



**Interoffice Memorandum**

May 1, 2023

TO: Mayor Jerry L. Demings  
— AND —  
County Commissioners

FROM: Timothy L. Boldig, Interim Director  
Planning, Environmental, and Development  
Services Department

**CONTACT PERSON: Alan Marshall, Assistant to the Director  
Planning, Environmental, and Development  
Services Department  
(407) 836-5884**

SUBJECT: May 23, 2023 – Work Session Item  
Tree Preservation and Removal Ordinance

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On October 26, 2021 and January 11, 2022, staff provided work sessions relating to a review of the Tree Preservation and Removal Ordinance, located in Chapter 15 as Article VIII, along with related land development codes, to understand the value of our urban tree canopy and determine the effectiveness of County tree protection standards used throughout the development process. The work sessions identified deficiencies in the current standards and summarized four areas for Board policy consideration; Protecting more trees; Preserving high value trees; Prioritizing Urban Service Area canopy; and Planting more trees. In order to gain insight needed for proposed new standards, staff has engaged a variety of stakeholders, such as developers, nursery growers, site planners, academia, and environmental advocates. Additionally, staff has made frequent appearances with a variety of County advisory boards to discuss needs, options, and outcomes. At the August 9, 2022 work session, staff proposed a new framework for tree preservation and removal based on the focus areas identified in the January work session. Board direction was to move forward with developing code to support the framework.

On May 23, 2023, staff will present a work session outlining the specific code changes needed to achieve the policy framework. This presentation will cover background of the issue, step through the specific sections of the code, highlighting major proposed changes, discuss proposed fee updates, and outline revised plans for tree planting utilizing Tree Replacement Trust Fund dollars.

This item is for information purposes only, and no action is required.

TLB/ABM

Attachment

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ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE AFFECTING THE USE OF LAND REGARDING TREE PROTECTION AND REMOVAL IN ORANGE COUNTY, FLORIDA BY AMENDING CERTAIN PROVISIONS OF THE ORANGE COUNTY CODE CODIFIED AT CHAPTER 15, ARTICLE VIII BY SPECIFICALLY AMENDING SECTION 15-276 ENTITLED FINDINGS OF FACT AND STATEMENT OF PURPOSE; AMENDING SECTION 15-277 ENTITLED DEFINITIONS; AMENDING SECTION 15-278 ENTITLED PERMITS REQUIRED; AMENDING SECTION 15-279 ENTITLED EXCEPTIONS AND EXEMPTIONS; AMENDING SECTION 15-280 ENTITLED JURISDICTION OF THE ARTICLE; AMENDING SECTION 15-281 ENTITLED VARIANCE, APPEAL AND PENALTY; AMENDING SECTION 15-282 ENTITLED TREE PROTECTION AND MAINTENANCE DURING AND AFTER DEVELOPMENT AND CONSTRUCTION; AMENDING SECTION 15-283 ENTITLED RECOMMENDED, REPLACEMENT, RESTRICTED, AND SPECIMEN TREES; CREATING SECTION 15-284 ENTITLED ENFORCEMENT AND PENALTY; AMENDING SECTION 15-301 ENTITLED REQUIRED, APPLICATION; AMENDING SECTION 15-302 ENTITLED TREE REMOVAL APPROVAL CONCURRENT WITH RESIDENTIAL PRELIMINARY SUBDIVISION PLANS (PSP), DEVELOPMENT OF RESIDENTIAL SUBDIVISION; AMENDING SECTION 15-303 ENTITLED TREE REMOVAL APPROVALS CONCURRENT WITH COMMERCIAL DEVELOPMENT OR INDUSTRIAL PRELIMINARY SUBDIVISION PLANS (PSP) OR DEVELOPMENT PLANS, DEVELOPMENT OF COMMERCIAL OR INDUSTRIAL SUBDIVISION; AMENDING SECTION 15-304 ENTITLED TREE REMOVAL PERMITS FOR INDIVIDUAL LOTS/PARCELS FOR SINGLE FAMILY OR DUPLEX DEVELOPMENT; AMENDING SECTION 15-305 ENTITLED TREE REMOVAL PERMITS FOR INDIVIDUAL COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTI-FAMILY LOTS OR PARCELS; AMENDING SECTION 15-306 ENTITLED RESIDENTIAL LOT TREES (MINIMUM TREES REQUIRED PER LOT); AND BY AMENDING CERTAIN PROVISIONS OF THE ORANGE COUNTY CODE CODIFIED AT CHAPTER 24, ARTICLE I BY

48 SPECIFICALLY CREATING 24-12 ENTITLED  
RECOMMENDED, REPLACEMENT, RESTRICTED AND  
50 SPECIMEN TREES; AMENDING SECTION 24-13  
ENTITLED RESIDENTIAL LOT TREES (MINIMUM  
52 TREES REQUIRED PER LOT); AND PROVIDING AN  
EFFECTIVE DATE.

54 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ORANGE COUNTY:

56 *Section 1. Amendments; In General.* Article VIII, Chapter 15, Divisions 1 and 2 of  
the Orange County Code are hereby amended as set forth in Sections 2 and \_\_\_ below, with  
58 additions being shown as underlined and deletions being shown as ~~strike-throughs~~.

*Section 2. Amendment to Division 1 (Generally), Section 15-276.* Section 15-276  
60 (“Findings of fact and statement of purpose.”) is amended to read as follows:

**Sec. 15-276. Findings of fact and statement of purpose.**

62 (a) A healthy urban forest supports and improves the quality of  
64 life for businesses, property owners, residents, and visitors by  
enhancing our air and water quality, reducing heat and noise,  
66 decreasing erosion and flooding, preventing pollution from  
stormwater runoff and providing habitat for wildlife. The purpose of  
68 this ordinance is to promote a healthy urban forest, diverse with  
various species and ages of native and Florida Friendly™ vegetation  
70 while considering property values, appearance of all developments,  
and adequate buffers between different land uses. The nonprofit  
72 AmericanForests.org has determined that long term canopy goals  
needed to combat climate change from growth should target 43.3  
74 percent.

76 (ba) The board of county commissioners has determined that  
requirements for protection of trees in the unincorporated area of the  
78 county are not only desirable, but are essential to ensuring the health  
and general well-being of the community and that the required use  
of such restrictions is a proper use of the police powers. The general  
80 removal of trees should be appropriately controlled and where  
possible, existing trees should be preserved on-site as property is  
82 developed.

84 (cb) ~~The Orange County~~ Orange County’s Comprehensive  
Policy-Plan Conservation Element ~~policy 1.12.1 states:~~ states that  
Orange: “Orange County shall augment its protection of vegetated

86 ~~resources in urban areas, including but not limited to the tree~~  
88 ~~protection ordinance. This action would to ensure that high quality~~  
90 ~~trees would receive greater protection in the development review~~  
92 ~~process, require preservation of valuable tree species, prohibit~~  
~~indiscriminate clearing, require replacement and maintenance~~  
~~measures, and establish ratios for replacement if removal is~~  
~~unavoidable.”~~

94 (de) The requirements of this article generally maintain a balance  
between important environmental concerns and compatible  
development. In so doing they:

- 96 (1) Allow development while encouraging ~~the establishment of~~  
98 ~~an acceptable amount of tree coverage~~ greater forest  
coverage of native and Florida Friendly™ species on public  
and private lands within unincorporated Orange County.
- 100 (2) Maintain existing trees in a healthy and non-hazardous  
102 condition through good arbor practices; that include, but are  
104 not limited to, root protection at the dripline and appropriate  
maintenance pruning as recommended by professional  
arborists.
- 106 (3) Establish and maintain appropriate diversity in tree species  
108 ~~and age classes to provide a healthy and sustainable~~  
urban/suburban forest maturity to provide a resilient and  
sustainable urban and suburban forest.

110 (ed) ~~Trees are proven producers of oxygen, a necessary element~~  
112 ~~for the survival of mankind; they reduce the level of carbon dioxide~~  
114 ~~in the air, dilute air pollutants and reduce noise. The board of county~~  
commissioners has determined that requiring the protection of trees  
is essential to ensuring the health and general well-being of the  
community.

116 (e) ~~Trees play a pronounced and important role in countywide~~  
~~soil conservation, soil enrichment and erosion control.~~

118 (f) ~~Trees enhance the value of property by providing a valuable~~  
~~psychological and visual counterpoint to manmade changes during~~  
~~land development and urbanization.~~

120 (g) ~~Trees provide wildlife habitat and play other important~~  
~~ecological roles.~~

122 (h) ~~Trees make the county more visually and aesthetically~~  
124 ~~attractive to existing and prospective residents and visitors in~~  
~~addition to enhancing the community's sense of place.~~

126 (i) ~~Trees screen and absorb pollutants including but not limited~~  
~~to dust, traffic noise and other pollutants.~~

128 ~~(j) Trees protect the community from climatic extremes by~~  
~~providing shade and windbreak protection and by moderating~~  
~~temperatures within neighborhoods, parking lots, etc.~~

130 ~~(k) Trees reduce the quantity of surface runoff and reduce the~~  
~~velocity of erosion and sediment transfer.~~

132 ~~(l) Trees help purify stormwater runoff by removing nutrients~~  
~~prior to the runoff entering the aquifer.~~

134 *Section 3. Amendment to Division 1 (Generally), Section 15-277. Section 15-277*

("Definitions.") is amended to read as follows:

136 **Sec. 15-277. Definitions.**

138 The following words, terms, ~~and~~ and phrases, when used in this  
140 article, shall have the meanings ascribed to them in this section,  
except where the context clearly indicates a different meaning:

142 *Arborist* shall mean a qualified professional, employed by the  
County, with experience in the field(s) of landscape architecture,  
arbor science, forestry, or other related field.

