



Interoffice Memorandum

September 1, 2023

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

THROUGH: Andres Salcedo, P.E., Acting Director *Andres*
Planning, Environmental, and Development Services Department

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

SUBJECT: September 12, 2023 – Public Hearing Item
Proposed Amendments to Chapter 15, Article VIII, Tree Protection and
Removal Ordinance and Chapter 24, Landscaping, Buffering and
Open Space Ordinance

On October 26, 2021 and January 11, 2022, staff provided work sessions to the Board relating to a review of the Tree Protection 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 an August 9, 2022 work session with the Board, staff proposed a new framework for tree preservation and removal based on the focus areas identified in the January 11 work session. Board direction was to move forward with developing code to support the framework. On May 23, 2023, staff presented a Board work session outlining the specific code changes needed to achieve the policy framework.

On August 17, 2023, staff held a public hearing with the Planning and Zoning Commission (PZC/LPA) outlining the proposed changes to the ordinance, along with an overview of the pertinent supporting Comprehensive Plan policies. The PZC/LPA made a finding of consistency with the Comprehensive Plan and recommended approval of the draft ordinance.

and Open Space. Concurrent with the Ch. 15, Article VIII and Ch. 24 code updates, staff will present a revised fee schedule, which includes increased fees and several new fees, mostly relating to increased inspection requirements for various permit types. The new code provisions will require increased and more complex site inspections. Correspondingly, staff will be requesting Board approval for increasing the Zoning Division manning table by 3 senior arborist positions, and a Chief Planner to supervise the full arbor team, at an upcoming Board date.

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 ALLOW STAFF TO CORRECT ANY NON-SUBSTANTIAL GRAMMATICAL OR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE. ALL DISTRICTS

AS/ABM
Attachment

ORDINANCE NO. 2023-_____

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.

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

Section 1. Amendments; In General. Divisions 1 and 2 of Article VIII, Chapter 15, Orange County Code, and Article I, Chapter 24, Orange County Code, are amended as set forth in Sections 2 through 18 below, with 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 (“Findings of fact and statement of purpose.”) is amended to read as follows:

CHAPTER 15

ARTICLE VIII. TREE PROTECTION AND REMOVAL

DIVISION 1. GENERALLY

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

(a) A healthy urban forest supports and improves the quality of life for businesses, property owners, residents, and visitors by enhancing our air and water quality, reducing heat, buffering noise, decreasing erosion and flooding, preventing pollution from stormwater runoff and providing habitat for wildlife. The purpose of this article is to promote a healthy urban forest, diverse with various species and ages of native and Florida Friendly™ vegetation while

36 considering property values, appearance of all developments, and
37 adequate buffers between different land uses.

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

45 ~~(cb) The Orange County Orange County's Comprehensive~~
46 ~~Policy Plan Conservation Element policy 1.12.1 states: provides that~~
47 ~~Orange: "Orange County shall augment its protection of vegetated~~
48 ~~resources in urban areas, including but not limited to the tree~~
49 ~~protection ordinance. This action would to ensure that high quality~~
50 ~~trees would receive greater protection in the development review~~
51 ~~process, require preservation of valuable tree species, prohibit~~
52 ~~indiscriminate clearing, require replacement and maintenance~~
53 ~~measures, and establish ratios for replacement if removal is~~
54 ~~unavoidable."~~

55 (de) The requirements of this article generally help maintain a
56 balance between important environmental concerns and compatible
57 development. In so ~~doing~~ doing, they:

58 (1) Allow development while encouraging ~~the establishment of~~
59 ~~an acceptable amount of tree coverage~~ greater forest
60 coverage of native and Florida Friendly™ species on public
61 and private lands within unincorporated Orange County.

62 (2) Maintain existing trees in a healthy and non-hazardous
63 condition through good arbor practices that include, but are
64 not limited to, root protection at the drip line and appropriate
65 maintenance pruning as recommended by professional
66 arborists.

67 (3) Establish and maintain appropriate diversity in tree species
68 and ~~age classes to provide a healthy and sustainable~~
69 ~~urban/suburban forest maturity to provide a resilient and~~
70 sustainable urban forest.

71 (d) ~~Trees are proven producers of oxygen, a necessary element~~
72 ~~for the survival of mankind; they reduce the level of carbon dioxide~~
73 ~~in the air, dilute air pollutants and reduce noise.~~

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

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

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

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

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

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

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

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

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

(“Definitions.”) is amended to read as follows:

96 **Sec. 15-277. Definitions.**

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

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

106 *Caliper* shall mean a measurement of the size of a replacement
108 tree at a predetermined point. ~~Trunk diameter for trees~~ Trees with trunk diameters up to four (4) inches is to will be measured six (6)
110 inches above the ~~soil line~~ existing grade. ~~Trees with trunk diameters four (4) inches in diameter and greater will be measured twelve (12) inches above the soil line~~ existing grade.

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

114 *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~~

116 ~~trunk diameter at breast height and crown diameter. These may~~
117 ~~include any species not listed on the restricted stock list.~~

118 Cleaning shall mean the removal of vegetation, roots or stumps,
119 brush, undergrowth, trees considered restricted stock as listed in
120 section 24-12(b) (an invasive species), as identified on the List of
121 Invasive Plant Species by the Florida Exotic Pest Plant Council, or
122 trees and palms not otherwise authorized for removal by this article
123 with a trunk diameter of less than eight (8) inches, from
124 undeveloped, vacant or otherwise abandoned property. Cleaning
shall not include clearing or mass grading.

125 Clearing shall mean the removal or destruction of a tree by
126 digging, ~~pushing or pushing,~~ cutting, burning, or having the effect
127 of removal through other damage. Soil disturbance such as root
128 raking or compaction shall also be considered clearing, if trees or
129 their root systems are damaged in the process. Clearing shall not
130 include routine maintenance, such as mowing, removing
131 underbrush, or bushhogging, so long as no damage is caused to
132 existing trees.

133 Conservation ~~areas~~ area shall mean lands, as defined in Chapter
134 15, Article X, Wetland Conservation Areas that ~~which~~ have
135 unsuitable or nonrated soils, wetland vegetative species, are
136 seasonally flooded and perform an environmental function, as
137 described in the county's comprehensive policy plan.

138 Developable area shall mean the gross land area of a site
139 excluding natural surface waterbodies and designated conservation
140 areas.

141 Developed property shall mean a lot or parcel of land, or portion
142 thereof, that has undergone site improvements or building
143 construction in accordance with a required permit or permits, and
144 that has received a certificate of completion or certificate of
145 occupancy, where applicable.

146 Development order shall mean an issued or approved site plan,
147 building permit, zoning permit, preliminary subdivision plan,
148 subdivision plan, development plan, or any other official action of
149 Orange County having the effect of permitting the development of
150 land, that has not expired and has received final approval.

151 Diameter at breast height (DBH) shall mean a measurement of
152 the size of a tree equal to the diameter, in inches, of a tree measured
153 at four and one-half (4½) feet above the existing grade. For multi-
154 trunked trees, the DBH shall mean the cumulative diameter of the
155 three (3) largest trunks, measured two (2) feet above the existing
156 grade. For palms, the measurement of caliper shall be a maximum

158 of two (2) inches, regardless of height, and the measurement of
160 height shall be at the clear trunk.

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

164 *Heritage tree* shall mean a tree that meets the species and size
requirements listed in section 15-283(b).

