 8" 8"

camphore 10" 10"

camphore 30" 30"

camphore 10" 10"

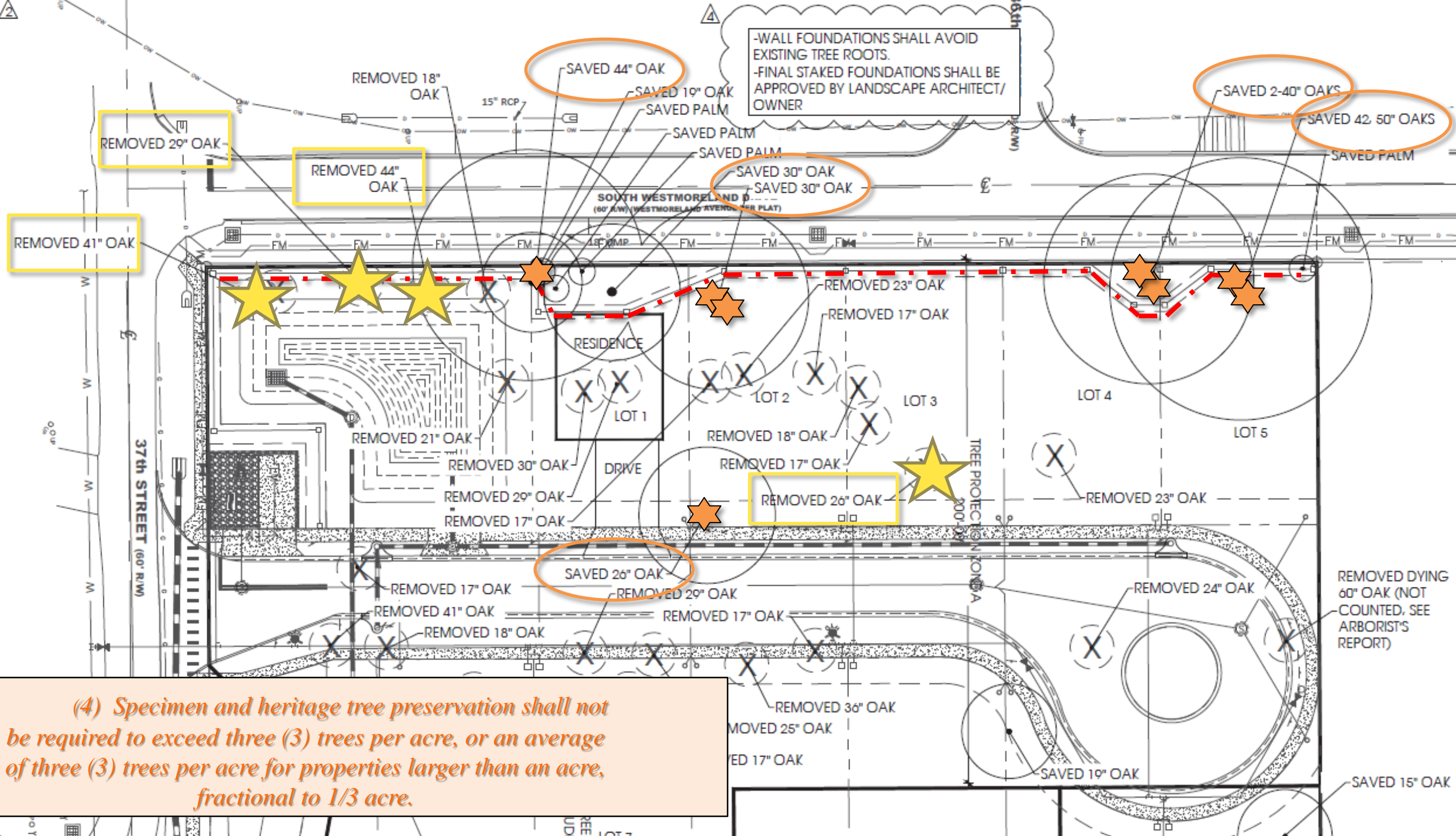
S 89°59'29" W 473.26' (M)

N 00°43'53" W 24.92' (M)

WEST 473.40' (L)

S 89°59'29" W 473.26' (M)

PROPERTY LINE



-WALL FOUNDATIONS SHALL AVOID EXISTING TREE ROOTS.  
 -FINAL STAKED FOUNDATIONS SHALL BE APPROVED BY LANDSCAPE ARCHITECT/ OWNER

