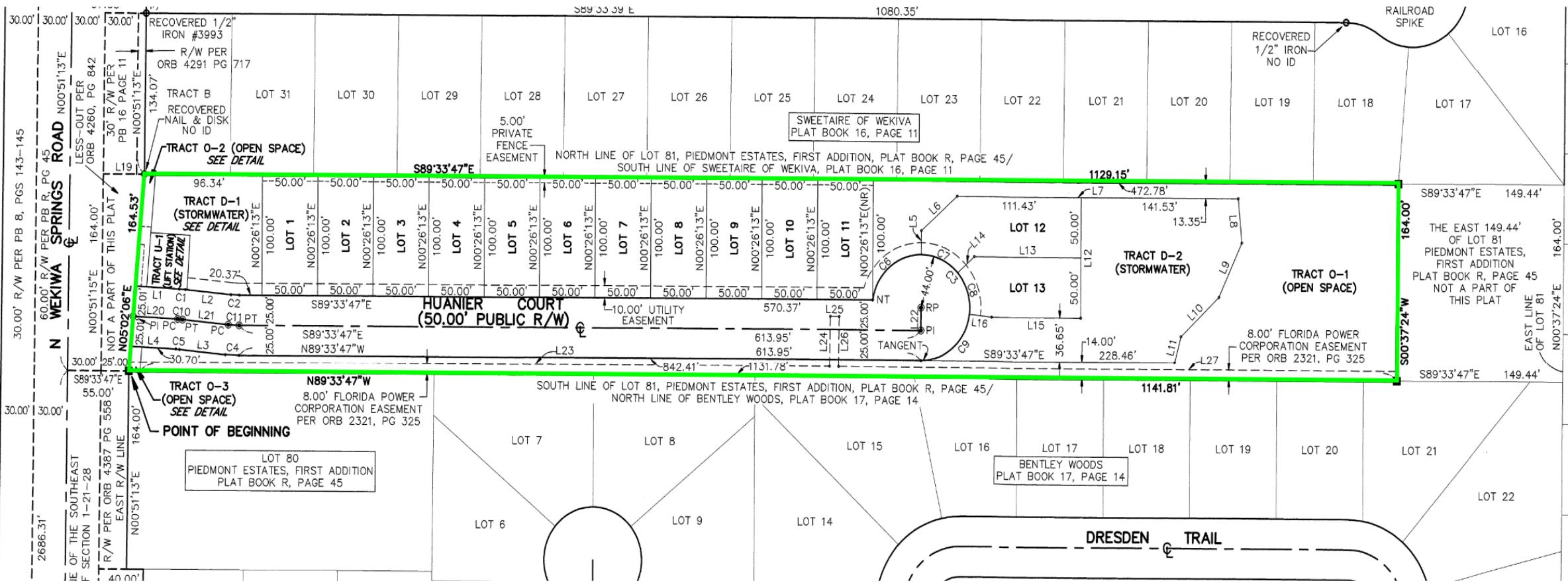


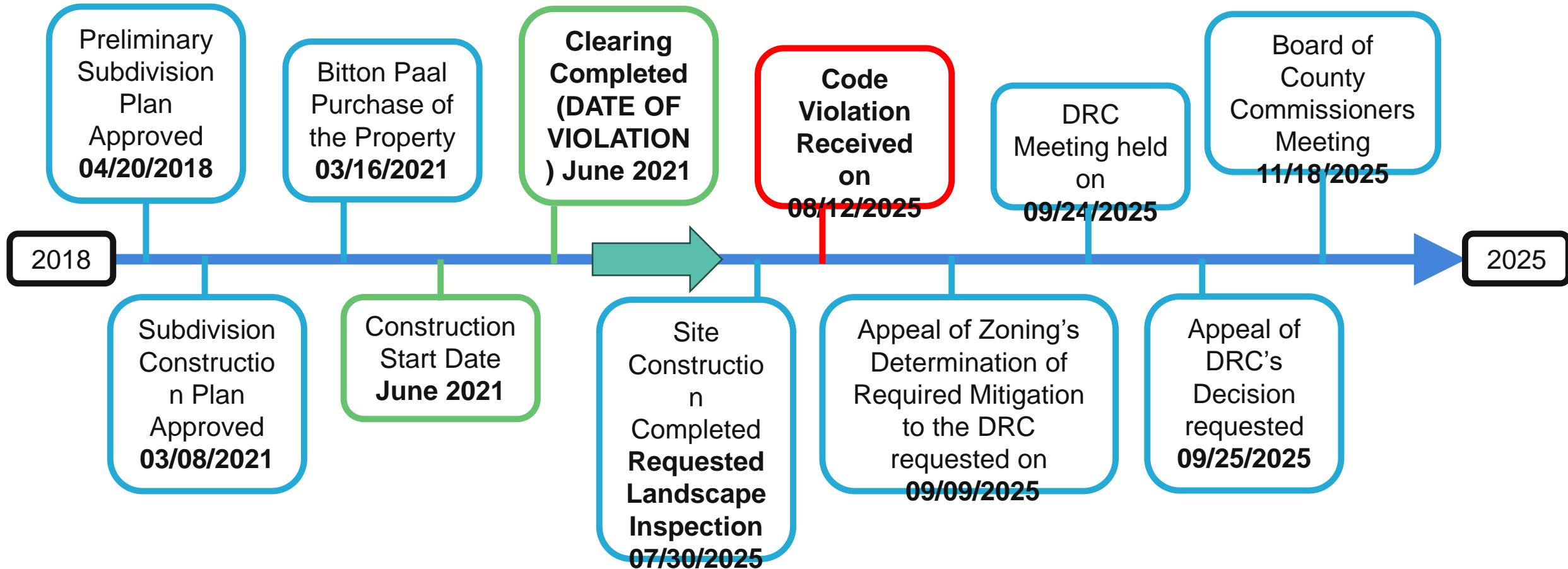
Wekiva Springs Cove

UNPERMITTED TREE REMOVAL MITIGATION



Wekiva Springs Cove





Entitlement History

<u>Process</u>	<u>Reference Number</u>	<u>Submittal/Initial Date</u>	<u>Approval/Completion Date</u>
Preliminary Subdivision Plan	PSP-17-08-236	8/1/2017	4/10/2018
Subdivision Construction Plans	18-S-039	5/15/2018	3/8/2021
Construction Start Date	18-S-039	2021	2025
	Note: Site Cleared in 2021		