166 *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
168 the completion of the work for construction.

170 *Pre-existing lot or parcel* shall mean any platted or existing lot
or parcel that is part of a preliminary subdivision plan approved prior
to the adoption of this ordinance November 6, 2001.

172 ~~*Preserved trees*~~ *tree* shall mean ~~trees that are~~ a tree that is
designated to remain after construction and count toward
174 replacement requirements per this article.

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

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

182 *Recommended stock* shall mean a tree species identified in
section 24-12(a).

184 *Regulated tree* shall mean a tree listed on the recommended
stock list in section 24-12(a) that is eight (8) inches DBH or greater.

186 ~~*Replacement trees*~~ *are trees* shall mean a tree planted to replace
an existing ~~trees~~ tree as required by identified in section 24-12(a)
188 15-283.

190 ~~*Residential lot trees* shall mean trees that are required to be~~
~~planted on residential lots per section 15-306. These trees are~~
192 ~~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).~~

194 *Restricted stock* shall mean a tree species identified in section
24-12(b).

196 ~~*Severely trimming*~~ *Severe pruning* shall mean the cutting of a
branch, limb, ~~branches~~ and/or trunk of a tree in a manner that which

198 will substantially reduce the overall size of the tree area so as to
200 destroy the existing symmetrical appearance or natural shape of the
tree. ~~This includes trimming tree, including pruning or cutting in a~~
202 ~~manner, which that~~ results in the removal of main lateral branches
braches, leaving the trunk of the tree in a stub appearance.

204 ~~Specimen trees tree~~ shall mean ~~live oak and magnolia trees~~
twenty-four (24) inches DBH or greater. ~~Specimen trees shall also~~
206 ~~include Champion trees as defined in this article~~ a tree that meets
the species and size requirements listed in section 15-283(a).

208 ~~Tree~~ shall mean any living, woody self-supporting perennial
plant ~~that which~~ normally grows to a minimum height of fifteen (15)
feet.

210 Tree risk management methodology shall mean the methodology
212 created and endorsed by the International Society of Arboriculture
(ISA) to provide a process for assessing tree risk.

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

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

218 Understory tree shall mean a species of tree ~~that which~~ normally
grows to a mature height of fifteen (15) ~~to thirty nine (39)~~ forty (40)
220 feet. For purposes of this article, palms shall be considered
understory trees.

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

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

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

226 **Sec. 15-278. ~~Permits required.~~ Tree removal permits;**
228 **generally.**

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

236 (b) Nothing contained in this ~~article-ordinance~~ shall be deemed
to impose any liability upon the county, its officers, or employees,
nor to relieve the owner of any private property from the duty to

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keep any tree, shrub, or plant upon any area of ~~his/her~~ the property
~~or under his/her control~~ in such condition as to prevent it from
constituting a 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.

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(c) Nothing contained herein shall prevent a property owner
~~from maintenance or trimming of~~ properly maintaining or pruning
trees on ~~his/her~~ the property. ~~In fact, proper trimming should be a~~
~~necessary~~ Proper pruning, consistent with sections 15-282(e)(1)-(2),
is the responsibility of every property owner, such so that no severe
tree pruning occurs does not occur.

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

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

Sec. 15-279. Exceptions and exemptions.

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(a) *Exceptions.* Unless a tree is located in a designated
conservation area, a ~~A~~ tree removal permit shall not be required for
the following: ~~tree removal activities, unless the area is designated~~
~~as a conservation area.~~

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(1) ~~Public~~ The removal of any tree located within a public road,
public right-of-way, or public drainage rights-of-way right-
of-way, utility rights-of-way right-of-way, or permanent
utility easements easement, or and/or drainage tracts tract or
easement. A permit may be required for removal of a tree
within a private road or private right-of-way.

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(2) ~~Access roads for private developments through Protection~~
~~Zone "A" as defined in section 15-301(e)(1)b.~~

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(23) ~~The trees~~ A tree considered restricted stock as listed in
section 15-283(b) 24-12(b) (restricted stock).

266

(34) ~~Trees~~ A tree less than eight (8) inches DBH.

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(45) ~~Underbrush, including palmetto and shrubs, provided that~~
~~such removal does not adversely affect regulated trees (other~~
~~than those specified above) within their drip line drip-line~~
and is not performed with heavy earth moving equipment but
rather by mowing equipment to retain vegetative cover for
the purpose of wind and water erosion.

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(56) ~~Removal of a whole live trees tree~~ for sale as nursery stock
by a bona fide commercial tree nursery.

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(67) Land used for bona fide agriculture and classified as such for
property-tax purposes by the Orange County Property

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278 Appraiser, subject to section 15-279(e). ~~However, before~~
 280 ~~removing protected trees on any such agricultural land~~
 282 ~~designated by the county's comprehensive policy plan as~~
 284 ~~either "urban service area," "growth center," or "village land~~
 286 ~~use," a tree removal permit must be obtained, but the~~
 288 ~~removed trees are not required to be replaced as otherwise~~
 290 ~~required under this article. If at anytime before the eighth~~
 292 ~~anniversary of the date the tree removal permit was issued~~
 294 ~~either the bona fide agricultural use ceases, except in cases~~
 296 ~~of bankruptcy, or the landowner or his or her agent applies~~
 298 ~~for a land use change or a development order or permit, the~~
 300 ~~trees removed pursuant to the tree removal permit shall then~~
 302 ~~be replaced as required under this article, and approval or~~
 304 ~~issuance of the requested land use change or development~~
 306 ~~order or permit (if applicable) may be withheld until the~~
 308 ~~replacement requirements have been fulfilled.~~

294 (78) ~~Individual~~ An individual deteriorated or damaged trees, tree
 296 with a tree risk rating assessed to have a high likelihood or
 298 greater of impact and consequences of failure as determined
 300 by the tree risk management methodology, conducted by a
 302 professional as determined by Section 163.045, Florida
 304 Statutes, including trees which have a tree that has
 306 deteriorated as a result of age, fire, freeze, disease, lightning,
 308 or other acts act of nature and which may constitute a hazard
 310 to life or property. If more than five (5) trees are to be
 312 removed, the zoning manager shall verify said deterioration
 314 or damage.

306 (89) ~~Trees~~ A tree located on a lot or parcel of record that is
 308 actively used for single-family residential purposes lot,
 310 which that is two (2) acres or less in size, and contains an
 312 occupied residential dwelling.

310 (10) ~~Certified Affordable Housing Projects as defined by Orange~~
 312 ~~County Administrative Regulations Section 11.02.06, as it~~
 314 ~~may be amended from time to time, shall meet the~~
 316 ~~requirements of this ordinance. Such projects, however, shall~~
 318 ~~not be subject to the tree removal application fees.~~

314 (911) ~~Developments~~ A development with a valid Preliminary
 316 Subdivision Plan (PSP), preliminary subdivision plan,
 318 development plan or construction plan development order
 320 approved prior to the effective date of the ordinance
 322 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

324 March 15, 2024, that may impact trees not originally
contemplated will be subject to the requirements of this
326 article.

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

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

334 (d) A Certified Affordable Housing Project pursuant to Orange
County Administrative Regulation Section 4.08, as it may be
336 amended from time to time, shall meet the requirements of this
article, however is not subject to tree removal permit application
338 fees.