144 *Caliper* shall mean a measurement of the size of a replacement  
146 tree at a predetermined point. Trunk diameter for trees up to four (4)  
inches is to be measured ~~six (6)~~ eight (8) inches above the soil line.  
148 Trees four (4) inches in diameter and greater will be measured  
twelve (12) inches above the soil line.

150 *Canopy tree* shall mean a species of tree which normally grows  
to a mature height of forty (40) feet or more.

152 ~~*Champion tree* shall mean any tree that has been designated as~~  
~~the largest tree of its species in the state of Florida as measured by~~  
~~trunk diameter at breast height and crown diameter. These may~~  
154 ~~include any species not listed on the restricted stock list.~~

156 *Cleaning* shall mean the removal of vegetation, roots or stumps,  
brush, undergrowth, unpermitted or prohibited trees listed in section  
24-12(b), or trees and palms not otherwise authorized for removal  
158 by this article with a trunk diameter of less than eight (8) inches from  
undeveloped, vacant, or otherwise abandoned property.

160 *Clearing* shall mean the removal of a tree by digging, pushing  
or cutting, burning, or having the effect of removal through damage.  
162 Soil disturbance such as root raking or compaction shall also be  
considered clearing, if trees or their root systems are damaged in the  
164 process. Clearing shall not include routine maintenance, such as  
mowing, the removal of underbrush, or bushhogging so long as there  
166 is no damage caused to the existing trees.

168 Conservation areas shall mean lands, as defined in Chapter 15,  
170 Article X, Wetland Conservation Areas which have unsuitable or  
nonrated soils, wetland vegetative species, are seasonally flooded  
and perform an environmental function, as described in the county's  
comprehensive ~~policy~~ plan.

172 Developable area shall mean the gross land area of a site  
174 excluding natural surface waterbodies and designated conservation  
areas.

176 Developed property shall mean a parcel of land that has been  
converted to a new purpose through site improvements or by the  
178 construction of buildings in accordance with a site work, zoning, or  
building permit that has received a certificate of occupancy.  
180 Additional impacts generated by any substantial change or  
substantial deviation from the originally approved site work, zoning  
182 or building permit after [ordinance adoption date] shall require  
compliance with the provisions of this code.

184 Development order shall mean an issued or approved site plan,  
building permit, zoning permit, plat, preliminary subdivision plan,  
186 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 revied final approval. Additional  
188 impacts generated by any substantial change or substantial deviation  
from the terms of an approved development order after [ordinance  
190 adoption date] shall require compliance with the provisions of this  
code.

192 Diameter at breast height (DBH) shall mean a measurement of  
the size of a tree equal to the diameter, in inches, of a tree measured  
194 at four and one-half (4½) feet above the existing grade. For multi-  
trunked trees, the DBH shall mean the cumulative diameter of the  
196 three largest trunks, measured two (2) feet above the existing grade.  
For palm trees, the DBH shall mean the measurement at clear trunk.

198 Drip line ~~Drip line~~ shall mean a vertical line from the horizontal  
extremity of the canopy of a tree to the ground. For trees with  
200 canopies set off-center from the trunk, an area bounded by the  
average diameter of the ~~drip line~~ ~~drip line~~ will be centered on the  
202 point at which the trunk of the tree is rooted.

204 Heritage tree shall mean any tree that meets the species and size  
requirements listed in section 15-283.

206 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.

208 *Pre-existing lot* shall mean any existing lot that is part of a  
210 preliminary subdivision plan approved prior to the adoption of this  
ordinance.

212 *Preserved trees* shall mean trees that are designated to remain  
after construction and count toward replacement requirements per  
this article.

214 *Professional surveyor* shall mean a person licensed by the State  
of Florida as a professional surveyor and mapper pursuant to  
216 Chapter 472, Florida Statutes.

218 ~~*Protected tree* shall mean any tree, on the recommended stock  
list, which is identified in the protection zones as described in  
section 15-301(e). Unless exempted, all of these trees are subject to  
220 a tree removal permit per this article.~~

222 *Regulated tree* shall mean trees on the recommended stock list  
that are eight (8) inches DBH or greater.

224 *Replacement trees* are trees planted to replace existing trees as  
required by section 15-283.

226 ~~*Residential lot trees* shall mean trees that are required to be  
planted on residential lots per section 15-306. These trees are  
228 required to be a minimum of eight (8) feet tall and have a minimum  
caliper of two (2) inches and are to be selected from the  
recommended stock list in section 15-283(a).~~

230 ~~*Severely pruning-trimming* shall mean the cutting of branches  
and/or trunk of a tree in a manner which will substantially reduce  
232 the overall size of the tree area so as to destroy the existing  
symmetrical appearance or natural shape of the tree. This includes  
234 ~~trimming-pruning~~ or cutting in a manner, which results in the  
removal of main lateral branches leaving the trunk of the tree in a  
236 stub appearance.~~

238 ~~*Specimen trees* shall mean live oak and magnolia trees twenty-  
four (24) inches DBH or greater. Specimen trees shall also include  
Champion trees as defined in this article any tree meeting the species  
240 and size requirements in section 15-283(b).~~

242 *Tree* shall mean any living, woody self-supporting perennial  
plant which normally grows to a minimum height of fifteen (15)  
244 feet. Trees listed as invasive, noxious, or otherwise prohibited in  
section 24-12 are not included in this definition.

246 *Trees, stands of,* shall mean a naturally occurring grouping of  
five (5) or more trees forming a canopy of vegetation which results  
in a single unified drip line. ~~drip line.~~

248 *Underbrush* shall mean native shrubs, bushes, or small trees  
growing beneath large trees in a wood or forest.

250 *Understory tree* shall mean a species of tree which normally  
252 grows to a mature height of fifteen (15) to thirty-nine (39) feet. For  
the purposes of this article, palms shall be considered understory  
254 trees.

254 *Zoning manager* shall mean the manager of the Orange County  
Zoning Division or his/her designated arborist.

256 **Section 4. Amendment to Division 1 (Generally), Section 15-278.** Section 15-278

("Permits required.") is amended to read as follows:

258 **Sec. 15-278. ~~Permits~~ Tree protection permits required.**

260 (a) It shall be unlawful for any person to, or cause to, destroy,  
262 permanently injure, or remove ~~any protected~~ regulated tree as  
264 defined in this article without first obtaining a tree removal permit  
or other removal authorization or otherwise establish that the  
~~protected~~ regulated tree qualifies for an exception or exemption as  
provided in this article.

266 (b) Nothing contained in this ordinance shall be deemed to  
268 impose any liability upon the county, its officers, or employees, nor  
to relieve the owner of any private property from the duty to keep  
270 any tree, shrub, or plant upon any area of his/her property or under  
his/her control in such condition as to prevent it from constituting a  
272 hazard or an impediment to travel or vision upon any private road or  
public right-of-way, park, or other public place within the county.

274 (c) Nothing contained herein shall prevent a property owner  
from maintenance or ~~trimming~~ pruning of trees on his/her property.  
276 In fact, proper ~~trimming~~ pruning is the ~~should be a necessary~~  
responsibility of every property owner such that no severe tree  
trimming occurs.

278 **Section 5. Amendment to Division 1 (Generally), Section 15-279.** Section 15-279

("Exceptions and exemptions.") is amended to read as follows:

280 **Sec. 15-279. Exceptions and exemptions.**

282 (a) *Exceptions.* A tree removal permit shall not be required for  
284 the following tree removal activities, unless the area is designated  
as a conservation area.

286 (1) Public road or public drainage rights-of-way, utility  
rights-of-way, or permanent utility easements, or ~~and/or~~  
drainage tracts or easements.



- 288 ~~(2) Access roads for private developments through Protection~~  
Zone "A" as defined in section ~~15-301(e)(1)b.~~
- 290 ~~(23)~~ The trees listed in ~~section 15-283(b)~~ section 24-12 (restricted  
stock).
- 292 ~~(34)~~ Trees less than eight (8) inches DBH.
- 294 ~~(45)~~ Underbrush, including palmetto and shrubs, provided that  
such removal does not adversely affect trees (other than  
those specified above) within their drip line. ~~drip line.~~
- 296 ~~(56)~~ Removal of whole live trees for sale as nursery stock by a  
bona fide commercial tree nursery.
- 298 ~~(67)~~ Land used for bona fide agriculture and classified as such for  
property tax ~~property tax~~ purposes by the Orange County  
300 Property Appraiser. However, before ~~removing protected~~  
regulated trees on any such agricultural land designated by  
302 the county's comprehensive ~~policy plan~~ as either "urban  
service area," "growth center," or "village land use," a tree  
304 removal permit ~~tree removal permit~~ must be obtained, but  
the removed trees are not required to be replaced as  
306 otherwise required under this article. ~~If at anytime before the~~  
eighth anniversary of the date the tree removal permit was  
308 issued either the bona fide agricultural use ceases, except in  
cases of bankruptcy, or the landowner or his or her agent  
310 applies for a land use change or a development order or  
permit, the trees removed pursuant to the tree removal  
312 permit shall then be replaced as required under this article,  
and approval or issuance of the requested land use change or  
314 development order or permit (if applicable) may be withheld  
until the replacement requirements have been fulfilled.
- 316 ~~(78)~~ Individual deteriorated or damaged trees on an occupied  
single-family residential lot, including trees ~~which that~~ have  
318 deteriorated as a result of age, fire, freeze, disease, lightning,  
or other acts of nature and ~~which~~ may constitute a hazard to  
320 life or property. Notwithstanding the above, except on a  
single-family residential lot, the trees shall be replaced in  
322 accordance with this article. If more than five (5) trees are to  
be removed, the zoning manager shall verify said  
324 deterioration or damage.
- 326 ~~(89)~~ Trees located on a single-family residential lot, ~~which that~~ is  
two (2) acres or less in size, ~~and and~~ contains an occupied  
328 residential dwelling. This exemption does not apply to trees  
planted in a right-of-way.
- 330 ~~(940)~~ Certified Affordable Housing Projects as defined by Orange  
County Administrative Regulations Section 11.02.06, as it

332 may be amended from time to time, shall meet the  
requirements of this ordinance. Such projects, however, shall  
not be subject to the tree removal application fees.