REMOVED 29" OAK

REMOVED 44" OAK

REMOVED 41" OAK

SAVED 44" OAK

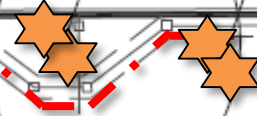
SAVED 10" OAK  
 SAVED PALM

SAVED PALM  
 SAVED PALM

SAVED 30" OAK  
 SAVED 30" OAK

SAVED 2-40" OAKS

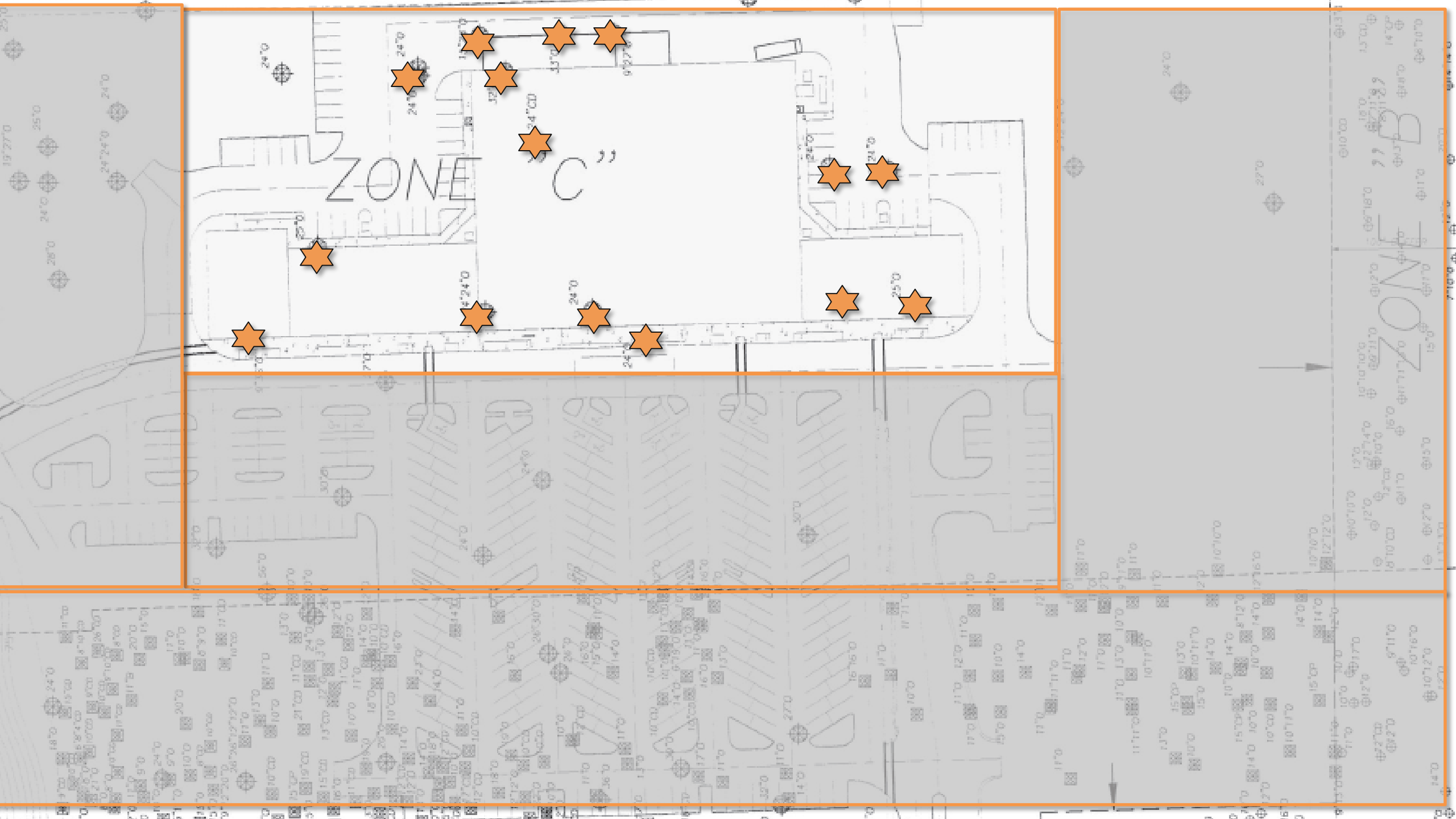
SAVED 42- 50" OAKS



*(4) Specimen and heritage tree preservation shall not be required to exceed three (3) trees per acre, or an average of three (3) trees per acre for properties larger than an acre, fractional to 1/3 acre.*

REMOVED DYING 60" OAK (NOT COUNTED, SEE ARBORIST'S REPORT)

SAVED 15" OAK



# Background

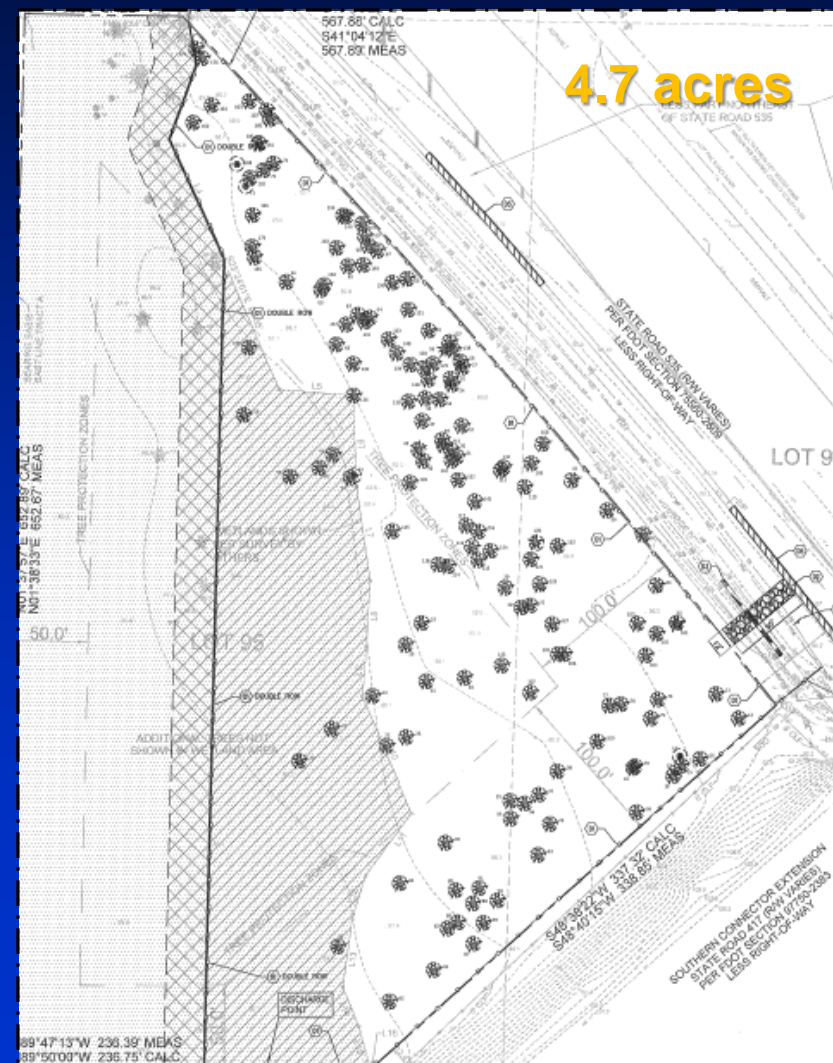
## ▪ Mitigation comparison – Old vs New

### –Old Code

- A majority of the trees are exempt pines and oaks/maples below the protection zone A and C size thresholds
- Result – only 4 trees (45”) mitigated - \$4,770