340 (e) Before removing a regulated tree on any land used for bona
fide agriculture and classified as such for property tax purposes by
342 the Orange County Property Appraiser that is designated by the
county's comprehensive plan as "urban service area," "growth
344 center," or "village land use," a tree removal permit must be
obtained, but a removed tree is not required to be replaced as
346 otherwise required by this article. However, if before the eighth
anniversary of the date a tree removal permit was issued the bona
348 fide agricultural use ceases, except in a case of bankruptcy, or the
landowner or his or her agent applies for a land use change or a
350 development order or permit, the trees removed pursuant to the tree
removal permit shall be replaced as required under this article, and
352 approval or issuance of the requested land use change or
development order or permit (if applicable) may be withheld until
the replacement requirements have been fulfilled.

354 *Section 6. Division 1 (Generally), Section 15-280.* Section 15-280 ("Jurisdiction of
article") will continue to read as follows:

356 **Sec. 15-280. Jurisdiction of article.**

358 The terms and provisions of this article shall apply to all real
property lying within the unincorporated areas of the county.

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

(“Variance, appeal and penalty.”) is amended to read as follows:

362 **Sec. 15-281. Variance, appeal and penalty. Deviations from**
 364 **regulations; appeals.**

366 (a) *Deviations from regulations.* The zoning manager may grant
 368 deviations from any provision of this article where the strict
 370 application of the provision to a particular site would create a
 372 substantial economic hardship, or to facilitate an affordable housing
 374 project where a certified affordable housing certificate exists. In all
 376 cases, reasonable efforts must be made to preserve regulated trees
 378 consistent with ~~per~~ this article. The zoning manager may grant
 380 deviations from any provision of this article only when the applicant
 demonstrates that the purposes of this article will be or have ~~has~~
 been achieved by other means. If the zoning manager denies a
 request for deviation from this article because the applicant did not
 demonstrate that the purposes of the article will be or have ~~has~~ been
 achieved by other means, ~~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.

382 (b) *Variance.* Upon application by the property owner, the
 384 preservation of any tree on the recommended stock list ~~over twenty-~~
 386 ~~four (24) inches DBH~~ may be considered as the basis for the
 388 granting of a variance by the Board of Zoning Adjustment (BZA)
 390 from the ~~literal~~ strict application of the provisions of the county’s
 392 zoning regulations set forth in section 30-43 or by the DRC from
 394 subdivision regulations set forth in sections 34-27, 34-28 and 34-29.
~~An administrative~~ A variance from to chapter 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.

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

400 (d) *Appeals.* Any person adversely affected by a ~~the~~ decision of
 402 the zoning manager or other county official in the enforcement or
 interpretation of this article may appeal such decision to the DRC
 within thirty (30) days. Such appeal shall be made by requesting a

404 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.

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

418 Any person adversely affected by the board of county
 commissioners' decision may file a petition for a writ of certiorari
 420 in the Circuit Court ~~of the County~~. Such action shall be instituted in
 accordance with section 30-90.

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

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

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

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

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

442 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~~
 444 ~~damaged. Replacement trees shall be chosen from the~~

446 recommended stock list per section 15-283 and shall be
installed in accordance with section 15-282; or

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

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

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

460 b. Payment into the county tree fund in an amount equal to
the cost of the four (4) to one (1) replacement per section
462 15-281(e)(4)a, above.

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

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

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

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

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

484 (“Tree protection and maintenance during and after development and construction.”) is amended
to read as follows:

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

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

494 (b) It shall be the responsibility of the permittee to ensure that
496 any tree or stand of trees designated to remain be protected with
protective barriers during construction. Barriers for the designated
498 protected trees shall be in place prior to any land clearing occurring
near protected trees designated to remain. The property owner shall
500 guarantee survival of retained or replacement trees for one (1) year
from the issuance of a certificate of completion or certificate of
502 occupancy, as applicable, or until the issuance of a certificate of
occupancy on single-family residential lots. All trees installed to
504 meet the requirements of this article shall be planted and irrigated in
accordance with ~~Orange County Code~~ Chapter 24, Landscaping,
Buffering and Open Space.

506 (c) Prior to the commencement of construction, a protective
508 barrier shall be installed and maintained around any tree or stand of
trees that are to be preserved until the completion of construction
activities on site. The following shall be maintained at all times:

510 (1) For regulated trees, a barrier shall be constructed outside of
512 the drip line of the tree(s), at points not closer than ten (10)
514 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
516 least six (6) feet long, spaced a maximum of ten (10) feet
apart, and connected with brightly colored ribbon or
518 temporary fencing from stake-to-stake at a height of at least
four (4) feet. For specimen and heritage trees, a barrier shall
520 be constructed outside the drip line of the trees to be
preserved using immovable chain link fencing with silt
522 fencing installed around the outer perimeter of the fenced
area. Signage, printed in both English and Spanish, shall be
524 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.

526 (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.

528 (3) Nothing may be attached to any trees to be preserved during
the site development process, including wires, signage, or
530 construction materials.

532 (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
534 granted by the county to remove the protective barrier.

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

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

548 ~~(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~~
550 ~~any such trees without prior approval from the zoning manager or~~
~~as allowed per Orange County Code section 24-4(a) for vehicular~~
552 ~~use areas. [See section 15-281(a) regarding administrative variances~~
~~to save specimen trees.]~~
554

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

560 ~~(g) Trees~~ A tree planted or retained as required by this article
shall not be trimmed or severely pruned, including in such a manner
562 so as to appear stunted. ~~Frees~~ A tree shall be pruned as needed to
maintain its health and form in such a way that retains or improves
564 the natural form of that tree species. Improper pruning techniques
shall be as determined by the zoning manager, consistent with the
purpose and intent of this article. All tree pruning shall be conducted
566 according to the latest edition of the Natural Arborist Association
Standards American National Standards Institute (ANSI) A300.

568 ~~Trees—A tree damaged or destroyed due to improper trimming or~~
 570 ~~severe pruning shall be replaced in accordance with section 15-307~~
~~15-281(d).~~

- 572 (1) A tree shall be allowed to grow in a shape natural to its
 574 species and shall only be pruned in accordance with the
standards established herein to remove limbs or foliage that
 576 present a hazard to utility power lines or structures, to
remove co-dominant leaders or multiple trunks to encourage
 578 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 is unnaturally shaped.
- 580 (2) Pruning shall be in accordance with the latest edition of the
 582 ANSI publications (with the exception of Section 2.3.1 of
 584 the ANSI A300 Standards, which requires that pruning be
performed only by arborists or arborist trainees). A tree shall
 586 not be severely pruned, hat raked, hacked or headed back.
 588 A maximum of one-fourth (¼) of a tree canopy may be
 590 removed from a tree within a one year period, provided that
 592 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 (½) (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.