PSP Amendment (CDR)*	23-08-258	8/16/2023	3/13/2024
Code Violation	FIR-25-08-0508	8/12/2025	

*Change Determination Request processed to:

1. Update the tract table to be consistent with plat
2. Remove sidewalk from south of Right-of-Way to ensure tree preservation as proposed in approved PSP.
3. Update Tree Mitigation Table to remove previously credited 8" trees.

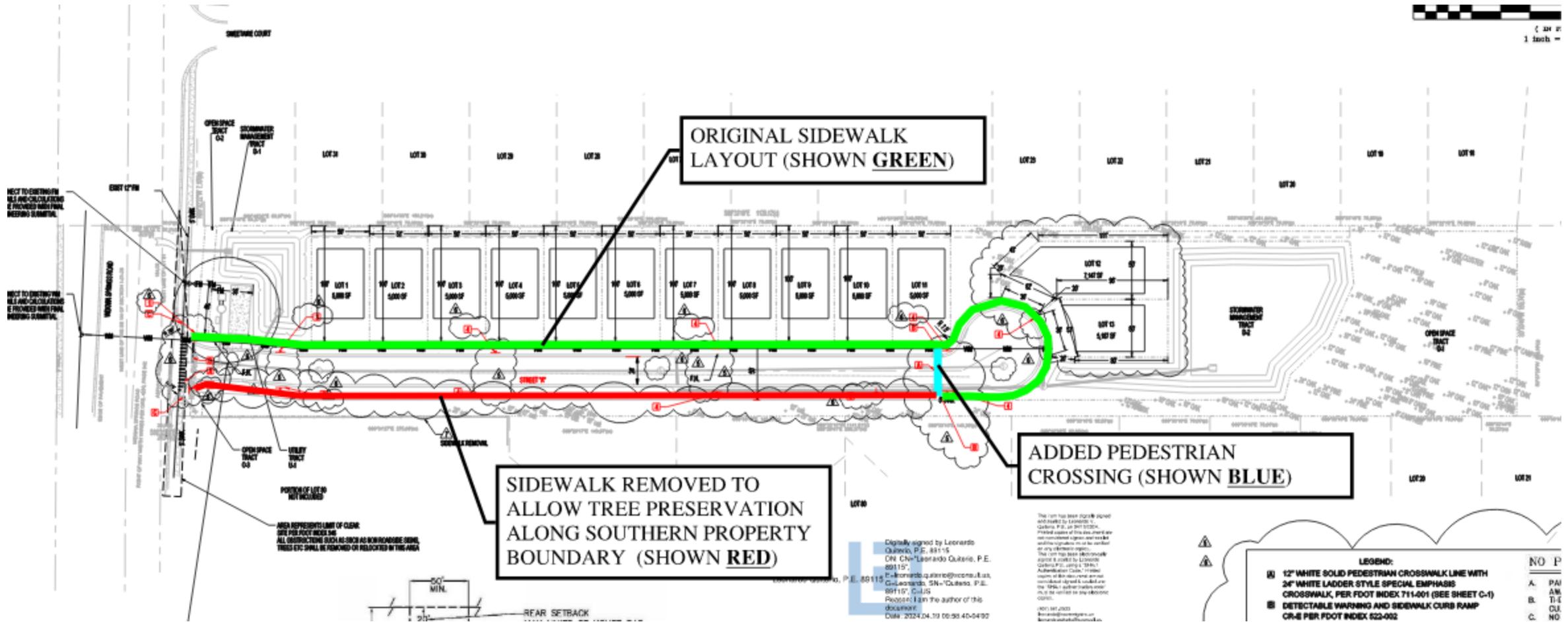
APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