### –New Code

- All noninvasive trees 8” and above are regulated
- 90” per acre mitigation cap met (x 4.7 acres)
- Result – 270” Mitigated - \$28,620



## ▪ Public Input Summary

- EPC – Recommendation to move forward
- SAB – Recommendation to move forward
- AAB – Preserve bona fide ag exemption
- DAB – No objections
- PZC/LPA – Recommendation of Approval and Comp Plan Consistency –  
w/comments
  - Consideration of Sand Live Oak as Specimen tree
  - Consideration of reduction of single-family lot exemption (2 acres to 1 acre)
  - Consideration of revising Blackjack Oak to Bluejack Oak for clarity



# Background

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## ▪ Public Input Summary

### –Sierra Club – In support - with recommendations;

- Sec. 15-283. Protected Trees – amend to include *Quercus geminata* (sand live oak) to the list of Specimen Trees, DBH 12 inches
- Sec. 15-279. Exceptions and exemptions – amend from two acres to one acre or less
- Sec. 15-306. Criteria for on-site tree replacement; offsite mitigation - amend as shown:  
“(6) Replacement tree species shall attempt to mimic beneficial tree species, **such as scrub habitat species**, found on the site prior to removal and compromise a variety of species, dependent on the number of trees cleared...”
- The 8-inch DBH is a “one size fits all” for protected trees and does not include protection for scrub oak species that take a long time to grow including many species that may never reach an 8-inch DBH. The Sierra Club recommends an alternative 3-to-4-inch DBH to protect scrub trees species that grow in scrub habitat.





# Background

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## ▪ Public Input Summary

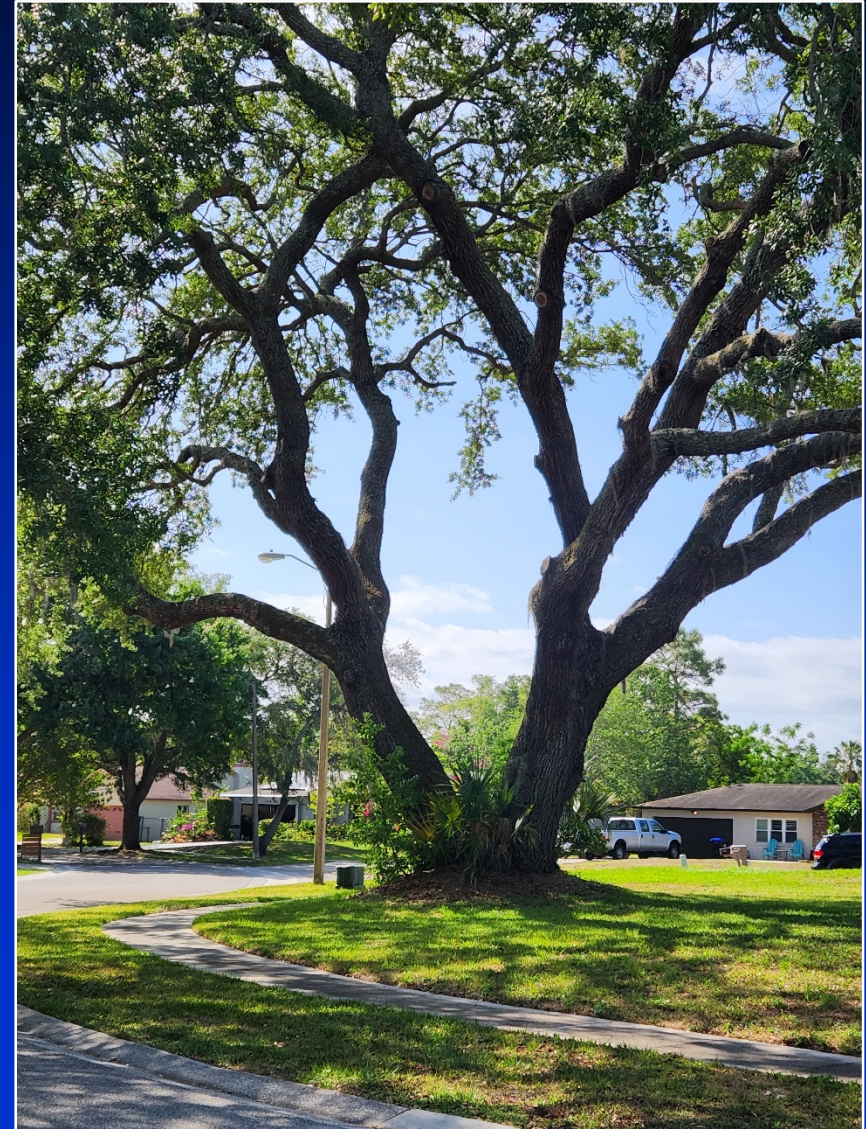
### – Orange Audubon – In support - with recommendations;

- Sec. 15-283. Protected Trees – amend to reduce the minimum size threshold for *Pinus palustris* (Longleaf Pine) from 18” to 12” on the Specimen tree list.
- Sec. 15-283. Protected Trees – amend the Specimen tree list to include scrub oak species; *Quercus geminata*, *Quercus chapmanii*, *Quercus myrtifolia*.
- Sec. 24-12. Recommended, replacement, and restricted trees – amend the Recommended stock list to remove *Lagerstroemia indica* (Crepe Myrtle)



# Presentation Outline

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- **Proposed Ordinance Overview**
- Fee Review
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# Proposed Ordinance Overview

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- **15-276 - Findings of Fact/Purpose**
- **15-277 - Definitions**
- **15-279 - Exceptions and Exemptions**
- **15-282 - Tree Protection and Maintenance/During Construction and After Development**
- **15-283 - Protected Trees**
- **15-284 - Enforcement and Penalty**
- **15-301 - Applicability of Requirements; Application**
- **15-302 - Removal Standards for Residential/Commercial/Institutional Development**
- **15-303 - Removal Standards for Industrial Development**
- **15-304 - Removal Standards for Lots/Parcels – Single Family/Duplex**
- **15-305 - Removal Standards for Lots/Parcels – Commercial/Industrial/Institutional/MF**
- **15-306 - Criteria for On-site Tree Replacement; Offsite Mitigation**