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

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

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

600 (a) ~~Recommended stock. The following tree replacement species~~
 602 ~~are suggested because they are native to the region and/or their~~
~~proven performance in Central Florida. The following trees may be~~
 604 ~~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)
Acer rubrum	Red maple	C
Aesculus pavia	Red buckeye	U

Betula Nigra	River Birch	U
Carya floridana	Scrub hickory	E
Carya glabra	Pignut hickory	E
Carya glabra negacarpa	Coast pignut hickory	U
Carya illinoensis	Pecan	E
Cercis canadensis	Red Bud	U
Chionanthus virginicus	Fringe Tree	E
Cornus florida	Flowering dogwood	U
Cornus foemina	Swamp dogwood	U
Fraxinus pennsylvanica	Green Ash	E
Gordonia Lasianthus	Loblolly bay	U
Hex coccinea	Dahoon holly	U
Hex opaca	American holly	U
Juniperus virginiana	Southern red cedar	E
Lagerstroemia indica	Crepe Myrtle	U
Ligustrum japonicum	Ligustrum	U
Liquidambar styraciflua	Sweet gum	E
Liriodendron tulipifera	Tulip tree	U
Magnolia grandiflora	Southern magnolia	E
Magnolia virginiana	Sweet bay	U
Nyssa sylvatica	Black Gum	E
Osmanthus americanus	Wild olive-Devilwood	U
Persea borbonica	Red bay	U
Pinus elliotti	Slash Pine	E
Pinus palustris	Long Leaf Pine	E
Pinus taeda	Loblolly Pine	E
Platanus occidentalis	Sycamore	E
Prunus angustifolia	Chickasaw plum	U
Quercus falcata	Southern Red Oak	E
Quercus geminata	Sand live oak	E
Quercus incana	Blackjack oak	U
Quercus inopina	Scrub oak	U
Quercus laevis	Turkey oak	E
Quercus Laurifolia	Laurel oak	E
Quercus michauxii	Swamp Chestnut Oak	E
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
<i>Albizzia julibrissin</i>	Mimosa
<i>Broussonetia papyrifera</i>	Paper mulberry
<i>Casuarina</i> species	Australian pine
<i>Enterlobium contortisliquum</i>	Ear tree
<i>Eucalyptus camuldulensis</i>	Cama eucalyptus
<i>Grevillea robusta</i>	Silk oak
<i>Jacaranda acutifolia</i>	Jacaranda
<i>Leucaena</i> species	Lead tree
<i>Melaleuca</i> species	Cajeput or punk tree
<i>Melia azedarch</i>	Chinaberry
<i>Sapium sebiferum</i>	Chinese tallow tree
<i>Schinus terebinthifolius</i>	Florida holly or Brazilian pepper
<i>Terminalia catappa</i>	Tropical Almond

612

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616

~~(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):~~

618

~~(1) Grading and drainage requirements for the site;~~

~~(2) The construction of a building;~~

620

~~(3) The installation of required utilities;~~

~~(4) Access to and immediately around proposed structures; or~~

622

~~(5) Parking lot requirements.~~

624

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

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

634

~~(1) Replacement of non-specimen trees shall be based on a one-to-one ratio of the cumulative DBH of the trees to be removed to the cumulative caliper of the trees to be installed. (For example: a 21" DBH tree to be removed shall be replaced by seven (7) 3" Caliper trees or three (3) 7" Caliper~~

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638

640 trees, or any combination of replacement trees that total the
 641 total DBH removed.) Specimen trees shall be replaced on a
 642 two-to-one ratio of the cumulative caliper of the trees to be
 installed to the cumulative DBH of the trees removed.
 644 Notwithstanding the replacement requirements of this
 paragraph, section 15-283(d), no applicant may be required
 646 to replace more than ninety caliper inches per acre (prorated
 for fractional acres) for each development approval or
 648 permit, as the case may be, upon demonstration that the
 applicant has avoided the removal of protected trees to the
 maximum extent practicable. The replacement requirements
 650 of this paragraph shall not apply to pine trees harvested
 during a *bona fide* silvicultural operation.

- 652 (2) ~~All replacement trees are to be Florida Nursery Standard #1
 or better.~~
- 654 (3) ~~Fifty percent (50%) or more of the canopy trees used for
 replacement shall be a minimum of ten (10) feet in height
 656 and have a caliper no less than three (3) inches. Twenty five
 percent (25%) or less of the canopy trees used for
 658 replacement shall be a minimum of eight (8) feet in height
 and have a caliper of no less than two (2) inches.~~
- 660 (4) ~~Understory trees shall not make up more than twenty five
 percent (25%) of the total number of trees planted to meet
 662 the required replacement for the site. Understory trees used
 for replacement shall be a minimum of four (4) feet in height
 664 and have a caliper no less than one and a half inches.~~
- 666 (5) ~~Replacement trees and preserved trees (three [3] inch caliper
 or greater) may count toward meeting the planting
 requirements of Orange County Code Chapter 24,
 668 Landscape Buffering and Open Space.~~
- 670 (6) ~~Healthy preserved trees on site, including pine trees on the
 recommended stock list, shall count toward meeting the
 replacement requirements of this section per the following:~~
- 672 a. ~~Fifty percent (50%) or more of the preserved trees
 applied toward replacement credit shall be three inches
 674 in caliper or greater.~~
- 676 b. ~~Twenty five percent (25%) or less of the preserved trees
 applied toward replacement credit may be a minimum of
 two (2) inches in caliper.~~
- 678 c. ~~Twenty five percent (25%) of the preserved trees applied
 toward replacement credit may be understory trees as
 680 defined in this article.~~

682 d. ~~The cumulative DBH of specimen trees preserved on-site shall count two (2) to one (1) toward meeting the total replacement requirement.~~

684 (7) ~~Trees located within a designated conservation area shall not count toward replacement requirements of this article.~~

686 (e) ~~Tree replacement trust fund. There is hereby created a tree replacement trust fund, a separate fund of the county which shall receive all funds collected as tree replacement fees and mitigation fees.~~

690 (f) ~~Tree replacement fees. Tree replacement fees shall be established by the board of county commissioners and updated as necessary to cover the cost of replacing the trees, including materials and labor.~~

694 (g) ~~Disbursement of funds. Disbursement from the tree replacement trust fund shall be made only with the approval of the Board of County Commissioners, and only for the following purposes:~~

698 ~~Primarily for purchase of trees for planting at a publicly owned and operated site or other community enhancement project such as the County Streetscape Program or as deemed appropriate by the Board of County Commissioners.~~

702 ~~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.~~

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

- 708 (1) Quercus virginiana (Live Oak), twenty-four (24) inches;
- 710 (2) Ulmus alata (Winged Elm), twelve (12) inches;
- 712 (3) Magnolia grandiflora (Southern Magnolia), eighteen (18) inches;
- (4) Quercus laevis (Turkey Oak), eighteen (18) inches;
- 714 (5) Pinus palustris (Longleaf Pine), eighteen (18) inches;
- (6) Liquidambar styraciflua (Sweetgum), eighteen (18) inches;
- 716 (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:

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

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

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

724 (“Enforcement and penalty.”) is created to read as follows:

Sec. 15-284. Enforcement and penalty.

726 (a) Enforcement official. Except as provided in section 15-279,
727 it shall be unlawful for any person to violate a provision of this
728 article. Each violation may be considered a separate offense and
729 each tree removed, damaged, or destroyed may constitute a separate
730 offense and violation of this article. Each day a violation of a
731 provision of this article or a permit condition is allowed to continue,
732 including the failure to replace any tree removed, damaged, or
733 destroyed pursuant to the provisions of this article, may constitute a
734 separate offense and violation of this article. The zoning manager
735 shall be empowered to evaluate a site for compliance with this article
736 and issue a citation or notice of violation. Any person adversely
737 affected by an enforcement decision of the zoning manager may
738 appeal such decision to the DRC consistent with section 15-281(c).