334 (~~124~~) Developments with a valid Preliminary Subdivision Plan  
336 (PSP), development plan or construction plan approved prior  
to the effective date of the ordinance that specifically  
338 authorizes impacts to trees and required mitigation subject  
to the provisions of this article or its previously adopted  
versions.

340 (b) *Exemptions.* In the case of a County-declared emergency  
such as a hurricane, flood or other disaster, the requirements of this  
342 article may be waived so as not to hamper public ~~or and/or~~ private  
work to restore order.

344 (c) Notwithstanding any exception expressed in this section, the  
~~The~~ removal of any tree shall require adequate wind and water  
346 erosion control measures as well as compliance with any other  
applicable county codes.

348 *Section 6. Amendment to Division 1 (Generally), Section 15-280.* Section 15-280

("Jurisdiction of article.") is amended to read as follows:

350 **Sec. 15-280. Jurisdiction of the article.**

352 ~~The~~ Consistent with section 704, Orange County Charter, the  
terms and provisions of this article shall apply to all real property  
354 lying within the unincorporated areas of the county.

*Section 7. Amendment to Division 1 (Generally), Section 15-281.* Section 15-281

356 ("Variance, appeal and penalty.") is amended to read as follows:

358 **Sec. 15-281. ~~Variance, appeal and penalty.~~ Variance and**  
**waiver.**

360 (a) *Deviations from regulations.* The zoning manager may grant  
deviations from any provision of this article where the strict  
362 application of the provision to a particular site would create a  
substantial economic hardship, or to facilitate an affordable housing  
364 project where a certified affordable housing certificate exists. In all  
cases, reasonable efforts must be made to preserve regulated trees  
366 per this article. The zoning manager may grant deviations from any  
provision of this article only when the applicant demonstrates that  
368 the purposes of this article will be or has been achieved by other  
means. If the zoning manager denies a request for deviation from

370 this article because the applicant did not demonstrate that the  
372 purposes of the article will be or has been achieved by other means,  
374 then the applicant may appeal the decision of the zoning manager to  
the Development Review Committee (DRC), and the DRC shall  
review the zoning manager's decision pursuant to the standards set  
forth in section 34-27, Orange County Code.

376 (b) Variance or waiver. Upon application by the property  
378 owner, the preservation of any tree on the recommended stock list  
380 ~~over twenty-four (24) inches DBH~~ may be considered as the basis  
382 for the granting of a variance by Board of Zoning Adjustment (BZA)  
384 from the ~~literal strict~~ application of the provisions of the county's  
386 zoning regulations set forth in section 30-43 or by DRC from  
388 subdivision regulations set forth in sections 34-27, 34-28 and 34-29.  
An administrative waiver ~~variance~~ to chapter 24, Landscaping,  
Buffering and Open Space requirements regarding landscape islands  
may be granted to allow for the preservation of a healthy specimen  
tree as defined in this article. The number, spacing and configuration  
of landscape islands may be reduced, altered, or reconfigured to  
encourage the preservation of specimen trees.

390 ~~(c) Enforcement Official. The zoning manager, code~~  
392 ~~enforcement officer, or other county designees shall be empowered~~  
to issue citations and evaluate a site for its compliance with this  
article.

394 ~~(d) Appeals. Any person adversely affected by the decision of~~  
the zoning manager or other county official in the enforcement or  
396 interpretation of this article may appeal such decision to the DRC  
within thirty (30) days. Such appeal shall be made by requesting a  
398 hearing in writing to the chairman of the DRC. Such request shall  
include a summary of the decision being appealed and the basis for  
the appeal.

400 ~~Any person adversely affected by the decision of the DRC may~~  
402 ~~appeal such decision to the board of county commissioners by~~  
submitting a letter to the chairman of the DRC. Said appeal must be  
404 made within thirty (30) days of decision by the DRC. If the decision  
of the DRC being appealed is related to some application or process  
406 which requires a board of county commissioners public hearing,  
then the appeal shall be heard and considered concurrent with the  
408 public hearing on the application. If the decision of the DRC being  
appealed does not otherwise require a board of county  
410 commissioners public hearing, then the appeal shall be promptly  
forwarded to the board of county commissioners for consideration.

412 ~~Any person adversely affected by the board of county~~  
commissioners' decision may file a petition for a writ of certiorari

414 in the Circuit Court of the County. Such action shall be instituted in  
accordance with section 30-90.

416 ~~(e) Penalty for violation. Violations of this article shall be  
subject to the following:~~

418 ~~(1) Where violations of this article have occurred, remedial  
action shall be taken to restore the property consistent with  
a restoration plan approved by the zoning manager. The  
420 restoration plan shall include payment of the required  
application fee, require tree replacement, and require  
422 mitigation of any other damage to the property. Remedial  
action must be taken within 60 days of receipt of notice of  
424 violation or as approved by the zoning manager.~~

426 ~~(2) No certificate of occupancy or certificate of completion shall  
be issued for any development until all applicable permits or  
restoration plan conditions have been accomplished.~~

428 ~~(3) Trees removed without a permit or destroyed or which  
received major damage in violation of section 15-282 must  
430 be replaced before the issuance of a certificate of completion  
or certificate of occupancy by any or any combination of the  
432 following:~~

434 ~~a. A comparable size and type tree;~~

436 ~~b. Replacement at a two (2) to one (1) ratio of the  
cumulative caliper of the trees to be installed to the  
cumulative DBH of the trees removed, destroyed or  
438 damaged. Replacement trees shall be chosen from the  
recommended stock list per section 15-283 and shall be  
installed in accordance with section 15-282; or~~

440 ~~e. Payment into the county tree fund in an amount equal to  
the cost of the two (2) to one (1) ratio replacement per  
442 section 15-281(e)(3)b, above.~~

444 ~~(4) Specimen trees removed without permit or destroyed or  
receiving major damage in violation of section 15-282 must  
be replaced by any of or any combination of the following:~~

446 ~~a. Replacement at a four (4) to one (1) ratio of the  
cumulative caliper of the trees to be installed to the  
448 cumulative DBH of the specimen trees removed.  
Replacement trees shall be chosen from the  
450 recommended stock list. All trees shall be installed in  
accordance with section 15-282 before issuance of a  
452 certificate of completion or certificate of occupancy; or~~

454 ~~b. Payment into the county tree fund in an amount equal to~~  
~~the cost of the four (4) to one (1) replacement per section~~  
~~15-281(e)(4)a. above.~~

456 ~~(5) Failure to comply with required remedial action shall be~~  
~~referred to the code enforcement board.~~

458 ~~(6) If the county code enforcement board finds any person in~~  
~~violation of any provision of this article or any condition of~~  
460 ~~any permit issued pursuant to this article, then that person~~  
462 ~~shall be subject to the tree replacement requirements of~~  
~~section 15-281(e) and a penalty not exceeding the sum of~~  
464 ~~five hundred dollars per offense or violation. Each tree,~~  
~~removed, damaged or destroyed, may constitute a separate~~  
466 ~~offense and violation of this article. Each day that a violation~~  
~~of any provision of this article or any permit condition is~~  
468 ~~allowed to continue, including the failure to replace any tree~~  
~~removed, damaged or destroyed pursuant to the provisions~~  
470 ~~of this article, may constitute a separate offense and violation~~  
~~of this article.~~

472 ~~(f) Rules and regulations. The board of county commissioners~~  
~~is hereby authorized to adopt by resolution such rules and~~  
~~regulations as are necessary or proper to implement this article.~~

474 ~~(g) Fees. Appropriate fees shall be established by the board of~~  
~~county commissioners and amended by resolution as necessary.~~

476 **Section 8. Amendment to Division 1 (Generally), Section 15-282.** Section 15-282

478 (“Tree protection and maintenance during and after development and construction.”) is deleted in  
its entirety as follows:

480 **Sec. 15-282. Tree protection and maintenance during and**  
**after development and construction.**

482 (a) Following development approval, it shall be unlawful for  
484 any person, during the construction of any structures or other  
486 improvements, to place solvents, material, construction machinery  
or soil deposits within the drip line ~~drip line~~ of any tree which is  
designated to remain.

488 (b) It shall be the responsibility of the permittee to ensure that  
490 any tree or stand of trees designated to remain be protected with  
protective barriers during construction. Barriers for the designated  
492 protected trees shall be in place prior to any land clearing occurring  
near protected trees designated to remain. The property owner shall  
guarantee survival of retained or replacement trees for one (1) year

494 from the issuance of a certificate of completion, or until the issuance  
of a certificate of occupancy on single-family residential lots. All  
496 trees installed to meet the requirements of this article shall be  
planted and irrigated in accordance with Orange County Code  
Chapter 24, Landscaping, Buffering and Open Space.