# Proposed Ordinance Overview

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- 
- 15-276 - Findings of Fact/Purpose
  - **15-277 - Definitions**
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  - **15-282 - Tree Protection and Maintenance/During Construction and After Development**
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  - **15-303 - Removal Standards for Industrial Development**
  - 15-304 - Removal Standards for Lots/Parcels – Single Family/Duplex
  - 15-305 - Removal Standards for Lots/Parcels – Commercial/Industrial/Institutional/MF
  - **15-306 - Criteria for On-site Tree Replacement; Offsite Mitigation**



# Proposed Ordinance Overview

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## ▪ 15-277 – Definitions

### –New definitions help determine mitigation and exempt status

- Developed property shall mean a lot or parcel of land, or portion thereof, that has undergone **site improvements or building construction** in accordance with a required permit or permits, and that has received a certificate of completion or certificate of occupancy, where applicable.
- Development order shall mean **an issued or approved site plan, building permit, zoning permit, preliminary subdivision plan, subdivision plan**, development plan, or any other official action of Orange County having the effect of permitting the development of land, that has not expired and has received final approval.
- Limit of work shall mean the limit of clearing, grubbing, filling, or areas to be excavated and is **not more than the area(s) required for the completion of the work for construction.**
- Tree risk management methodology shall mean the methodology created and endorsed by the International Society of Arboriculture (ISA) to **provide a process for assessing tree risk.**



# Proposed Ordinance Overview

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## ▪ 15-279 – Exceptions and Exemptions

### – Revised exceptions to provide clarity to state exemption

- (a)(~~78~~) ~~Individual~~ An individual deteriorated or damaged ~~trees~~ tree with a tree risk rating assessed to have a high likelihood or greater of impact and consequences of failure as determined by the tree risk management methodology, conducted by a professional as determined by Section 163.045, Florida Statutes, including ~~trees which have~~ a tree that has deteriorated as a result of age, fire, freeze, disease, lightning, or other ~~acts~~ act of nature and ~~which~~ may constitute a hazard to life or property. ~~If more than five (5) trees are to be removed, the zoning manager shall verify said deterioration or damage.~~
- (a)(~~89~~) ~~Trees~~ A tree located on a lot or parcel of record that is actively used for single-family residential purposes ~~lot, which that~~ is two (2) acres or less in size, and ~~contains an occupied residential dwelling.~~



# Proposed Ordinance Overview

23

## ▪ 15-279 – Exceptions and Exemptions

### – Revised exceptions to provide clarity to conditions of development

- (911) Developments A development with a valid Preliminary Subdivision Plan (PSP), preliminary subdivision plan, development plan or construction plan-development order approved prior to the effective date of the ordinance November 6, 2001, **that specifically authorized impacts to trees and required mitigation subject to the provisions of this article or its previously adopted versions.** However, any amendments to an approved preliminary subdivision plan, development plan, or development order submitted after March 15, 2024, that may impact trees not originally contemplated will be subject to the requirements of this article.



# Proposed Ordinance Overview

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## ▪ 15-282 - Tree Protection and Maintenance - During Construction

### – Revised conditions to provide greater protection during development

- (c)(1) For regulated trees, a barrier shall be constructed outside of the drip line of the tree(s), at points not closer than ten (10) feet from the base of the tree to be preserved using either metal rods, or nominal two-by-four (2 x 4) wooden stakes at least six (6) feet long, spaced a maximum of ten (10) feet apart, and connected with brightly colored ribbon or temporary fencing from stake-to-stake at a height of at least four (4) feet. For specimen and heritage trees, a barrier shall be constructed outside the drip line of the trees to be preserved using immovable chain link fencing with silt fencing installed around the outer perimeter of the fenced area. Signage, printed in both English and Spanish, shall be posted adjacent or attached to the barrier that notifies the reader that the trees within the barrier are protected from being disturbed in any way.





# Proposed Ordinance Overview

25

- **15-282 - Tree Protection and Maintenance - During Construction**
  - Revised conditions to provide greater protection during development
    - (c)(2) During site development, no soil shall be added, removed, or otherwise disturbed, nor shall any construction equipment, liquids, debris or materials, be located within the area.
    - (c)(3) Nothing may be attached to any trees to be preserved during the site development process, including wires, signage, or construction materials.
    - (c)(4) The protective barrier shall remain in place until all construction activity is completed on site, until a final landscaping inspection is made, or until authorization is granted by the county to remove the protective barrier.



# Proposed Ordinance Overview

26

- **15-282 - Tree Protection and Maintenance - After Development**
  - Revised conditions to provide greater protection after construction
    - (e)(1) A tree shall be allowed to grow in a shape natural to its species and shall only be pruned in accordance with the standards established herein to remove limbs or foliage that present a hazard to utility power lines or structures, to remove co-dominant leaders or multiple trunks to encourage the growth of one main trunk, or to remove dead, damaged or diseased limbs. In no case shall pruning result in a tree that is smaller than the minimum code requirements for spread or height at planting or are unnaturally shaped.



# Proposed Ordinance Overview

27

## ▪ 15-282 - Tree Protection and Maintenance - After Development

### – Revised conditions to provide greater protection after construction

- (e)(2) Pruning shall be in accordance with the latest edition of the ANSI publications (with the exception of Section 2.3.1 of the ANSI A300 Standards, which requires that pruning be performed only by arborists or arborist trainees). A tree shall not be severely pruned, hat raked, hacked or headed back. A maximum of one-fourth ( $\frac{1}{4}$ ) of a tree canopy may be removed from a tree within a one year period, provided that the removal conforms to the standards of crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration techniques. Lifting of branches in excess of one-half ( $\frac{1}{2}$ ) (fifty (50) percent) of the height of the tree is prohibited. A palm shall only be pruned to remove lower fronds that are chlorotic or dead, and there shall be no pruning of live green fronds above the horizon line.