740 (b) Corrective action for violation. Where a violation of this
741 article has occurred, remedial action must be taken to restore the
742 property consistent with a permit for restoration approved by the
743 zoning manager or authorization of the impacts in compliance with
744 the article, if associated with a development project. Remedial
745 action must be taken within sixty (60) days of receipt of a notice of
746 violation or as approved by the zoning manager. At a minimum, a
747 restoration plan shall include payment of the required permit
748 application fee, required tree replacement, and required mitigation
749 for any other damage to the property. Restoration plans must meet
750 the specifications for replacement consistent with section 15-307.
751 Failure to comply with required remedial action may be prosecuted
752 in accordance with chapter 11 of this code.

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

- 758 (1) \$19,090 per acre (fractional rounded up to the nearest one-
759 fourth (1/4) acre) if DBH inches unknown;
- 760 (2) \$106 per DBH inch if verified on-site;
- (3) \$212 per DBH inch for impacts to specimen trees;

- 762 (4) \$318 per DBH inch for impacts to any permit identified
 preserved tree;
- 764 (5) \$530 per DBH inch for impacts to heritage trees.
- 766 (d) No certificate of occupancy or certificate of completion shall
be issued for any development until all applicable administrative
768 fines or civil penalties, permits, and restoration plan conditions have
been paid, accepted, approved, and verified by the county.

Section 11. Amendment to Division 2 (Land-Clearing Permit), Section 15-301. The
770 title of Division 2 (“Land-Clearing Permit”), and Section 15-301 (“Required; application”), are
amended to read as follows:

772 **DIVISION 2. LAND-CLEARING LAND CLEARING AND TREE**
 REMOVAL PERMITTING REQUIREMENTS

774 **Sec. 15-301. Required; Applicability of requirements;**
 application.

776 (a) Requirements. Except as provided in section 15-279, no No
778 land clearing, mass grading, fill or excavation shall occur in the
780 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
782 concurrent tree removal approval. Mass grading permits are only
784 permitted along with or as part of the approval of a development
plan for site development and not as an individual permit or
786 development plan to clear land that does not detail the development
of the site. Tree removal permits shall be obtained from the zoning
788 division manager, ~~except as provided in section 15-279.~~ The zoning
790 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:-

- 792 (1) The tree constitutes an unreasonable impediment to
 development of a permitted use of the property by virtue of
794 its location in a buildable area where structures or
improvements are to be placed and no suitable alternatives
 exist; or
- 796 (2) For developed property, the tree is diseased, injured, in
 danger of falling, too close to an existing or proposed
798 structure so as to endanger the structure with a high tree risk
rating according to the tree risk management methodology,
800 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 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.

(b) *Restricted stock.* If a tree considered restricted stock is present on property that receives a tree removal permit consistent with subparagraph (a) above, the permit will contain a condition that any restricted stock be removed within the approved limit of work prior to final inspection.

~~(b) As a condition of approval of a tree removal permit the project site shall not be left in a barren, undeveloped state without commencement of construction within ninety (90) days of land clearing activities or the appropriate buffers shall be provided in accordance with section 15-301(c). If construction plan, preliminary subdivision plan or development plan approval is not obtained with concurrent tree removal approval, undisturbed buffers shall be maintained in accordance with section 15-301(c). In all circumstances, adequate wind and water erosion control measures, including seeding and/or sodding are required per applicable county code.~~

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

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

846 ~~(c1) For tree Tree removal requests concurrent with a preliminary subdivision plan, PSP, development plan or building permit: A preliminary subdivision plan, development plan The PSP submittal or building permit submittal shall not require a separate tree removal application, but will be required to shall include all information per consistent with section 15-301(e) ~~Section 15-301(e). The number of copies of the submittal documents shall equal the number of copies required by the concurrent building permit or preliminary subdivision plan application.~~~~

854 ~~(d2) For other Other tree removal permit applications (except as described in section 15-304): ~~Tree~~ A tree removal permit application applications that ~~does~~ do not accompany a concurrent preliminary subdivision plan, development plan, or ~~or~~ building permit submittal shall application, shall include two (2) copies of the a tree survey and two (2) copies of the submittal documents all information consistent with section 15-301(e).~~

862 ~~(e) Complete applications~~ Application requirements. At a minimum, a tree removal permit application shall include the following information:

864 (1) ~~A sealed or certified tree survey prepared by a professional surveyor (as defined in section 15-277) consisting of a drawing (one (1) inch equals three hundred (300) feet or better). The tree survey shall have been completed within two (2) years from the date of the application. Each survey shall indicate the following information:~~

866 a. Property boundaries.

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

872 1. ~~Protection Zone 'A' the area of the site located adjacent to any existing and opened public right-of-way. The depth of this area for parcels larger than ten (10) acres shall measure two hundred (200) feet; for parcels five (5) to ten (10) acres it shall measure one hundred fifty (150) feet; for parcels equal to or greater than one (1) acre and less than five (5) acres it shall measure one hundred (100) feet; and for parcels less than one (1) acre it shall measure fifty (50) feet. Protected trees in this area shall include all trees, on the recommended stock list, which are eight (8) inches DBH or greater. (For the purpose of~~

888 meeting the requirements of section 15-301(c) of
this article, Zone 'A' shall remain a minimum of
two hundred (200) feet.

890 2. ~~Protection Zone 'B' the area of the site located~~
892 ~~along the side and rear property lines not~~
including any portion of Protection Zone 'A.'
894 The depth of this area for parcels larger than ten
(10) acres shall measure one hundred (100) feet;
896 for parcels five (5) to ten (10) acres it shall
measure seventy five (75) feet; for parcels equal
to or greater than one (1) acre and less than five
898 (5) acres it shall measure fifty (50) feet; and for
parcels less than one (1) acre it shall measure
900 twenty five (25) feet. Protected trees in this area
shall include all trees, on the recommended stock
902 list, which are ten (10) inches DBH or greater.
(For the purpose of meeting the requirements of
904 section 15-301(c) of this article, Zone 'B' shall
remain a minimum of one hundred (100) feet.

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

912 be. All protected-regulated trees described in the protection
zones above and proposed preserved trees, as defined in
914 this article, shall be identified with the following
information:

- 916 1. Location-Site location.
- 2. DBH.
- 3. Common name.
- 918 4. Identification of heritage and specimen trees, if
appropriate.
- 920 5. Identification of existing and proposed
easements.
- 922 6. Identification of any waterbodies, wetlands and
other conservation areas.

924 (2) In addition to the tree survey provided above, ~~each tree~~
926 ~~removal application or request shall indicate a site plan,~~
landscape plan, or related plan shall be provided, showing
the following information:

- 928 a. ~~An indication of the surveyed trees proposed for~~
removal.
- 930 b. ~~An indication of the trees to be preserved and protected.~~
- 932 e. ~~Identification of existing and proposed easements.~~
- 934 d. ~~Identification of waterbodies, wetland and other~~
conservation areas.
- 936 ae. ~~An indication of existing~~ Existing and proposed
improvements to the site, including proposed grading
plan (if not part of a preliminary subdivision plan or
development plan).
- 938 bf. Removal and replacement calculation, including a
schedule of trees to be planted indicating species, size,
940 caliper, and location ~~per section 15-283, consistent with~~
section 24-12(a).
- 942 (3) Additional information as may be requested from the
applicant in order to complete the required review.
- 944 (f) General conditions for permit approval.
- 946 (1) Regulated trees located in areas proposed as open space
(pursuant to section 24-26) must remain.
- 948 (2) Heritage and specimen trees shall be preserved to the
maximum extent practicable with minimal disturbance to the
natural grade.
- 950 (3) Changes to the existing grade of a site that will impact trees
shall only occur when necessary to meet county code or
952 other regulatory requirement. Trees may only be removed if
required fill or site grading exceeds twenty-four (24) inches
954 from natural grade.
- 956 (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.
- 958 (5) A project site must not be left cleared and in an undeveloped
state following land clearing activities for more than ninety/
960 (90) days before commencement of construction.