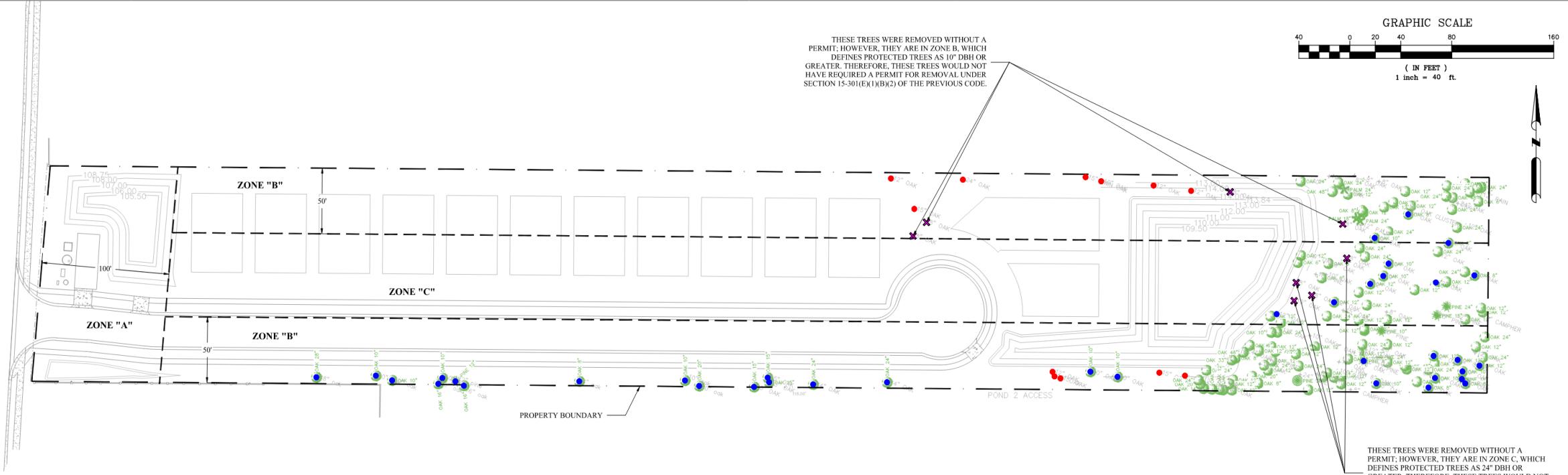
BCC Mtg. Date: September 12, 2023

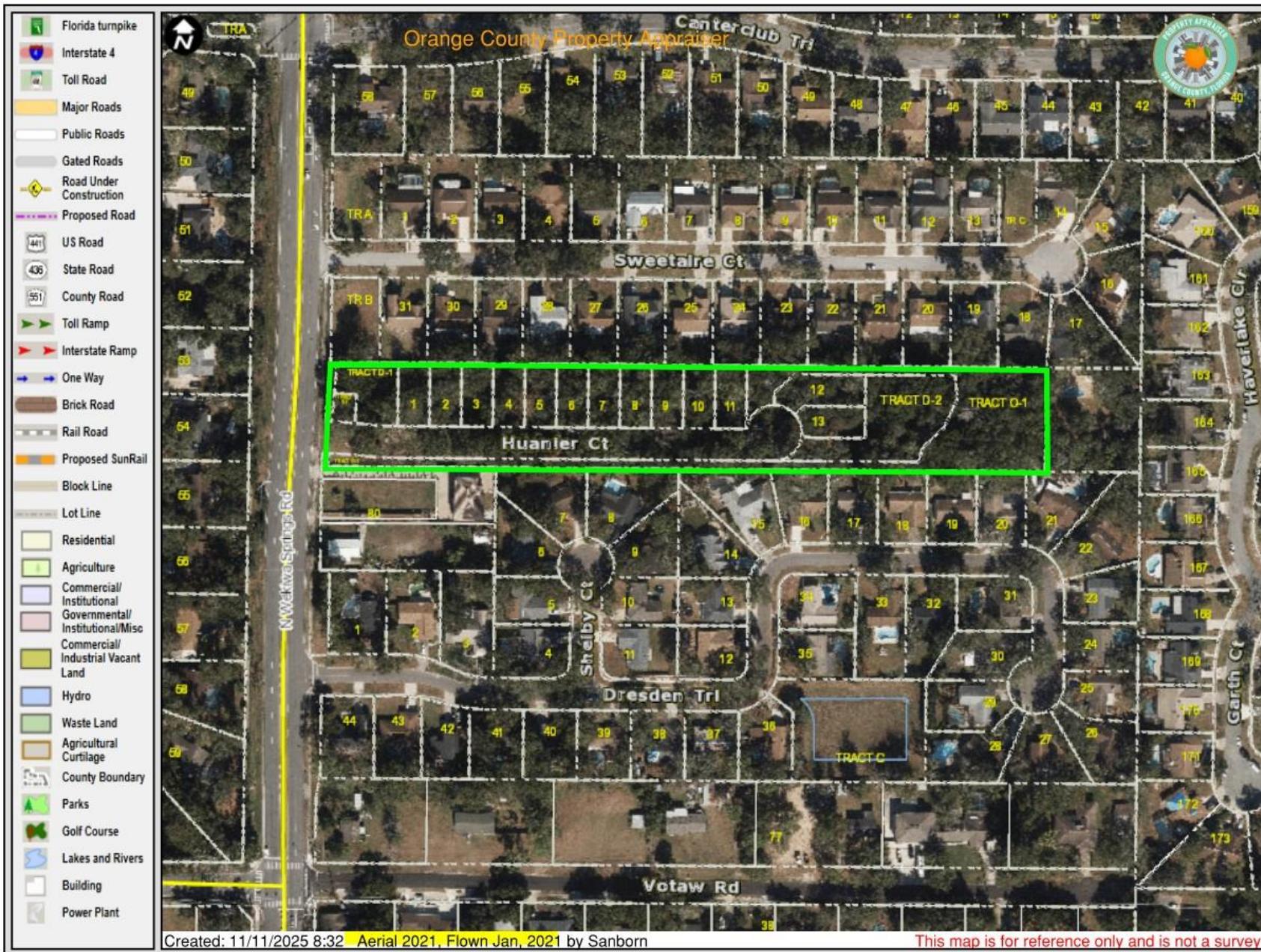
Effective Date: March 15, 2024

ORDINANCE NO. 2023-35

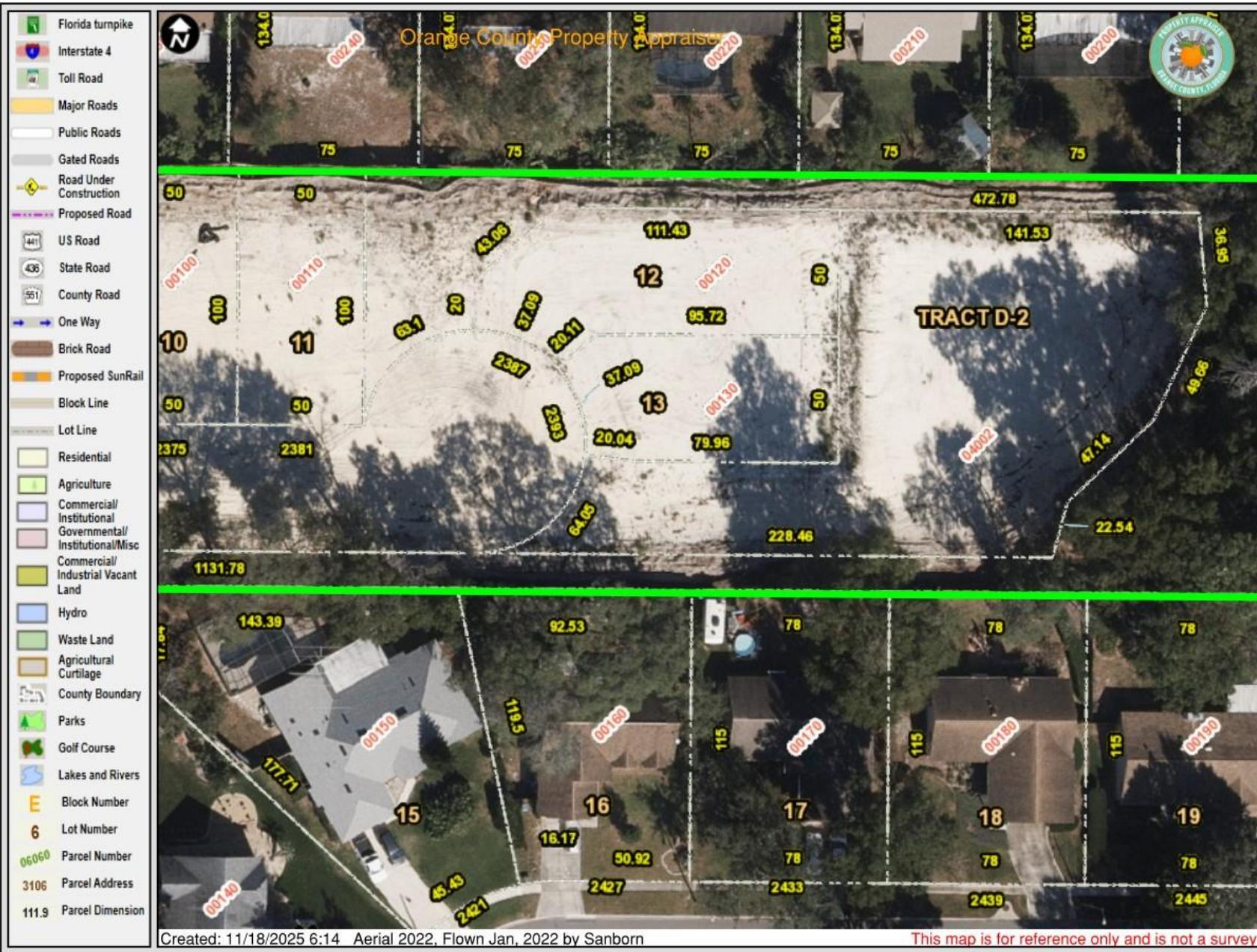
AN ORDINANCE AFFECTING THE USE OF LAND REGARDING **TREE PROTECTION AND REMOVAL IN ORANGE COUNTY, FLORIDA BY AMENDING, CREATING, AND REPEALING CERTAIN PROVISIONS IN CHAPTER 15, ARTICLE VIII OF THE ORANGE COUNTY CODE; AND BY CREATING CERTAIN PROVISIONS IN CHAPTER 24, ARTICLE I RELATED TO RECOMMENDED, REPLACEMENT, RESTRICTED AND SPECIMEN TREES AND MINIMUM RESIDENTIAL LOT TREES; AND PROVIDING AN EFFECTIVE DATE.**