# Proposed Ordinance Overview

## ▪ 15-283 – Protected Trees

### – Adding preservation standards for high value trees

▪ (a) Specimen trees. The following tree species at the stated DBH or greater are provided additional regulatory protections, consistent with this article:

- (1) *Quercus virginiana* (Live Oak), twenty-four (24) inches;
- (2) *Ulmus alata* (Winged Elm), twelve (12) inches;
- (3) *Magnolia grandiflora* (Southern Magnolia), eighteen (18) inches;
- (4) *Quercus laevis* (Turkey Oak), eighteen (18) inches;
- (5) *Pinus palustris* (Longleaf Pine), eighteen (18) inches;
- (6) *Liquidambar styraciflua* (Sweetgum), eighteen (18) inches;
- (7) *Taxodium distichum* (Bald cypress), eighteen (18) inches.

▪ (b) Heritage trees. The following tree species at the stated DBH or greater are provided additional regulatory protections, consistent with this article:

- (1) *Quercus virginiana* (Live Oak), forty (40) inches;
- (2) *Magnolia grandiflora* (Southern Magnolia), twenty-four (24) inches;



# Proposed Ordinance Overview

29

## ▪ 15-284 – Enforcement and Penalty

### – Revised process and matrix for assessing unauthorized clearance

▪ (c) *Penalty for violation.* Generally, a violation of this article shall be subject to a penalty not exceeding the sum of five hundred dollars (\$500) per offense or violation. A violation determined to impact trees shall be subject to one or more administrative penalties as follows:

(1) \$19,090 per acre (fractional rounded up to the nearest one-fourth (1/4) acre) if DBH inches unknown;

(2) \$106 per DBH inch if verified on-site;

(3) ~~\$212~~ 318 per DBH inch for impacts to specimen trees;

(4) \$318 per DBH inch for impacts to any permit identified preserved tree;

(5) \$530 per DBH inch for impacts to heritage trees.

▪ (d) No certificate of occupancy or certificate of completion shall be issued for any development until all applicable administrative fines or civil penalties, permits, and restoration plan conditions have been paid, accepted, approved, and verified by the county.



# Proposed Ordinance Overview

30

## ▪ 15-301 – Applicability of Requirements; Application

### – Provides for more detailed standards for approval

▪ (a) Requirements. Except as provided in section 15-279, ~~no~~ land clearing, mass grading, fill or excavation shall occur in the county without first obtaining all applicable development approvals, including tree removal permits consistent with this article, and preliminary subdivision plan or development plan approval with concurrent tree removal approval. Mass grading permits are only permitted along with or as part of the approval of a development plan for site development and not as an individual permit or development plan to clear land that does not detail the development of the site. Tree removal permits shall be obtained from the zoning division. ~~manager, except as provided in section 15-279.~~ The zoning manager may issue a ~~tree removal~~ permit for ~~specific trees~~ tree removal as requested on the application if two (2) or more of the following conditions exist, as applicable:.



# Proposed Ordinance Overview

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## ▪ 15-301 – Applicability of Requirements; Application

### – Provides for more detailed standards for approval

#### ▪ (a) *Requirement cont.*

–(1) The tree constitutes an unreasonable impediment to development of a permitted use or the property by virtue of its location in a buildable area where structures or improvements are to be placed and no suitable alternatives exist; or

–(2) For developed property, the tree is diseased, injured, in danger of falling, too close to an existing or proposed structure so as to endanger the structure with a high tree risk rating according to the tree risk management methodology, interferes with utility services, creates unsafe vision clearances, or conflicts with other ordinances or regulations; or

–(3) The tree has been destroyed or has died; or

–(4) The county requires the tree to be removed;

–(5) The regulated tree proposed to be removed is growing too close in proximity to another regulated, specimen, or heritage tree to permit normal growth and development of the affected tree; or

–(6) The tree is not a specimen or heritage tree; or

–(7) The tree cannot be relocated on or off the site.



# Proposed Ordinance Overview

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## ▪ 15-301 – Applicability of Requirements; Application

– Provides for the general preservation of trees and site challenges

### ▪ (f) General conditions for permit approval

– (1) Regulated trees located in areas proposed as open space (pursuant to section 24-26) must remain.

– (2) Heritage and specimen trees shall be preserved to the maximum extent practicable with minimal disturbance to the natural grade.

– (3) Changes to the existing grade of a site that will impact trees shall only occur when necessary to meet county code or other regulatory requirement. Trees may only be removed if required fill or site grading exceeds twenty-four (24) inches from natural grade.

– (4) Trees may be relocated to other areas of a development site to accommodate grading challenges. Relocated trees may be subject to a monitoring period with success criteria.

– (5) A project site must not be left cleared and in an undeveloped state following land clearing activities for more than ninety (90) days before commencement of construction.





# Proposed Ordinance Overview

33

## ▪ 15-302 – Standards for residential and commercial development

### – Provides guidance to planners and developers for tree preservation

▪ (d) Tree removal authorization associated with residential, commercial, institutional, or recreational development plans shall preserve specimen trees and heritage trees as follows:

– (1) Specimen and heritage trees may not be removed within property line setback areas or buffer areas, including wetland buffers.

– (2) If located within a proposed parking lot or near a stormwater pond, specimen and heritage trees must be incorporated into the overall design.

– (3) Heritage trees must be incorporated into the design of single-family residential preliminary subdivision plan.

– (4) Specimen and heritage tree preservation shall not be required to exceed three (3) trees per developable acre, or an average of three (3) trees per acre for properties larger than one acre, fractional, rounded up to the nearest one-third (1/3) acre.



# Proposed Ordinance Overview

34

## ▪ 15-303 – Standards for industrial development

### – Provides guidance to planners and developers for tree preservation

▪ (d) Reasonable efforts shall be made to preserve specimen trees and heritage trees as follows:

– (1) Specimen and heritage trees may not be removed within property line setback areas or buffer areas, including wetland buffers.

– (2) If located within a proposed guest or employee parking lot, specimen or heritage trees must be incorporated into the overall design.

– (3) Specimen and heritage tree preservation shall not be required to exceed three (3) trees per developable acre, or an average of three (3) trees per acre for properties larger than one acre, fractional, rounded up to the nearest one-third (1/3) acre.