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

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

964 **Sec. 15-302. ~~Tree removal approval concurrent with~~
965 ~~residential preliminary subdivision plans (PSP);~~
966 ~~Development of residential subdivision. Tree~~
967 ~~removal standards associated with residential,~~
968 ~~commercial, institutional or recreational~~
969 ~~development; preliminary subdivision plan (PSP)~~
970 ~~or development plan.~~**

972 (a) No development, land clearing, or other tree cutting or tree
973 removal shall be permitted without first obtaining a tree removal
974 permit or residential, commercial, institutional or recreational
975 preliminary subdivision plan or development plan PSP approval
976 with concurrent tree removal approval from Orange County.

978 (b) The information set forth in section 15-301(e) shall be
979 submitted with the preliminary subdivision plan ~~(PSP) or~~
980 ~~development plan. The number of copies of the tree survey shall~~
981 ~~equal the number of copies required by the PSP application.~~

982 (c) Tree removal authorization concurrent with development,
983 land clearing, or other tree cutting shall be approved concurrent with
984 preliminary subdivision plan or development plan for PSP approval
985 by the board of county commissioners constitutes tree removal
986 permission from roadways, easements and stormwater management
987 areas. Subdivision construction plan approval, as defined in Orange
988 County Code chapter 34-132, pursuant to section 34-132 constitutes
989 tree removal permission for lot and block grading, in accordance
990 with the approved application and tree survey. Residential
991 Preliminary Subdivision Plan—A residential, commercial,
992 institutional, or recreational preliminary subdivision plan shall
993 include a tree replacement plan that will identify identifies how the
994 developer will allocate the required replacement trees to be planted
995 within the PSP, including cumulative caliper required to be planted
996 on the individual lots, and a the timeframe within which it will be
997 completed for completion.

998 (d) ~~In addition to submitting the required information per~~
999 ~~section 15-301(e) with the PSP or development plan, a detailed~~
1000 ~~landscape plan indicating the species, size and location of~~
~~replacement trees shall be submitted with the construction plan.~~

1002 (d) Tree removal authorization associated with residential,
1004 commercial, institutional, or recreational development plans shall
1006 preserve specimen trees and heritage trees as follows:

1004 (1) Specimen and heritage trees may not be removed within
1006 property line setback areas or buffer areas, including wetland
1008 buffers.

1008 (2) If located within a proposed parking lot or near a stormwater
1010 pond, specimen and heritage trees must be incorporated into
1012 the overall design.

1010 (3) Heritage trees must be incorporated into the design of a
1012 single-family residential preliminary subdivision plan.

1012 (4) Specimen and heritage tree preservation shall not be required
1014 to exceed three (3) trees per developable acre or an average
1016 of three (3) trees per acre for properties larger than one acre,
fractional, rounded up to the nearest one-third (1/3) acre.

1016 *Section 13. Amendment to Division 2 (Land-Clearing Permit), Section 15-303.*

Section 15-303 ("Tree Removal Approvals concurrent with Commercial Development or
1018 Industrial Preliminary Subdivision Plans (PSP) or Development Plans; Development of
commercial or industrial subdivision") is amended to read as follows:

1020 **Sec. 15-303. ~~Tree Removal Approvals concurrent with~~**
1022 **~~Commercial Development or Industrial~~**
1024 **~~Preliminary Subdivision Plans (PSP) or~~**
1026 **~~Development Plans; Development of commercial~~**
1028 **~~or industrial subdivision. Tree removal standards~~**
associated with industrial development;
preliminary subdivision plan or development
plan.

1030 (a) No development, land clearing, or other tree cutting or tree
1032 removal shall be permitted without first obtaining a tree removal
1034 permit or preliminary subdivision plan or development plan PSP
1036 approval with concurrent tree removal approval from Orange
1038 County.

1034 (b) The information set forth in section 15-301(e) shall be
1036 submitted with the preliminary subdivision plan or development
1038 plan (PSP). ~~The number of copies of the tree survey shall equal the~~
~~number of copies required by the PSP application.~~

(c) Tree removal authorization concurrent with development,
land clearing, or other tree cutting shall be approved concurrent with

1040 ~~preliminary subdivision plan or development plan for Preliminary~~
 1042 ~~subdivision plan approval by the board of county commissioners~~
 1044 ~~constitutes tree removal permission from roadways, easements and~~
 1046 ~~stormwater management areas. Subdivision construction plan~~
 1048 ~~approval, as defined in Orange County Code chapter 34-132,~~
 1050 ~~pursuant to section 34-132 constitutes tree removal permission for~~
 1052 ~~lot and block grading, in accordance with the approved application~~
 1054 ~~and tree survey. Commercial or Industrial Preliminary Subdivision~~
 1056 ~~Plans Preliminary subdivision plans or development plans shall~~
 1058 ~~include a tree replacement plan that will identify identifies how the~~
 1060 ~~developer will allocate the required replacement trees to be planted~~
 1062 ~~within the PSP, including cumulative caliper required to be planted~~
 1064 ~~on the individual lots, and the timeframe within which it will be~~
 1066 ~~completed a timeframe for completion.~~

(d) Reasonable efforts shall be made to preserve specimen 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 and 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.

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

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

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

(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 ~~per by~~ section ~~15-279(a)(7)~~ 15-279(a)(9).

(b) Removal of ~~protected trees~~ a regulated tree shall require approval as follows:

1080

(1) ~~Pre-existing lots, as defined in this ordinance, A pre-existing lot or parcel~~ for single-family or duplex development shall not be required to ~~obtain-get~~ a tree removal permit. The previously approved preliminary subdivision plan Preliminary Subdivision Plan (PSP) constitutes tree removal approval. The building permit plot plan shall state the developable area of the lot. Prior to issuance of a certificate of occupancy, the minimum number of trees shall be preserved or planted in accordance with ~~section 15-306~~ section 24-13.

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(2) ~~Individual lots~~ An individual lot or parcel for single-family residential or duplex development that were was approved as part of a preliminary subdivision plan with or without an approved tree replacement plan ~~development~~ shall not be required to ~~obtain-get~~ a tree removal permit. ~~They~~ It shall be developed in accordance with the approved preliminary subdivision plan PSP and associated tree replacement plan, if applicable.

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(3) ~~Lots or parcels~~ A lot or parcel for single-family residential or duplex developments, which are development that is not a part of an approved preliminary subdivision plan, Preliminary Subdivision Plan (PSP), shall be required to ~~obtain-get~~ tree removal approval; however, issuance of the building permit constitutes tree removal approval for the building pad, the driveway, on site disposal system and fifteen (15) feet around the principal building pad. The issuance of a building permit for an accessory buildings, pools, decks, patios, walks, tennis courts ~~and or~~ utility services also ~~constitutes~~ requires tree removal approval. Prior to issuance of the certificate of occupancy, the minimum number of trees shall be preserved or planted in accordance with ~~section 15-306~~ section 24-13. Any additional tree removal shall be subject to tree removal permit, fees, and replacement as required by this article, ordinance, in accordance with section 15-304(c).