498 (c) Protective barriers shall be placed at points not closer than  
500 ~~six (6) ten (10)~~ feet from the base of the tree or at the radius of the  
502 ~~drip line drip line~~ of the protected tree or stand of trees, whichever  
is greater. ~~If circumstances exist that require encroachment of the  
drip line, the zoning manager may use discretion in allowing the  
barriers to be placed closer to the tree trunk.~~ Each section of the  
504 barrier shall be clearly visible (flagged with brightly colored plastic  
tapes or other markers). No attachments or wires other than those of  
506 a protective or nondamaging nature shall be attached to any tree.

508 (d) The zoning manager or other county designees may conduct  
periodic inspections of the site. It is the responsibility of the property  
owner and the permittee to ensure that all provisions of this article  
510 are met.

512 ~~(e) Impervious surfaces placed beneath the drip line of any  
preserved tree shall not exceed forty percent (40%) of the drip line  
area and shall not be placed closer than six feet from the trunk of  
any such trees without prior approval from the zoning manager or  
as allowed per Orange County Code section 24-4(a) for vehicular  
use areas. [See section 15-281(a) regarding administrative variances  
to save specimen trees.]~~

518 ~~(f) All preserved trees shall have their natural soil level  
maintained. Tree wells and/or planter islands shall be provided, if  
520 necessary, to maintain the natural existing soil level of at least  
seventy five percent (75%) of the drip line.~~

522 (eg) Trees planted or retained as required by this article shall not  
be trimmed or severely pruned so as to appear stunted. Trees shall  
524 be pruned as needed to maintain health and form in such a way that  
retains or improves the natural form of that tree species. Improper  
526 pruning techniques shall be as determined by the zoning manager.  
All tree pruning shall be conducted according to the latest edition of  
528 the Natural Arborist Association Standards. Trees damaged or  
destroyed due to improper trimming or severe pruning shall be  
530 replaced in accordance with section 15-284(c). ~~15-281(d)~~.

*Section 9. Amendment to Division 1 (Generally), Section 15-283.* Section 15-283

532 (“Recommended, replacement, restricted, and specimen trees.”) is amended as follows:

**Sec. 15-283. Recommended, replacement, restricted, and specimen trees. Protected trees.**

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(a) ~~Recommended stock.~~ The following tree replacement species are suggested because they are native to the region and/or their proven performance in Central Florida. The following trees may be used as replacement stock without prior approval. All other replacement trees must be approved by the zoning manager.

Botanical Name	Common Name	C/U (Canopy or Understory)
<i>Acer rubrum</i>	Red maple	€
<i>Aesculus pavia</i>	Red buckeye	€
<i>Betula Nigra</i>	River Birch	U
<i>Carya floridana</i>	Scrub hickory	€
<i>Carya glabra</i>	Pignut hickory	€
<i>Carya glabra negacarpa</i>	Coast pignut hickory	U
<i>Carya illinoensis</i>	Pecan	€
<i>Cercis canadensis</i>	Red Bud	U
<i>Chionanthus virginicus</i>	Fringe Tree	€
<i>Cornus florida</i>	Flowering dogwood	U
<i>Cornus foemina</i>	Swamp dogwood	U
<i>Fraxinus pennsylvanica</i>	Green Ash	€
<i>Gordonia Lasianthus</i>	Loblolly bay	U
<i>Hex coccinea</i>	Dahoon holly	U
<i>Hex opaca</i>	American holly	U
<i>Juniperus virginiana</i>	Southern red cedar	€
<i>Lagerstroemia indica</i>	Crepe Myrtle	U
<i>Ligustrum japonicum</i>	Ligustrum	U
<i>Liquidambar styraciflua</i>	Sweet gum	€
<i>Liriodendron tulipifera</i>	Tulip tree	U
<i>Magnolia grandiflora</i>	Southern magnolia	€
<i>Magnolia virginiana</i>	Sweet bay	U
<i>Nyssa sylvatica</i>	Black Gum	€
<i>Osmanthus americanus</i>	Wild olive-Devilwood	U
<i>Persea borbonia</i>	Red bay	U
<i>Pinus elliotti</i>	Slash Pine	€
<i>Pinus palustris</i>	Long Leaf Pine	€
<i>Pinus taeda</i>	Loblolly Pine	€
<i>Platanus occidentalis</i>	Sycamore	€
<i>Prunus angustifolia</i>	Chickasaw plum	U
<i>Quercus falcata</i>	Southern Red Oak	€
<i>Quercus geminata</i>	Sand live oak	€
<i>Quercus incana</i>	Blackjack oak	U
<i>Quercus inopina</i>	Scrub oak	U
<i>Quercus laevis</i>	Turkey oak	€
<i>Quercus Laurifolia</i>	Laurel oak	€
<i>Quercus michauxii</i>	Swamp Chestnut Oak	€

Quercus myrtifolia	Myrtle oak	U
Quercus nigra	Water oak	E
Quercus shumardii	Spanish oak; Shumard Oak	E
Quercus virginiana	Live oak	E
Sabal Palmetto	Sabal or Cabbage Palm	U
Taxodium ascendens	Pond cypress	E
Taxodium distichum	Bald cypress	E
Ulmus alata	Winged elm; Cork elm	E
Ulmus parvifolia	Chinese Elm	E

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(b) ~~Restricted stock.~~ The following trees may not be used as replacement stock within the unincorporated areas of the county due to their exotic invasive nature or otherwise undesirable characteristics: (Also includes all plants listed on the Florida Exotic Pest Plant Council list, categories I and II.)

Botanical Name	Common Name
Albizzia julibrissin	Mimosa
Broussonetia papyrifera	Paper mulberry
Casuarina species	Australian pine
Enterlobium contortisliquum	Ear tree
Eucalyptus camuldulensis	Cama eucalyptus
Grevillea robusta	Silk oak
Jacaranda acutifolia	Jacaranda
Leucaena species	Lead tree
Melaleuca species	Cajeput or punk tree
Melia azedarah	Chinaberry
Sapium sebiferum	Chinese tallow tree
Schinus terebinthifolius	Florida holly or Brazilian pepper
Terminalia catappa	Tropical Almond

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(c) ~~Specimen trees.~~ Reasonable efforts should be made to preserve specimen trees (as defined in section 15-277). A permit to remove a specimen tree shall be granted when one or more of the following items do not allow for reasonable options to preserve the tree(s):

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- (1) ~~Grading and drainage requirements for the site;~~
- (2) ~~The construction of a building;~~
- (3) ~~The installation of required utilities;~~
- (4) ~~Access to and immediately around proposed structures; or~~
- (5) ~~Parking lot requirements.~~

If approved for removal by the zoning manager, specimen trees shall be replaced at a ratio of two (2) to one (1) of the cumulative



562 ~~caliper of the trees to be installed to the cumulative DBH of the~~  
563 ~~trees removed. Notwithstanding the ratios established~~  
564 ~~immediately above, commercial lots under ten thousand (10,000)~~  
565 ~~square feet shall be required to replace specimen trees at a one to~~  
566 ~~one ratio of the cumulative caliper of the trees installed to the~~  
~~cumulative DBH of the trees removed.~~

568 ~~(d) Replacement. Protected trees identified for removal on the~~  
569 ~~tree survey, other than pine trees, shall be replaced by trees~~  
570 ~~identified on the recommended stock list, section 15-283(a).~~

572 ~~(1) Replacement of non-specimen trees shall be based on a one-~~  
573 ~~to-one ratio of the cumulative DBH of the trees to be~~  
574 ~~removed to the cumulative caliper of the trees to be installed.~~  
575 ~~(For example: a 21" DBH tree to be removed shall be~~  
576 ~~replaced by seven (7) 3" Caliper trees or three (3) 7" Caliper~~  
577 ~~trees, or any combination of replacement trees that total the~~  
578 ~~total DBH removed.) Specimen trees shall be replaced on a~~  
579 ~~two-to-one ratio of the cumulative caliper of the trees to be~~  
580 ~~installed to the cumulative DBH of the trees removed.~~  
581 ~~Notwithstanding the replacement requirements of this~~  
582 ~~paragraph, section 15-283(d), no applicant may be required~~  
583 ~~to replace more than ninety caliper inches per acre (prorated~~  
584 ~~for fractional acres) for each development approval or~~  
585 ~~permit, as the case may be, upon demonstration that the~~  
586 ~~applicant has avoided the removal of protected trees to the~~  
587 ~~maximum extent practicable. The replacement requirements~~  
588 ~~of this paragraph shall not apply to pine trees harvested~~  
~~during a bona fide silvicultural operation.~~

590 ~~(2) All replacement trees are to be Florida Nursery Standard #1~~  
~~or better.~~

592 ~~(3) Fifty percent (50%) or more of the canopy trees used for~~  
593 ~~replacement shall be a minimum of ten (10) feet in height~~  
594 ~~and have a caliper no less than three (3) inches. Twenty-five~~  
595 ~~percent (25%) or less of the canopy trees used for~~  
596 ~~replacement shall be a minimum of eight (8) feet in height~~  
~~and have a caliper of no less than two (2) inches.~~

598 ~~(4) Understory trees shall not make up more than twenty-five~~  
599 ~~percent (25%) of the total number of trees planted to meet~~  
600 ~~the required replacement for the site. Understory trees used~~  
601 ~~for replacement shall be a minimum of four (4) feet in height~~  
~~and have a caliper no less than one and a half inches.~~