# Proposed Ordinance Overview

35

- **15-306 – Criteria for on-site tree replacement; offsite mitigation**
  - Provides guidance to planners and developers for tree mitigation
    - (a)(1)e. Specimen trees shall be replaced on a **three-to-one (3:1)** ratio of the cumulative caliper of the trees to be installed to the cumulative DBH of the trees removed.
    - (a)(1)f. Heritage trees shall be replaced on a **five-to-one (5:1)** ratio of the cumulative caliper of the trees to be installed to the cumulative DBH of the trees removed.



# Proposed Ordinance Overview

36

- **15-306 – Criteria for on-site tree replacement; offsite mitigation**
  - Describes the mitigation cap per developable acre
    - (a)(2) Notwithstanding the replacement requirements of this section, **for undeveloped property, no applicant or property owner may be required to replace more than ninety (90) caliper inches per acre** (prorated for fractional acres) for each development approval or permit, as the case may be, upon demonstration that the applicant has avoided the removal of regulated trees to the maximum extent practicable and met the minimum preservation requirements for specimen and heritage trees. **Specimen trees or heritage trees, however, cannot be included in the ninety (90) caliper inch cap calculation.**



# Proposed Ordinance Overview

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- **15-306 – Criteria for onsite tree replacement; offsite mitigation**
  - Provides guidance to planners and developers for mitigation credits
    - (a)(3) **Replacement credits.** In order to receive credits toward mitigation of inches of regulated trees removed, replacement trees **must be a minimum of three (3) inches caliper.** In order to receive credits toward mitigation of inches of **specimen trees or heritage trees removed, replacement trees must be a minimum of five (5) inches caliper.**



# Proposed Ordinance Overview

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- **15-306 – Criteria for onsite tree replacement; offsite mitigation**
  - Provides guidance to planners and developers for mitigation credits
    - (a)(4) **Preservation credits.** Healthy regulated trees preserved within an identified limit of work shall count toward meeting replacement requirements of this section as follows:
      - a. A preserved tree must be a minimum of eight (8) inches DBH.
      - b. Twenty-five (25) percent of the preserved trees applied toward replacement credit may be understory trees.
      - c. **Specimen trees and heritage trees preserved above the requirements in section 15-301 will receive three-to-one (3:1) and five-to-one (5:1) (credit inches/inches removed) credit for trees removed, respectively.**
      - d. A tree located outside the proposed limit of work may only count towards preservation if an easement protecting from future impacts is recorded.



# Proposed Ordinance Overview

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## ▪ 15-306 – Criteria for onsite tree replacement; offsite mitigation

### – Provides guidance to planners and developers for biodiversity

▪ (a)(5) A tree located within a designated conservation area is not eligible in the replacement calculations set forth in this article.

▪ (a)(6) Replacement tree species shall attempt to mimic beneficial tree species, such as scrub habitat species, found on the site prior to removal, and shall compromise a variety of species, dependent on the number of trees cleared, but in no case shall any one tree species comprise more than fifty (50) percent of the replacement tree species:

- a. Ten (10) to twenty (20) trees removed – minimum three (3) different species;
- b. Twenty-one (21) to fifty (50) trees removed – minimum five (5) different species;
- c. Fifty-one (51) or more trees removed – minimum seven (7) different species.



# Proposed Ordinance Overview

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- **Standards moved from Ch. 15, Article VIII. Tree Protection and Removal to Ch. 24 – Landscaping, Buffering and Open Space**
  - Sec. 15-283 to new Sec. 24-12 – Recommended, replacement, restricted, trees.
  - Sec. 15-306 to new Sec. 24-13 – Residential lot trees (minimum trees required per lot).
- **Effective Date**
  - This ordinance shall become effective on March 15, 2024.





# Proposed Ordinance Overview

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## ▪ Summary of edits related to recent public input

### 1) Sec. 15-306. Criteria for on-site tree replacement; offsite mitigation

- Added language (line 1279) about scrub species to (a)(6) Replacement tree species

### 2) Sec. 24-12. Recommended, replacement, and restricted trees

- Changed “Common Name” reference of *Quercus incana* from Blackjack Oak to Bluejack Oak in Recommended stock list chart.



# Proposed Ordinance Overview

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## ▪ Other recommended edits

### 1) Sec. 15-304. Standards for individual SF/Duplex lot development

- Section reference corrected as follows: “(a) No development, land clearing, or other tree cutting or tree removal shall be permitted without first obtaining a tree removal permit or building permit with concurrent tree removal approval, unless exempted by section 15-279(a)~~(9)~~.”

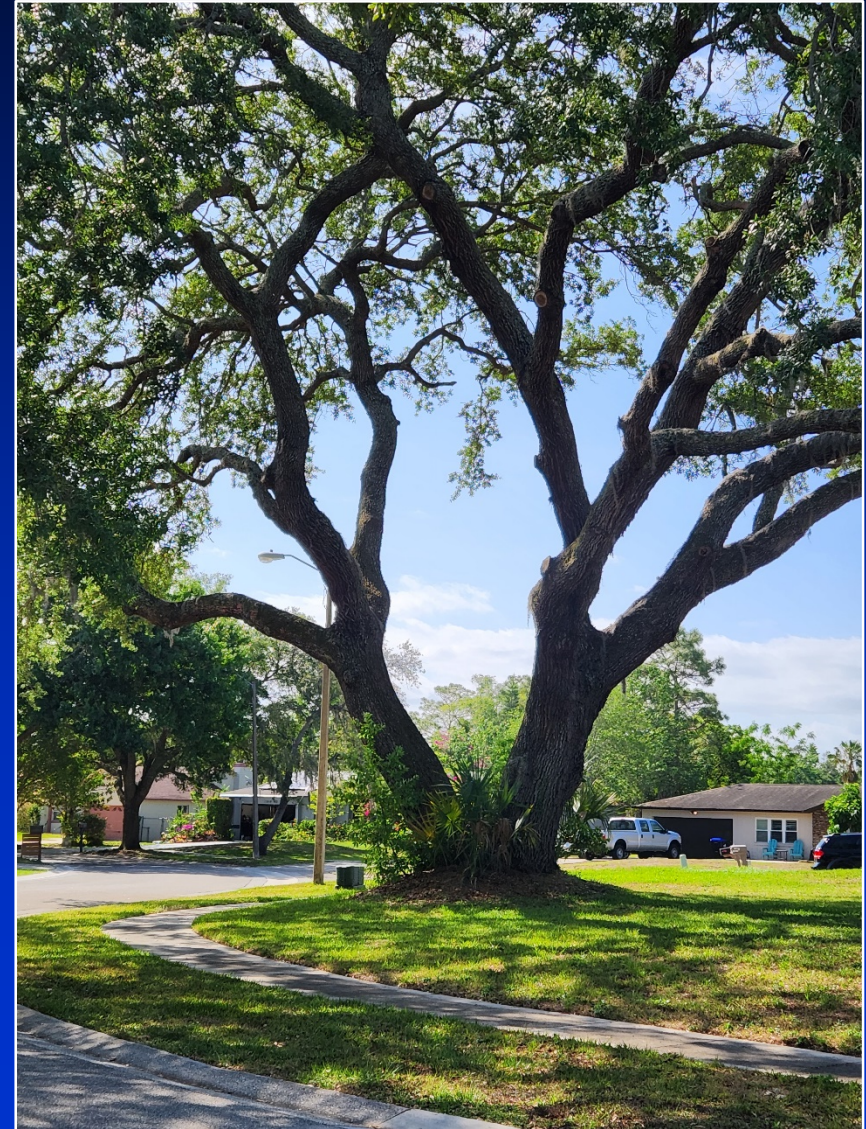
### 2) Sec. 15-284 – Enforcement and Penalty