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(c) A tree removal permit application Applications for tree removal permits for an individual lots/parcels lot or parcel for single-family or duplex development shall identify the following items:

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(1) All trees ~~twenty-four (24) eight (8)~~ eight (8) inches DBH or greater, on a scaled drawing, ~~including- including their site location,~~ DBH, common name, and, if present, any heritage and specimen trees.

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a. ~~Location.~~

- 1124 b. ~~DBH.~~
- e. ~~Common name.~~
- 1126 (2) Tree removal ~~calculations~~ calculations, as follows:
 - 1128 a. Identification, DBH, and location of all trees to be removed.
 - 1132 b. Cumulative DBH proposed for removal.
 - 1130 c. Removal and replacement ~~Calculations per~~ calculations consistent with section 15-307 ~~15-283(d)~~ for trees ~~twenty-four (24)~~ eight (8) inches DBH or greater.
- 1132 (3) ~~Identification of~~ The trees to be planted, including:
 - 1134 a. Location;
 - b. ~~Caliper.~~ Individual caliper; and
 - c. ~~Cumulative Caliper to be planted~~ caliper.
- 1136 (4) ~~The application shall identify the~~ The developable area of the lot.
- 1138 (d) ~~Tree protection shall be required in accordance with section 15-282.~~ Reasonable efforts shall be made to preserve specimen trees and heritage trees.
- 1140

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

1142 Section 15-305 (“Tree removal permits for individual commercial, industrial, institutional, or multi-family lots or parcels”) is amended to read as follows:

1144 **Sec. 15-305. Tree removal permits for individual commercial,**
1146 **industrial, institutional, recreational, or multi-**
 family lots or parcels.

1148 (a) No development, land clearing, or other tree cutting or tree
1150 removal shall be permitted without first obtaining a tree removal
 permit or building permit with concurrent tree removal approval.
1152 Reasonable efforts shall be made to preserve specimen trees and
heritage trees. In addition:

- 1154 (1) Specimen and heritage trees may not be removed within
property line setback areas or buffer areas, including wetland
buffers.
- 1156 (2) Specimen and heritage tree preservation shall not be required
1158 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.

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

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

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

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

Section 15. Repeal of Existing Section 15-306 in Division 2. Section 15-306

1176

("Residential lot trees (minimum trees required per lot).") in Division 2 is repealed:

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~~**Sec. 15-306. Residential lot trees (minimum trees required per lot).**~~

1180

~~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 selected from the recommended stock list. Replacement trees used on lots and preserved trees can count toward this requirement. Understory trees may make up to twenty-five (25) percent of the required number of trees:~~

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~~(1) Lots less than 5,000 square feet shall contain a minimum of one (1) tree.~~

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~~(2) Lot 5,000 to 7,999 square feet shall contain a minimum of two (2) trees.~~

1194

~~(3) Lots 8,000 to 11,999 square feet shall contain a minimum of four (4) trees.~~

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~~(4) Lots 12,000 to 19,999 square feet shall contain a minimum of five (5) trees.~~

1198

~~(5) Lots 20,000 square feet or greater shall contain a minimum of six (6) trees.~~

1200 *Section 16. Creation of New Section 15-306 in Division 2.* A new Section 15-306
1201 (“Criteria for on-site tree replacement; offsite mitigation”) is created in Division 2 to read as
1202 follows:

1203 **Sec. 15-306. Criteria for on-site tree replacement; offsite**
1204 **mitigation.**

1205 (a) Generally. A tree proposed to be impacted pursuant to the
1206 standards under this article shall be replaced as follows:

1207 (1) Criteria for replacement trees. A tree identified for removal
1208 on the tree survey shall be replaced by a tree identified on
1209 the recommended stock list in section 24-12. A replacement
1210 tree shall be Florida Number One grade or better, as
1211 established in the latest edition of the *Florida Grades and*
1212 *Standards for Nursery Plants, by the State of Florida,*
1213 *Department of Agricultural and Consumer Services.*

1214 a. A minimum of seventy-five (75) percent of replacement
1215 trees shall be canopy trees. All canopy trees shall be a
1216 minimum of ten (10) feet in height and have a caliper no
1217 less than three (3) inches at the time of planting.

1218 b. Understory trees shall not make up more than twenty-
1219 five (25) percent of the total number of replacement
1220 trees. Understory trees used for replacement shall be a
1221 minimum of seven (7) feet in height and have a caliper
1222 no less than two (2) inches at the time of planting. Three
1223 (3) palms at a minimum clear trunk height of seven (7)
1224 feet shall be deemed equal to one understory tree.

1225 c. Replacement trees and preserved trees (three (3) inch
1226 caliper or greater) may count toward meeting the
1227 planting requirements of Chapter 24, Landscape
1228 Buffering and Open Space.

1229 d. Regulated trees shall be replaced on a one-to-one (1:1)
1230 ratio of the cumulative DBH of the trees to be removed
1231 to the cumulative caliper of the trees to be installed. (For
1232 example: a twenty-one (21) inch DBH tree to be
1233 removed may be replaced by seven (7) three (3) inch
1234 caliper trees or three (3) seven (7) inch caliper trees, or
1235 any combination of replacement trees that total a
1236 minimum of the total DBH of the trees removed.)

1237 e. Specimen trees shall be replaced on a three-to-one (3:1)
1238 ratio of the cumulative caliper of the trees to be installed
1239 to the cumulative DBH of the trees removed.

- 1242 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.
- 1244 (2) Notwithstanding the replacement requirements of this
1246 section, for undeveloped property, no applicant or property
owner may be required to replace more than ninety (90)
1248 caliper inches per acre (prorated for fractional acres) for each
development approval or permit, as the case may be, upon
1250 demonstration that the applicant has avoided the removal of
regulated trees to the maximum extent practicable and met
1252 the minimum preservation requirements for specimen and
heritage trees. Specimen trees or heritage trees, however,
1254 cannot be included in the ninety (90) caliper inch cap
calculation.
- 1256 (3) Replacement credits. In order to receive credits toward
mitigation of inches of regulated trees removed, replacement
1258 trees must be a minimum of three (3) inches caliper. In order
to receive credits toward mitigation of inches of specimen
1260 trees or heritage trees removed, replacement trees must be a
minimum of five (5) inches caliper.
- 1262 (4) Preservation credits. Healthy regulated trees preserved
within an identified limit of work shall count toward meeting
replacement requirements of this section as follows:
- 1264 a. A preserved tree must be a minimum of eight (8) inches
DBH.
- 1266 b. Twenty-five (25) percent of the preserved trees applied
toward replacement credit may be understory trees.
- 1268 c. Specimen trees and heritage trees preserved in excess of
the requirements in section 15-301 will receive three-to-
1270 one (3:1) and five-to-one (5:1) (credit inches/inches
removed) credit for trees removed, respectively.
- 1272 d. A tree located outside the proposed limit of work may
only count towards preservation if an easement
1274 protecting the tree from future impacts is recorded.
- 1276 (5) A tree located within a designated conservation area is not
eligible in the replacement calculations set forth in this
article.
- 1278 (6) Replacement tree species shall attempt to mimic beneficial
tree species, such as scrub habitat species, found on the site
1280 prior to removal, and shall comprise a variety of species,
dependent on the number of trees cleared, but in no case shall