602 ~~(5) Replacement trees and preserved trees (three [3] inch caliper~~  
603 ~~or greater) may count toward meeting the planting~~  
604 ~~requirements of Orange County Code Chapter 24,~~  
~~Landscape Buffering and Open Space.~~

- 606 ~~(6) Healthy preserved trees on site, including pine trees on the~~  
608 ~~recommended stock list, shall count toward meeting the~~  
~~replacement requirements of this section per the following:~~
- 610 ~~a. Fifty percent (50%) or more of the preserved trees~~  
~~applied toward replacement credit shall be three inches~~  
~~in caliper or greater.~~
  - 612 ~~b. Twenty five percent (25%) or less of the preserved trees~~  
614 ~~applied toward replacement credit may be a minimum of~~  
~~two (2) inches in caliper.~~
  - 616 ~~c. Twenty five percent (25%) of the preserved trees applied~~  
~~toward replacement credit may be understory trees as~~  
~~defined in this article.~~
  - 618 ~~d. The cumulative DBH of specimen trees preserved on site~~  
620 ~~shall count two (2) to one (1) toward meeting the total~~  
~~replacement requirement.~~
- 622 ~~(7) Trees located within a designated conservation area shall not~~  
~~count toward replacement requirements of this article.~~
- 624 ~~(e) *Tree replacement trust fund.* There is hereby created a tree~~  
~~replacement trust fund, a separate fund of the county which shall~~  
626 ~~receive all funds collected as tree replacement fees and mitigation~~  
~~fees.~~
- 628 ~~(f) *Tree replacement fees.* Tree replacement fees shall be~~  
~~established by the board of county commissioners and updated as~~  
630 ~~necessary to cover the cost of replacing the trees, including materials~~  
~~and labor.~~
- 632 ~~(g) *Disbursement of funds.* Disbursement from the tree~~  
~~replacement trust fund shall be made only with the approval of the~~  
634 ~~Board of County Commissioners, and only for the following~~  
~~purposes:~~
- 636 ~~Primarily for purchase of trees for planting at a publicly owned~~  
~~and operated site or other community enhancement project such as~~  
638 ~~the County Streetscape Program or as deemed appropriate by the~~  
~~Board of County Commissioners.~~
  - 640 ~~Secondarily for purchase of landscape materials or equipment, or~~  
~~the funding of educational programs which promote, enhance or~~  
~~implement the goals and objectives as established in section 15-276.~~
- 642 ~~(a) Specimen trees. The following tree species at the stated DBH~~  
644 ~~or greater are provided additional regulatory protections consistent~~  
~~with this article:~~
- 646 ~~(1) Quercus virginiana (Live Oak), twenty-four (24) inches;~~

(2) Ulmus alata (Winged Elm), twelve (12) inches;

648 (3) Magnolia grandiflora (Southern Magnolia), eighteen (18) inches;

650 (4) Quercus laevis (Turkey Oak), eighteen (18) inches;

(5) Pinus palustris (Longleaf Pine), eighteen (18) inches;

652 (6) Liquidambar styraciflua (Sweetgum), eighteen (18) inches;

(7) Taxodium distichum (Baldcypress), eighteen (18) inches.

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

656 (1) Quercus virginiana (Live Oak), forty (40) inches;

658 (2) Magnolia grandiflora (Southern Magnolia), twenty-four (24) inches;

660 *Section 10. Creating Division 1 (Generally), Section 15-284. Section 15-284*

("Enforcement and penalty.") is created to read as follows:

662 **Sec. 15-284. Enforcement and penalty.**

664 (a) Enforcement Official. It shall be unlawful for any person to violate any provision of this article, except as expressed in section 15-279. The zoning manager, code enforcement officer, or other county designees shall be empowered to issue citations and evaluate a site for its compliance with this article.

670 (b) Corrective action for violation. Where violations of this article have occurred, remedial action shall be taken to restore the property consistent with a permit for restoration approved by the zoning manager or authorization of the impacts in compliance with the code, if associated with a development project. The restoration plan shall include payment of the required permit application fee, required tree replacement, and require mitigation of any other damage to the property. Restoration plans must meet the specifications for replacement in section 15-307.

678 (c) Penalty for violation. Violations of this article shall be subject to one or more administrative penalty as follows:

680 (1) \$19,090 per acre (fractional rounded up to the nearest one-fourth (1/4) acre) if DBH inches unknown;

682 (2) \$106 per DBH inch if verified onsite;

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

684           (4) \$318 per DBH inch for impacts to any permit identified  
preserved tree;

686           (5) \$530 per DBH inch for impacts to heritage trees.

688           (d) Appeals. Any person adversely affected by the decision of  
the zoning manager or other county official in the enforcement or  
690           interpretation of this article may appeal such decision to the DRC  
within thirty (30) days. Such appeal shall be made by requesting a  
692           hearing in writing to the chairman of the DRC. Such request shall  
include a summary of the decision being appealed and the basis for  
the appeal.

694           Any person adversely affected by the decision of the DRC may  
appeal such decision to the board of county commissioners by  
696           submitting a letter to the chairman of the DRC. Said appeal must be  
made within thirty (30) days of decision by the DRC. If the decision  
698           of the DRC being appealed is related to some application or process  
which requires a board of county commissioners public hearing,  
700           then the appeal shall be heard and considered concurrent with the  
public hearing on the application. If the decision of the DRC being  
702           appealed does not otherwise require a board of county  
commissioners public hearing, then the appeal shall be promptly  
704           forwarded to the board of county commissioners for consideration.

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

710           ***Section 11. Amendment to Division 2 (Land-Clearing Permit), Section 15-301.***

Section 15-301 ("Required; application.") is amended to read as follows:

712           **Sec. 15-301. Required; application.**

714           (a) Requirement. No land clearing, mass grading, fill or  
excavation shall occur in the county without first obtaining all  
716           applicable development approvals, including tree removal permits  
consistent with this article, preliminary subdivision plan or  
718           development plan approval with concurrent tree removal approval.  
Tree removal permits shall be obtained from the zoning manager,  
720           except as provided in section 15-279. The zoning manager may  
issue a tree removal permit for specific trees as requested on the  
722           application.

724           (b) As a condition of approval of a tree removal permit the  
project site shall not be left in a barren, undeveloped state without

726 ~~commencement of construction within ninety (90) days of land~~  
727 ~~clearing activities or the appropriate buffers shall be provided in~~  
728 ~~accordance with section 15-301(e). If construction plan, preliminary~~  
729 ~~subdivision plan or development plan approval is not obtained with~~  
730 ~~concurrent tree removal approval, undisturbed buffers shall be~~  
731 ~~maintained in accordance with section 15-301(e). In all~~  
732 ~~circumstances, adequate wind and water erosion control measures,~~  
~~including seeding and/or sodding are required per applicable county~~  
~~code.~~

734 (c) ~~As a condition of a tree removal permit that is not concurrent~~  
735 ~~with a preliminary subdivision plan, development plan or building~~  
736 ~~permit, protection zones A and B (see section 15-301(e)) shall remain~~  
737 ~~undisturbed and in their natural state (trees, shrubs or ground cover~~  
738 ~~cannot be removed) with the exception of an approved area for~~  
739 ~~ingress and egress. Except for approved areas for ingress and egress,~~  
740 ~~no protected trees shall be removed from the protected zones. If~~  
741 ~~there is not sufficient existing vegetation to provide a visual screen~~  
742 ~~of interior tree removal, a landscape screen shall be installed. This~~  
743 ~~screen shall consist of a minimum of ten (10) feet tall, three (3) inch~~  
744 ~~caliper canopy trees planted twenty five (25) feet on center and~~  
745 ~~shrubs a minimum of thirty six (36) inches in height at the time of~~  
746 ~~planting, planted thirty (30) inches on center. At the discretion of the~~  
747 ~~zoning manager, an eight (8) foot tall opaque fence or a combination~~  
748 ~~of said fence and landscape screen could be allowed to provide this~~  
749 ~~visual barrier. All such vegetation shall be irrigated. Permittee must~~  
750 ~~ensure survival until development occurs.~~

751 (d) ~~An application for tree removal shall be obtained from the~~  
752 ~~zoning manager.~~

753 (b+) ~~For tree removal requests concurrent with a preliminary~~  
754 ~~subdivision plan, PSP, development plan or building permit: A~~  
755 ~~preliminary subdivision or development plan. The PSP submittal or~~  
756 ~~building permit submittal shall not require a separate tree removal~~  
757 ~~application, but will be required to include all information per~~  
758 ~~section 15-301(d). Section 15-301(e). The number of copies of the~~  
759 ~~submittal documents shall equal the number of copies required by~~  
760 ~~the concurrent building permit or preliminary subdivision plan~~  
~~application submittal.~~

761 (c2) ~~For other tree removal applications (except as described in~~  
762 ~~section 15-304): Tree removal permit applications that do not~~  
763 ~~accompany submittal of a concurrent preliminary subdivision plan,~~  
764 ~~development plan, or or building permit application shall, shall~~  
765 ~~include two (2) copies of the tree survey and two (2) copies of the~~  
766 ~~submittal documents.~~

768 ~~(de) Complete applications—~~Application requirements. A tree  
770 removal permit application shall include the following information:

770 (1) ~~A sealed or certified tree survey prepared by a professional~~  
772 ~~surveyor (as defined in section 15-277) consisting of a drawing (one~~  
774 ~~(1) inch equals three hundred (300) feet or better). The tree survey~~  
776 ~~shall have been completed within two (2) years from the date of the~~  
application. Each survey shall indicate the following information:  
the property boundaries and all regulated trees and proposed  
preserved trees, including their site location, DBH, common name  
and identification of specimen trees, if appropriate.