- Correction on specimen tree ratio for penalty as follows: “(c)(3) ~~\$212~~ 318 per DBH inch for impacts to specimen trees;”



# Presentation Outline

- Background
- Proposed Ordinance Overview
- **Fee Review**
- Summary
- Action Requested





# Fee Review

## Parameters of Fee Development

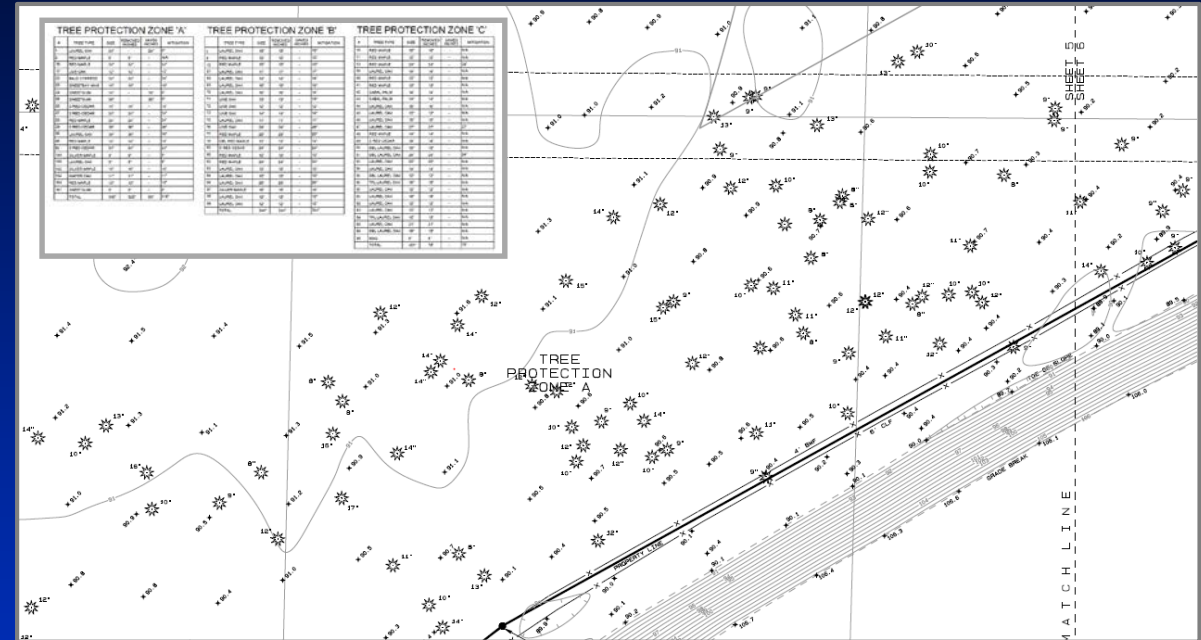
### – Workload

- 5-year baseline
  - Permit reviews
  - Inspections
  - Re-inspections

### – Cost of service

- Salary per hour (w/benefits) x total time
- No vehicle or overhead costs

### – Develop fees to match costs





# Fee Review

## ▪ Workload

–7,634 existing hours

- 3.5 staff equivalent

–Estimated new workload

- Increased inspections
- Increased permit complexity

–16,500 projected hours

- 3 Arborists (existing)
- 3 Sr. Arborist positions
- 1 Chief Planner (supervisor for Arbor Team)

▪ Cost of service - \$670,384.00





# Fee Review

## ■ Fee Development

- Updated fees for existing tasks
- Added fees for new tasks
- Used updated fees and workload
  - Total revenue \$667,352.00 generated by new and updated fees

## ■ Staffing Request

- Upcoming BCC Consent Agenda item

Arbor Permit/Arbor Review Type	Current Arbor Review Fee	Proposed Arbor Review Fee	Proposed Increase of Arbor Fees
Residential Home - SFR 2 acres or less (occupied)	exempt	exempt	N/A
Individual Tree Removal - SFR 2 acres or greater	\$121.00	\$121.00	No change
Developed Property - Includes 1 inspection	\$80.00	\$247.98	\$167.98
Undeveloped Property - Land clearing, includes 1 inspection	\$121.00	\$230.90	\$109.90
Development Plan Review - Includes CDR	\$120.84	\$210.90	\$90.06
Residential PSP Review	\$162.18	\$210.90	\$48.72
Commercial PSP Review	\$108.12	\$210.90	\$102.78
Commercial Permitting/Site Work (New, Alt., & Site Work)	\$95.40	\$107.76	\$12.36
Subdivision Construction Plan Review	\$0.00	\$177.60	\$177.60
Mass Grading Permit Review	\$0.00	\$177.60	\$177.60
Timber Harvesting (No inspection req.)	\$153.00	\$177.60	\$24.60
Arbor Inspection (less than 5 acres) or Re-inspection	\$0.00	\$131.00	\$131.00
Arbor Inspection (5 to 10 acres)	\$0.00	\$262.00	\$262.00
Arbor Inspection (Greater than 10 acres)	\$0.00	\$393.00	\$393.00