- 1282 any one tree species comprise more than fifty (50) percent of
 the replacement tree species:
- 1284 a. Ten (10) to twenty (20) trees removed – minimum three
 (3) different species;
- 1286 b. Twenty-one (21) to fifty (50) trees removed – minimum
 five (5) different species;
- 1288 c. Fifty-one (51) or more trees removed – minimum seven
 (7) different species.
- 1290 (7) Tree replacement fund. All monies collected through tree
1292 replacement fees, mitigation fees, and enforcement fines or
 penalties shall be deposited in the County’s tree replacement
1294 fund. Tree replacement fees shall be established by the board
 of county commissioners and updated as necessary to cover
 the cost of replacing the trees, including material and labor.
- 1296 (8) Disbursement of funds. Disbursement from the tree
1298 replacement fund shall be made only with the approval of
 the board of county commissioners, and only for the
 following purposes:
- 1300 a. Primarily for purchase of trees for planting at publicly
1302 owned and operated sites; community enhancement
 projects; and other projects deemed appropriate by the
 board of county commissioners; or
- 1304 b. Secondarily for purchase of landscape materials or
 equipment, or the funding of educational programs that
1306 promote, enhance or implement the goals and objectives
 as established in section 15-276.

1308

Section 17. Creation of Section 24-12 in Article I of Chapter 24. Section 24-12,

presently "Reserved" under Article I of Chapter 24, is created to read as follows:

1310

CHAPTER 24

LANDSCAPING, BUFFERING AND OPEN SPACE

1312

ARTICLE I. IN GENERAL

1314

Sec. 24-12. Reserved. Recommended, replacement, and restricted trees.

1316

(a) Recommended stock. The following tree replacement species are recommended because they are native to the region or they have proven performance in central Florida. Thus, the following trees may be used as replacement stock without prior approval. Any other replacement trees must be approved by the zoning manager.

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<u>Botanical Name</u>	<u>Common Name</u>	<u>C/U (Canopy or Understory)</u>
<u>Acer rubrum</u>	<u>Red Maple</u>	<u>C</u>
<u>Aesculus pavia</u>	<u>Red Buckeye</u>	<u>U</u>
<u>Betula nigra</u>	<u>River Birch</u>	<u>U</u>
<u>Carya floridana</u>	<u>Scrub Hickory</u>	<u>C</u>
<u>Carya glabra</u>	<u>Pignut Hickory</u>	<u>C</u>
<u>Carya glabra negacarpa</u>	<u>Coast Pignut Hickory</u>	<u>U</u>
<u>Carya illinoensis</u>	<u>Pecan</u>	<u>C</u>
<u>Cercis canadensis</u>	<u>Red Bud</u>	<u>U</u>
<u>Celtis laevigata</u>	<u>Sugarberry</u>	<u>U</u>
<u>Chionanthus virginicus</u>	<u>Fringe Tree</u>	<u>U</u>
<u>Cornus florida</u>	<u>Flowering Dogwood</u>	<u>U</u>
<u>Cornus foemina</u>	<u>Swamp Dogwood</u>	<u>U</u>
<u>Fraxinus pennsylvanica</u>	<u>Green Ash</u>	<u>C</u>
<u>Gordonia lasianthus</u>	<u>Loblolly Bay</u>	<u>U</u>
<u>Ilex cassine</u>	<u>Dahoon Holly</u>	<u>U</u>
<u>Ilex opaca</u>	<u>American Holly</u>	<u>U</u>
<u>Juniperus virginiana</u>	<u>Eastern Red Cedar</u>	<u>C</u>
<u>Lagerstroemia indica</u>	<u>Crepe Myrtle</u>	<u>U</u>
<u>Ligustrum japonicum</u>	<u>Ligustrum</u>	<u>U</u>
<u>Liquidambar styraciflua</u>	<u>Sweet Gum</u>	<u>C</u>
<u>Liriodendron tulipifera</u>	<u>Tulip Tree</u>	<u>C</u>
<u>Magnolia grandiflora</u>	<u>Southern Magnolia</u>	<u>C</u>

<i>Magnolia virginiana</i>	Sweet Bay	U
<i>Nyssa sylvatica</i>	Black Gum	C
<i>Osmanthus americanus</i>	Wild Olive-Devilwood	U
<i>Persea borbonia</i>	Red Bay	U
<i>Pinus elliotti</i>	Slash Pine	C
<i>Pinus palustris</i>	Longleaf Pine	C
<i>Pinus taeda</i>	Loblolly Pine	C
<i>Platanus occidentalis</i>	Sycamore	C
<i>Prunus angustifolia</i>	Chickasaw Plum	U
<i>Prunus serotina</i>	Black Cherry	U
<i>Quercus falcata</i>	Southern Red Oak	C
<i>Quercus geminata</i>	Sand Live Oak	C
<i>Quercus incana</i>	Blackjack Oak	U
<i>Quercus inopina</i>	Scrub Oak	U
<i>Quercus laevis</i>	Turkey Oak	C
<i>Quercus Laurifolia</i>	Laurel Oak	C
<i>Quercus michauxii</i>	Swamp Chestnut Oak	C
<i>Quercus myrtifolia</i>	Myrtle Oak	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

1324 (b) Restricted stock. The following trees may not be used as
 1326 replacement stock due to their exotic invasive nature or other
 1328 undesirable characteristics. (Restricted stock also includes all plants
 listed on the Florida Exotic Pest Plant Council list, categories I and
 II.)

Botanical Name	Common Name
<i>Albizzia 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>	Cajeput or Punk Tree
<i>Melia azedarch</i>	Chinaberry

<i>Sapium sebiferum</i>	Chinese Tallow Tree
<i>Schinus terebinthifolius</i>	Florida Holly or Brazilian Pepper
<i>Terminalia catappa</i>	Tropical Almond

1330

Section 18 *Creation Section 24-13 in Article I of Chapter 24.* Section 24-13, presently

1332 “Reserved” under Article I of Chapter 24, is created to read as follows:

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

1334

1336 (a) Prior to issuance of the certificate of occupancy, each
 1338 residential lot shall contain at least the following minimum number
 1340 of residential lot trees. These trees must be a minimum of eight (8)
 1342 feet in height and at least two (2) inches in caliper. These trees may
 1344 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 selected from the recommended stock list. Replacement trees
 used on lots and preserved trees can count toward this requirement.
 Understory trees may make up to twenty-five (25) percent of the
 required number of trees.

1346

(1) A lot less than 5,000 square feet shall contain a minimum of
one (1) tree.

1348

(2) A lot 5,000 to 7,999 square feet shall contain a minimum of
two (2) trees.

1350

(3) A lot 8,000 to 11,999 square feet shall contain a minimum
of four (4) trees.

1352

(4) A lot 12,000 to 19,999 square feet shall contain a minimum
of five (5) trees.

1354

(5) A lot 20,000 square feet or greater shall contain a minimum
of six (6) trees.

1356

Section 19. Effective Date. This ordinance shall become effective on March 15, 2024.

1358 ADOPTED THIS ____ DAY OF SEPTEMBER, 2023.

1360

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

1362

By: _____

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Jerry L. Demings
Orange County Mayor

1366

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

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By: _____

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Deputy Clerk

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*s:\gholmes\ordinances\tree protection & removal (ch. 15 - art. viii)\2023 drafts\2023-09-12 art. viii - tree protection removal
revision - bcc final.docx*