778 a. ~~Property boundaries.~~

780 b. ~~Protected trees, as identified in the following protection~~  
~~zones: (These requirements apply to parent tracts.)~~

782 1. ~~Protection Zone ‘A’ the area of the site located~~  
~~adjacent to any existing and opened public right-~~  
784 ~~of way. The depth of this area for parcels larger~~  
~~than ten (10) acres shall measure two hundred~~  
786 ~~(200) feet; for parcels five (5) to ten (10) acres it~~  
~~shall measure one hundred fifty (150) feet; for~~  
788 ~~parcels equal to or greater than one (1) acre and~~  
~~less than five (5) acres it shall measure one~~  
790 ~~hundred (100) feet; and for parcels less than one~~  
~~(1) acre it shall measure fifty (50) feet. Protected~~  
792 ~~trees in this area shall include all trees, on the~~  
~~recommended stock list, which are eight (8)~~  
794 ~~inches DBH or greater. (For the purpose of~~  
~~meeting the requirements of section 15-301(c) of~~  
796 ~~this article, Zone ‘A’ shall remain a minimum of~~  
~~two hundred (200) feet.~~

798 2. ~~Protection Zone ‘B’ the area of the site located~~  
~~along the side and rear property lines not~~  
800 ~~including any portion of Protection Zone ‘A.’~~  
~~The depth of this area for parcels larger than ten~~  
802 ~~(10) acres shall measure one hundred (100) feet;~~  
~~for parcels five (5) to ten (10) acres it shall~~  
804 ~~measure seventy five (75) feet; for parcels equal~~  
~~to or greater than one (1) acre and less than five~~  
806 ~~(5) acres it shall measure fifty (50) feet; and for~~  
~~parcels less than one (1) acre it shall measure~~  
808 ~~twenty five (25) feet. Protected trees in this area~~  
~~shall include all trees, on the recommended stock~~  
810 ~~list, which are ten (10) inches DBH or greater.~~  
~~(For the purpose of meeting the requirements of~~

812 section 15-301(e) of this article, Zone 'B' shall  
remain a minimum of one hundred (100) feet.

814 ~~3. Protection Zone 'C' the area of the site not~~  
located within protection Zones 'A' or 'B.'  
816 Protected trees in this area shall include all trees,  
on the recommended stock list, which are  
twenty-four (24) inches DBH or greater.

818 ~~e. All protected trees described in the protection zones~~  
above and preserved trees, as defined in this article, shall  
820 be identified with the following information:

822 1. ~~Location.~~

822 2. ~~DBH.~~

824 3. ~~Common name.~~

824 4. ~~Identification of specimen trees, if appropriate.~~

826 (2) In addition to the tree survey, each tree removal permit  
application or request shall indicate the following information:

828 a. An indication of the surveyed trees proposed for  
removal.

830 b. An indication of the trees to be preserved ~~and protected~~.

832 c. Identification of existing and proposed easements.

832 d. Identification of waterbodies, wetland and other  
conservation areas.

834 e. An indication of existing and proposed improvements to  
the site, including proposed grading plan (if not part of a  
preliminary subdivision plan or development plan).

836 f. Removal and replacement calculation, including a  
schedule of trees to be planted indicating species, size,  
838 caliper, and location per ~~section 15-283~~ section 24-12.

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

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

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

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

852 (i) A project site must not be left cleared or with little vegetation  
and in an undeveloped state following land clearing activities for  
more than ninety (90) days before commencement of construction.

854 *Section 12. Amendment to Division 2 (Land-Clearing Permit), Section 15-302.*

Section 15-302 (“Tree removal approval concurrent with residential preliminary subdivision plans  
856 (PSP); Development of residential subdivision.”) is amended to read as follows:

858 **Sec. 15-302. ~~Tree removal approval concurrent with~~**  
**residential preliminary subdivision plans (PSP);**  
**Development of residential subdivision. ~~Tree~~**  
860 **removal standards associated with residential**  
**development; residential preliminary subdivision**  
862 **plans (PSP); commercial development;**  
**institutional or recreational development.**

864 (a) No development, land clearing, or other tree cutting or tree  
866 removal shall be permitted without first obtaining a tree removal  
868 permit or residential, commercial, institutional or recreational  
preliminary subdivision plan or development plan ~~PSP~~-approval  
with concurrent tree removal approval from Orange County.

870 (b) The information set forth in section ~~15-301(d)~~-~~15-301(e)~~  
872 shall be submitted with the development plan or preliminary  
874 subdivision plan ~~(PSP)~~. The number of copies of the tree survey  
876 shall equal the number of copies required by the preliminary  
subdivision plan ~~PSP~~ application. In addition, a detailed landscape  
plan indicating the species, size, and location of replacement trees  
shall be submitted with the construction plan.

878 (c) Tree removal authorization concurrent with development,  
land clearing, or other tree cutting shall be approved concurrent with  
preliminary subdivision plan or development plan for ~~PSP~~-approval  
880 ~~by the board of county commissioners constitutes tree removal~~  
~~permission from~~ roadways, easements and stormwater management  
882 areas. Subdivision construction plan approval, ~~as defined in Orange~~  
~~County Code chapter 34-132,~~ pursuant to section 34-132 constitutes  
884 tree removal permission for lot and block grading, in accordance  
with the approved application and tree survey. ~~Residential~~  
886 ~~Preliminary Subdivision Plan~~ A residential, commercial,  
institutional, or recreational preliminary subdivision plan shall  
888 include a tree replacement plan that will identify how the developer



890 will allocate the required replacement trees to be planted ~~within the~~  
891 ~~PSP~~, including cumulative caliper required to be planted on the  
892 individual lots, and ~~a the~~ timeframe ~~within which it will be~~  
~~completed~~ for completion.

894 ~~(d) In addition to submitting the required information per~~  
~~section 15-301(e) with the PSP or development plan, a detailed~~  
895 ~~landscape plan indicating the species, size and location of~~  
896 ~~replacement trees shall be submitted with the construction plan.~~

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

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

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

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

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

912 *Section 13. Amendment to Division 2 (Land-Clearing Permit), Section 15-303.*

Section 15-303 (“Tree Removal Approvals concurrent with Commercial Development or  
914 Industrial Preliminary Subdivision Plans (PSP) or Development Plans; Development of  
commercial or industrial subdivision.”) is amended to read as follows:

916 **Sec. 15-303. Tree Removal Approvals concurrent with**  
917 **Commercial Development or Industrial**  
918 **Preliminary Subdivision Plans (PSP) or**  
919 **Development Plans; Development of commercial**  
920 **or industrial subdivision. Tree removal standards**  
921 **associated with industrial preliminary**  
922 **subdivision plans (PSP) or industrial**  
923 **development.**

924 (a) No development, land clearing, or other tree cutting or tree  
925 removal shall be permitted without first obtaining a tree removal  
926 permit or industrial preliminary subdivision plan ~~PSP~~ approval with

928 concurrent tree removal approval from Orange County.

930 (b) The information set forth in section ~~15-301(d)~~-15-301(e)  
932 shall be submitted with the preliminary subdivision plan (PSP). The  
number of copies of the tree survey shall equal the number of copies  
required by the preliminary subdivision plan-PSP application.

934 (c) Tree removal authorization concurrent with development,  
936 land clearing, or other tree cutting shall be approved concurrent with  
938 preliminary subdivision plan or development plan for Preliminary  
940 subdivision plan approval by the board of county commissioners  
942 constitutes tree removal permission from roadways, easements and  
944 stormwater management areas. Subdivision construction plan  
946 approval, as defined in Orange County Code chapter 34-132,  
pursuant to section 34-132 constitutes tree removal permission for  
lot and block grading, in accordance with the approved application  
and tree survey. ~~Commercial or Industrial Preliminary Subdivision  
Plans~~ Industrial preliminary subdivision plans shall include a tree  
replacement plan that will allocate the required replacement trees to  
be planted within the PSP, including cumulative caliper required to  
be planted on the individual lots, and the timeframe within which it  
will be completed a timeframe for completion.