# Presentation Outline

- Background
- Proposed Ordinance Overview
- Fee Review
- **Summary**
- Action Requested



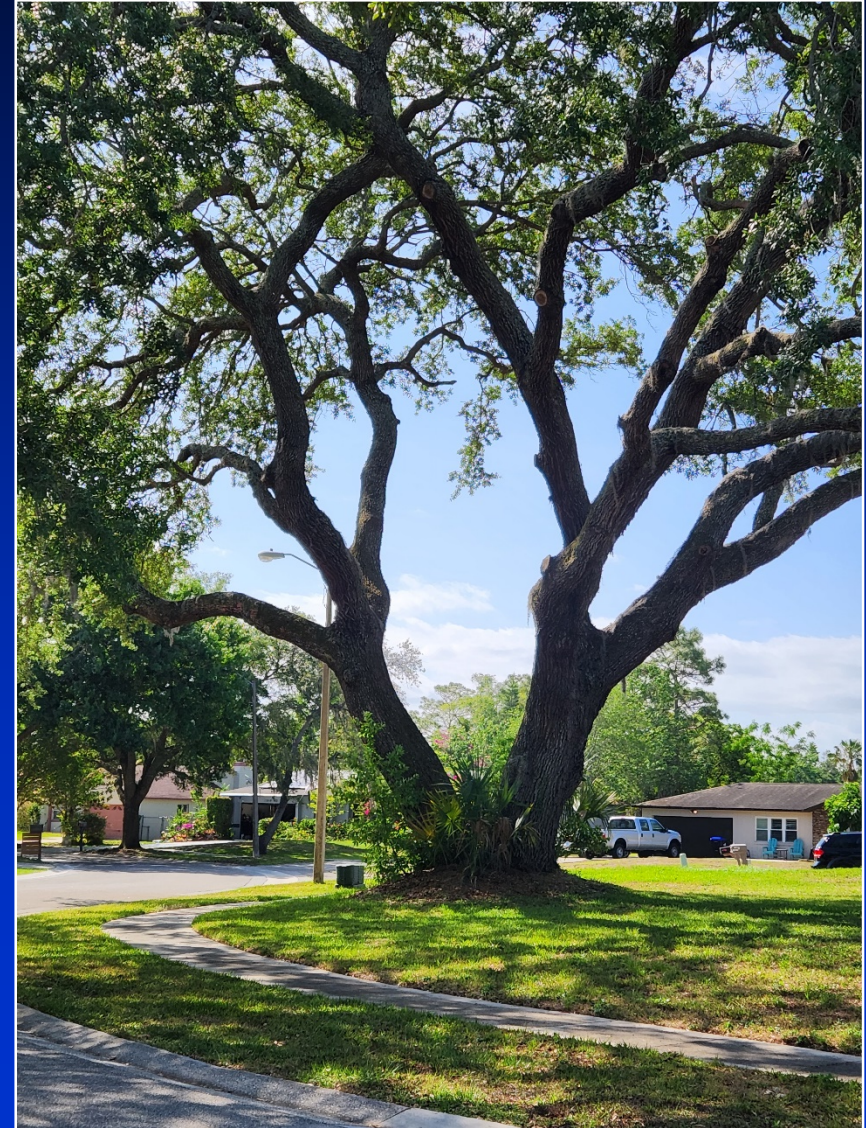
- **Protection and preservation of trees is critical for our future**
- **Residents, businesses, and visitors receive countless benefits from a healthy tree canopy**
- **Our County's urban forest must be properly managed, so a healthy diversity of species and ages exists for a sustainable and resilient ecosystem**
- **Site design should focus on minimizing impacts to trees and preserving specimen and heritage species**
- **Draft ordinance is consistent with County Comprehensive Plan**
- **Additional staff are needed to ensure proper service delivery**
- **Updated permit review and site inspection fees have been reviewed by OMB**





# Presentation Outline

- Background
- Proposed Ordinance Overview
- Fee Review
- Summary
- **Action Requested**





## Action Requested

- **MAKE A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN AND ADOPT AN ORDINANCE AFFECTING THE USE OF LAND REGARDING TREE PROTECTION AND REMOVAL IN ORANGE COUNTY, FLORIDA BY AMENDING, CREATING, AND REPEALING CERTAIN PROVISIONS IN CHAPTER 15, ARTICLE VIII OF THE ORANGE COUNTY CODE; AND BY CREATING CERTAIN PROVISIONS IN CHAPTER 24, ARTICLE I RELATED TO RECOMMENDED, REPLACEMENT, RESTRICTED AND SPECIMEN TREES AND MINIMUM RESIDENTIAL LOT TREES; AND PROVIDING AN EFFECTIVE DATE. ALL DISTRICTS**
- **AND**
- **AUTHORIZE STAFF TO CORRECT ANY NON-SUBSTANTIAL GRAMMATICAL OR SCRIVENER'S ERRORS.**



# Public Input Summary

51

## Regarding Specimen trees

- 1) Consideration of amending the proposed list to include scrub oak species; *Quercus geminata*, *Quercus chapmanii*, *Quercus myrtifolia*, with a 12" minimum size.
- 2) Consideration of reducing the proposed minimum size threshold for *Pinus palustris* (Longleaf Pine) from 18" to 12".

## Regarding Exemptions

- 3) Consideration of reducing the exemption threshold from 8" to 3-4" for scrub oak species.
- 4) Consideration of reduction of single-family lot exemption (2 acres to 1 acre)

## Regarding Recommended Stock list

- 5) Consideration of amending the Recommended stock list to remove *Lagerstroemia indica* (Crepe Myrtle)



# Scrub Oak Examples