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

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

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

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

960

*Section 14. Amendment to Division 2 (Land-Clearing Permit), Section 15-304.*

962 Section 15-304 ("Tree removal permits for individual lots/parcels for single-family or duplex  
development.") is amended to read as follows:

964 **Sec. 15-304. Tree removal permits for individual lots/parcels**  
966 **lots or parcels for single-family or duplex  
development.**

- 968 (a) No development, land clearing, or other tree cutting or tree  
970 removal shall be permitted without first obtaining a tree removal  
972 permit or building permit with concurrent tree removal approval,  
974 unless exempted per section 15-279(a)(8), ~~15-279(a)(9)~~.
- 976 (b) Removal of ~~protected~~ regulated trees shall require approval  
978 as follows:
- 980 (1) Pre-existing lots, as defined in this ordinance, for single-  
982 family or duplex development shall not be required to obtain  
984 ~~get~~ a tree removal permit. The previously approved  
986 preliminary subdivision plan ~~Preliminary Subdivision Plan~~  
988 (PSP) constitutes tree removal approval. The building permit  
990 plot plan shall state the developable area of the lot. Prior to  
992 certificate of occupancy, the minimum number of trees shall  
994 be preserved or planted in accordance with ~~section 15-306~~  
996 section 24-13.
- 1000 (2) Individual lots for single-family residential duplex  
1002 development that were approved as part of a preliminary  
1004 subdivision plan with or without an approved tree  
1006 replacement plan development shall not be required to obtain  
1008 ~~get~~ a tree removal permit. They shall be developed in  
1010 accordance with the approved preliminary subdivision plan  
1012 PSP and associated tree replacement plan.
- 1014 (3) Lots or parcels for single-family residential duplex  
1016 ~~developments, which developments that~~ are not a part of an  
1018 approved preliminary subdivision plan, ~~Preliminary~~  
1020 ~~Subdivision Plan (PSP)~~, shall be required to obtain ~~get~~ tree  
1022 removal approval; however, issuance of the building permit  
1024 constitutes tree removal approval for the building pad, the  
1026 driveway, on site disposal system and fifteen (15) feet  
1028 around the principal building pad. The issuance of a building  
1030 permit for accessory buildings, pools, decks, patios, walks,  
1032 tennis courts and utility services also constitutes tree  
1034 removal approval. Prior to issuance of the certificate of  
1036 occupancy, the minimum number of trees shall be preserved  
1038 or planted in accordance with ~~section 15-306~~ section 24-13.  
1040 Any additional tree removal shall be subject to tree removal  
1042 permit, fees, and replacement as required by this article,  
1044 ~~ordinance~~, in accordance with section 15-304(c).
- 1046 (c) Application requirements. A tree removal permit application  
1048 Applications for ~~tree removal permits~~ for individual ~~lots/parcels~~ lots  
1050 or parcels for single-family or duplex development shall identify the  
1052 following items:

- 1010 (1) All trees ~~twenty-four (24)~~ eight (8) inches DBH or greater,  
1012 on a scaled drawing ~~including:~~ including their site location,  
DBH, common name and identification of specimen and  
heritage trees, if appropriate.
- 1014 a. ~~Location.~~  
1016 b. ~~DBH.~~  
c. ~~Common name.~~
- 1018 (2) Tree removal calculations as follows:
- 1020 a. Identification, DBH, and location of all trees to be  
1022 removed.
- 1024 b. Cumulative DBH proposed for removal.
- 1026 c. Removal and replacement calculations per section  
15-283-15-283(d) for trees ~~twenty-four (24)~~ eight (8)  
1028 inches or greater.
- 1030 (3) Identification of trees to be planted, including:
- 1032 a. Location.  
1034 b. Caliper.  
1036 c. Cumulative Caliper to be planted.
- 1038 (4) The application shall identify the developable area of the lot.
- 1040 (d) ~~Tree protection shall be required in accordance with section~~  
15-282. Reasonable efforts shall be made to preserve specimen trees  
and heritage trees.

1032 ***Section 15. Amendment to Division 2 (Land-Clearing Permit), Section 15-305.***

Section 15-305 ("Tree removal permits for individual commercial, industrial, institutional, or  
1034 multi-family lots or parcels.") is amended to read as follows:

1036 **Sec. 15-305. Tree removal permits for individual commercial,**  
**1038 industrial, institutional, recreational, or multi-**  
**family lots or parcels without proposed**  
**development.**

- 1040 (a) ~~No development,~~ land clearing, or other tree cutting or tree  
1042 removal shall be permitted without first obtaining a tree removal  
1044 permit or building permit with concurrent tree removal approval.  
Reasonable efforts shall be made to preserve specimen trees and  
heritage trees. In addition:

1046 (1) Specimen and heritage trees may not be removed within  
property line setback areas or buffer areas, including wetland  
buffers.

1048 (2) If located within a proposed parking lot or near a stormwater  
pond, specimen and heritage trees must be incorporated into the  
1050 overall design.

(3) Specimen and heritage tree preservation shall not be required  
1052 to exceed three (3) trees per developable acre or an average of three  
(3) trees per acre for properties larger than one (1) acre, fractional,  
1054 rounded up to the nearest one-third (1/3) acre.

(b) Tree removal permit application and documentation shall be  
1056 submitted as set forth in section 15-301(d), ~~with the plans submitted~~  
~~under the commercial development ordinance. Site plan approval~~  
1058 ~~shall constitute approval for tree removal from construction areas.~~  
1060 ~~In granting site plan approval, special attention shall be given to the~~  
~~preservation of specimen trees and other protected trees as described~~  
~~herein.~~

(c) ~~Application material shall be submitted in accordance with~~  
1062 ~~section 15-301. The number of copies of the tree survey shall equal~~  
1064 ~~the number of copies of the site plan that are required by the~~  
~~commercial site plan review application.~~

(d) ~~Removal and replacement calculations shall be shown on the~~  
1066 ~~plan per section 15-283.~~

(e) ~~Tree protection shall be required in accordance with section~~  
1068 ~~15-282.~~

1070 *Section 15. Repeal Division 2 (Land-Clearing Permit), Section 15-306.* Section  
15-306 (“Residential lot trees (minimum trees required per lot).”) is hereby repealed as follows:

1072 **Sec. 15-306. Residential lot trees (minimum trees required per**  
1074 **lot). Reserved.**

Prior to issuance of the certificate of occupancy, each residential  
1076 lot shall contain at least the following minimum number of  
1078 residential lot trees. These trees must be a minimum of eight (8) feet  
in height and at least two (2) inches in caliper. These trees may count  
toward replacement requirements if they are at least ten (10) feet in  
1080 height and are at least three (3) inches in caliper. They must be  
selected from the recommended stock list. Replacement trees used  
1082 on lots and preserved trees can count toward this requirement.  
Understory trees may make up to twenty five (25) percent of the  
1084 required number of trees:

- 1086 ~~(1) Lots less than 5,000 square feet shall contain a minimum of one (1) tree.~~
- 1088 ~~(2) Lot 5,000 to 7,999 square feet shall contain a minimum of two (2) trees.~~
- 1090 ~~(3) Lots 8,000 to 11,999 square feet shall contain a minimum of four (4) trees.~~
- 1092 ~~(4) Lots 12,000 to 19,999 square feet shall contain a minimum of five (5) trees.~~
- 1094 ~~(5) Lots 20,000 square feet or greater shall contain a minimum of six (6) trees.~~

*Section 16. Creating of Division 2 (Land-Clearing Permit), Section 15-307. Section*

1096 15-307 ("Criteria for onsite tree replacement; offsite mitigation") is created to read as follows:

**Sec. 15-307. Criteria for onsite tree replacement; offsite mitigation.**

1100 (a) Generally. Trees proposed to be impacted pursuant to the standards required by section 15-284 shall be replaced as follows:

1102 (1) Criteria for replacement trees. Trees identified for removal on the tree survey shall be replaced by trees identified on the recommended stock listed located in chapter 24, Landscaping, Buffers, and Open Space, section 24-12. All replacement trees shall be Florida Number One, as presented in Florida Grades and Standards for Nursery Plants.

1108 a. Fifty (50) percent or more of the canopy trees used for replacement shall be a minimum of ten (10) feet in height and have a caliper no less than three (3) inches. Twenty-five (25) percent or less of the canopy trees used for replacement shall be a minimum of eight (8) feet in height and have a caliper of no less than two (2) inches.

1114 b. Understory trees shall not make up more than twenty-five (25) percent of the total number of caliper inches planted to meet the required replacement for the site. Understory trees used for replacement shall be a minimum of seven (7) feet in height and have a caliper no less than two (2) inches.

1120 c. Replacement trees and preserved trees (three (3) inch caliper or greater) may count toward meeting the planting requirements of chapter 24, Landscape Buffering and Open Space.

1124 d. Regulated trees shall be replaced on a one-to-one (1:1)  
1126 ratio of the cumulative DBH of the trees to be removed  
1128 to the cumulative caliper of the trees to be installed. (For  
1130 example: a twenty-one (21) inch DBH tree to be  
removed may be replaced by seven (7) three (3) inch  
caliper trees or three (3) seven (7) inch caliper trees, or  
any combination of replacement trees that total a  
minimum of the total DBH removed.)

1132 e. Specimen trees shall be replaced on a three-to-one (3:1)  
1134 ratio of the cumulative caliper of the trees to be installed  
to the cumulative DBH of the trees removed.

1136 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.

1138 (2) Notwithstanding the replacement requirements of this  
1140 section, for undeveloped property, no applicant or property owner  
1142 may be required to replace more than ninety (90) caliper inches per  
1144 acre (prorated for fractional acres) for each development approval  
1146 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 calculated in the ninety (90) caliper inch cap  
calculation.

1148 (3) Replacement credits. In order to receive credits toward  
1150 mitigation of inches of regulated trees removed, replacement trees  
1152 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.

1154 (4) Preservation credits. Healthy regulated trees preserved  
1156 within an identified limit of work shall count toward meeting  
replacement requirements of this section as follows:

1158 a. Preserved trees must be a minimum of eight (8) inches  
DBH.

1160 b. Twenty-five (25) percent of the preserved trees applied  
toward replacement credit may be understory trees as  
defined in this article.

1162 c. Specimen trees and heritage trees preserved above the  
1164 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.

1166 d. Trees located outside the proposed limit of work may  
1168 only count towards preservation with an easement  
protecting from future impacts.

1170 (5) Trees located within a designated conservation area are not  
eligible in the replacement calculations set forth in this article.

1172 (6) Replacement tree species shall attempt to mimic beneficial  
tree species found on the site prior to removal and compromise a  
variety of species, dependent on the number of trees cleared:

1174 a. Ten (10) to twenty (20) trees removed – minimum three  
(3) different species;

1176 b. Twenty-one (21) to fifty (50) trees removed – minimum  
five (5) different species;

1178 c. Fifty-one (51) or more trees removed – minimum seven  
(7) different species.

1180 (7) Tree replacement fund. A tree replacement fund shall  
1182 receive all monies collected as tree replacement fees, mitigation  
fees, and enforcement fines or penalties. Tree replacement fees shall  
1184 be established by the board of county commissioners and updated as  
necessary to cover the cost of replacing the trees, including material  
and labor.

1186 (8) Disbursement of funds. Disbursement from the tree  
1188 replacement fund shall be made only with the approval of the board  
of county commissioners, and only for the following purposes:

1190 a. Primarily for purchase of trees for planting at publicly  
1192 owned and operated sites; community enhancement  
projects; and other projects deemed appropriate by the  
board of county commissioners; or

1194 b. Secondarily for purchase of landscape materials or  
equipment, or the funding of educational programs  
1196 which promote, enhance or implement the goals and  
objectives as established in section 15-276.

*Section 17. Creating of Division 1 (In General), Section 24-12. Section 24-12*

1198 (“Recommended, replacement, restricted, and specimen trees.”) hereby created as follows:

**Sec. 24-12. Recommended, replacement, restricted, and specimen trees.**

1200  
1202 (a) Recommended stock. The following tree replacement species  
1204 are suggested because they are native to the region or due to their  
proven performance in Central Florida. The following trees may be



1206

used as replacement stock without prior approval. All other replacement trees must be approved by the zoning manager.

<u>Botanical Name</u>	<u>Common Name</u>	<u>C/U</u> <u>(Canopy or</u> <u>Understory)</u>
<u><i>Acer rubrum</i></u>	<u>Red Maple</u>	<u>C</u>
<u><i>Aesculus pavia</i></u>	<u>Red Buckeye</u>	<u>U</u>
<u><i>Betula Nigra</i></u>	<u>River Birch</u>	<u>U</u>
<u><i>Carya floridana</i></u>	<u>Scrub Hickory</u>	<u>C</u>
<u><i>Carya glabra</i></u>	<u>Pignut Hickory</u>	<u>C</u>
<u><i>Carya glabra negacarpa</i></u>	<u>Coast Pignut Hickory</u>	<u>U</u>
<u><i>Carya illinoensis</i></u>	<u>Pecan</u>	<u>C</u>
<u><i>Cercis canadensis</i></u>	<u>Red Bud</u>	<u>U</u>
<u><i>Celtis laevigata</i></u>	<u>Sugarberry</u>	<u>U</u>
<u><i>Chionanthus virginicus</i></u>	<u>Fringe Tree</u>	<u>C</u>
<u><i>Cornus florida</i></u>	<u>Flowering Dogwood</u>	<u>U</u>
<u><i>Cornus foemina</i></u>	<u>Swamp Dogwood</u>	<u>U</u>
<u><i>Fraxinus pennsylvanica</i></u>	<u>Green Ash</u>	<u>C</u>
<u><i>Gordonia Lasianthus</i></u>	<u>Loblolly Bay</u>	<u>U</u>
<u><i>Ilex cassine</i></u>	<u>Dahoon Holly</u>	<u>U</u>
<u><i>Ilex opaca</i></u>	<u>American Holly</u>	<u>U</u>
<u><i>Juniperus virginiana</i></u>	<u>Eastern Red Cedar</u>	<u>C</u>
<u><i>Lagerstroemia indica</i></u>	<u>Crepe Myrtle</u>	<u>U</u>
<u><i>Ligustrum japonicum</i></u>	<u>Ligustrum</u>	<u>U</u>
<u><i>Liquidambar styraciflua</i></u>	<u>Sweet Gum</u>	<u>C</u>
<u><i>Liriodendron tulipifera</i></u>	<u>Tulip Tree</u>	<u>U</u>
<u><i>Magnolia grandiflora</i></u>	<u>Southern Magnolia</u>	<u>C</u>
<u><i>Magnolia virginiana</i></u>	<u>Sweet Bay</u>	<u>U</u>
<u><i>Nyssa sylvatica</i></u>	<u>Black Gum</u>	<u>C</u>
<u><i>Osmanthus americanus</i></u>	<u>Wild Olive-Devilwood</u>	<u>U</u>
<u><i>Persea borbonia</i></u>	<u>Red Bay</u>	<u>U</u>
<u><i>Pinus elliotti</i></u>	<u>Slash Pine</u>	<u>C</u>
<u><i>Pinus palustris</i></u>	<u>Longleaf Pine</u>	<u>C</u>
<u><i>Pinus taeda</i></u>	<u>Loblolly Pine</u>	<u>C</u>
<u><i>Platanus occidentalis</i></u>	<u>Sycamore</u>	<u>C</u>
<u><i>Prunus angustifolia</i></u>	<u>Chickasaw Plum</u>	<u>U</u>
<u><i>Prunus serotina</i></u>	<u>Black Cherry</u>	<u>U</u>
<u><i>Quercus falcata</i></u>	<u>Southern Red Oak</u>	<u>C</u>
<u><i>Quercus geminata</i></u>	<u>Sand Live Oak</u>	<u>C</u>
<u><i>Quercus incana</i></u>	<u>Blackjack Oak</u>	<u>U</u>
<u><i>Quercus inopina</i></u>	<u>Scrub Oak</u>	<u>U</u>
<u><i>Quercus laevis</i></u>	<u>Turkey Oak</u>	<u>C</u>
<u><i>Quercus Laurifolia</i></u>	<u>Laurel Oak</u>	<u>C</u>
<u><i>Quercus michauxii</i></u>	<u>Swamp Chestnut Oak</u>	<u>C</u>
<u><i>Quercus myrtifolia</i></u>	<u>Myrtle Oak</u>	<u>U</u>

<i>Quercus nigra</i>	Water Oak	C
<i>Quercus shumardii</i>	Spanish Oak; Shumard Oak	C
<i>Quercus virginiana</i>	Live Oak	C
<i>Sabal Palmetto</i>	Sabal or Cabbage Palm	U
<i>Taxodium ascendens</i>	Pond Cypress	C
<i>Taxodium distichum</i>	Bald Cypress	C
<i>Ulmus alata</i>	Winged Elm; Cork Elm	C
<i>Ulmus parvifolia</i>	Chinese Elm	C

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(b) Restricted stock. The following trees may not be used as replacement stock within the unincorporated areas of the county due to their exotic invasive nature or otherwise undesirable characteristics: (Also includes all plants listed on the Florida Exotic Pest Plant Council list, categories I and II.)

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<u>Botanical Name</u>	<u>Common Name</u>
<i>Albizia julibrissin</i>	Mimosa
<i>Broussonetia papyrifera</i>	Paper Mulberry
<i>Casuarina equisetifolia</i>	Australian Pine
<i>Cinnamomum camphora</i>	Camphora
<i>Enterlobium contortisliquum</i>	Ear Tree
<i>Eucalyptus camuldulensis</i>	Eucalyptus
<i>Grevillea robusta</i>	Silk Oak
<i>Jacaranda acutifolia</i>	Jacaranda
<i>Leucaena species</i>	Lead Tree
<i>Melaleuca species</i>	Cajenut or Punk Tree
<i>Melia azedarach</i>	Chinaberry
<i>Sapium sebiferum</i>	Chinese Tallow Tree
<i>Schinus terebinthifolius</i>	Florida Holly or Brazilian Pepper
<i>Terminalia catappa</i>	Tropical Almond

1216

**Section 18 Creating of Division 1 (In General), Section 24-13. Section 24-13**

(“Residential lot trees (minimum trees required per lot.)” hereby created as follows:

1218

**Sec. 24-13. Residential lot trees (minimum trees required per lot).**

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Prior to issuance of the certificate of occupancy, each residential lot shall contain at least the following minimum number of residential lot trees. These trees must be a minimum of eight (8) feet in height and at least two (2) inches in caliper. These trees may count toward replacement requirements if they are at least ten (10) feet in height and are at least three (3) inches in caliper. They must be

- 1228 selected from the recommended stock list. Replacement trees used  
1230 on lots and preserved trees can count toward this requirement.  
Understory trees may make up to twenty-five (25) percent of the  
1232 required number of trees:
- 1234 (1) Lots less than 5,000 square feet shall contain a minimum of  
1236 one (1) tree.
  - 1238 (2) Lot 5,000 to 7,999 square feet shall contain a minimum of  
1240 two (2) trees.
  - (3) Lots 8,000 to 11,999 square feet shall contain a minimum of  
four (4) trees.
  - (4) Lots 12,000 to 19,999 square feet shall contain a minimum  
of five (5) trees.
  - (5) Lots 20,000 square feet or greater shall contain a minimum  
of six (6) trees.

1242 **Section 19. Effective Date.** This ordinance shall become effective on \_\_\_\_\_  
2023.

1244 ADOPTED THIS DAY OF \_\_\_\_\_, 2023.

1246 ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

1248 By: \_\_\_\_\_  
1250 Jerry L. Demings  
Orange County Mayor

1252 ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

1254

1256 By: \_\_\_\_\_  
Deputy Clerk

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1260 S:\GHolmes\Ordinances\Tree Protection & Removal (Ch. 15 - Art. VIII)\2023 Drafts\2023-05-12 Art. VIII - Tree Protection Removal Revision -  
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