APPEAL OF ZONING MANAGERS DECISION REGARDING MITIGATION FOR THE CODE VIOLATION RECEIVED

Summary of Unpermitted Tree Removal Violation

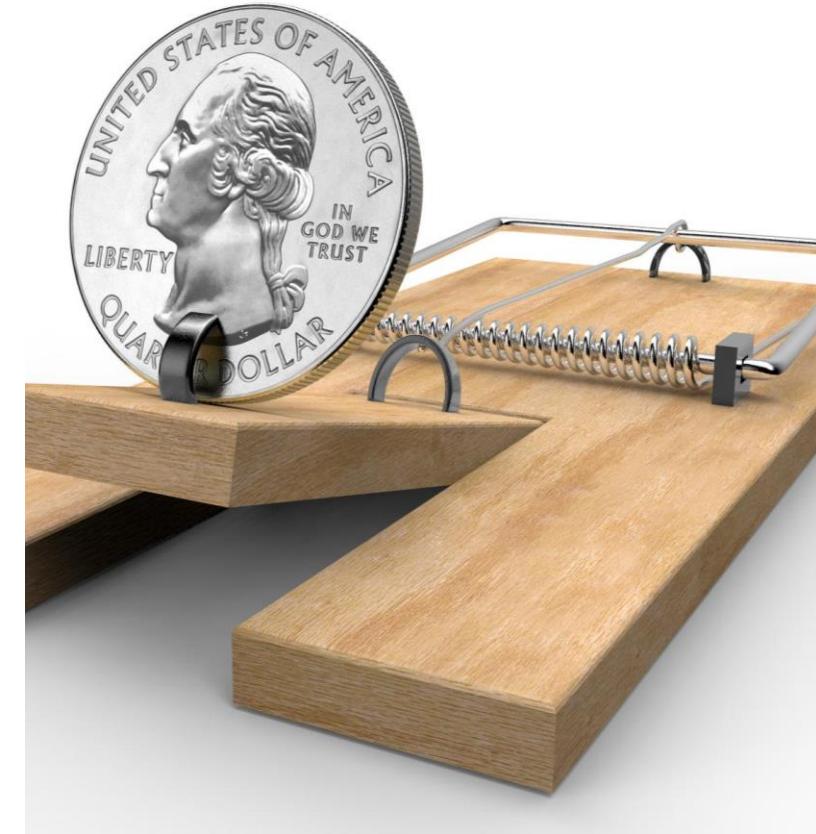
A violation was issued for removing trees identified as intended to be preserved under the approved PSP and Subdivision Construction Plans

Old Versus New Mitigation Codes

Mitigation requirements differ significantly between the old and new Tree Protection code, specifically affecting the total caliper inches requiring mitigation and financial obligations for tree replacement.

Impact on Mitigation Costs

Under the old code, the required mitigation is **\$40,916 for 386 caliper inches**, but the new code requires **\$74,094 for 699 caliper inches** (final figures provided by zoning staff)



Specific Request

- Orange County staff requires an amendment to the tree mitigation plan to document code violations (unpermitted tree removals and subject mitigation).
- We assert that any infraction predating March 15, 2024 should be mitigated and or penalized in accordance with the code that was in effect at the time the violation occurred.

Orange County Code:

Article VIII Tree Removal

Enacted on March 15, 2024

Zoning manager shall mean the manager of the Orange County Zoning Division or the designated arborist. The Zoning Manager has delegated authority to enforce the code and to issue violations.

Sec. 15-281. - Deviations from regulations: appeals.

Deviations from regulations. The zoning manager may grant deviations from any provision of this article where the strict application of the provision to a particular site would create a substantial economic hardship, or to facilitate an affordable housing project where a certified affordable housing certificate exists. In all cases, reasonable efforts must be made to preserve regulated trees consistent with this article. The zoning manager may grant deviations from any provision of this article only when the applicant demonstrates that the purposes of this article will be or have been achieved by other means.

Appeals. Any person adversely affected by a decision of 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 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.

DRC Meeting- September 24, 2025

Appeal of Zoning Manager's Decision

30 Minute Discussion-

"We did not receive a formal Deviation application, but I did discuss it with "Zoning Manager" and she said I would not be in support of this given the new Code, the direction that we have received from Legal, and how it will apply to other properties". They can submit the application, but I intend to deny it" - *Chief Zoning Planner*

"Not enough of what we have heard here today, based on the language in the code, that really gives me any comfort and being able to overturn and I really do think that this is something that you might want to consider appealing to the BCC" - *DRC Chairman*

Motion was made by DRC Member Deputy Zoning Manager.

Correspondence between Orange County Legal and Zoning

- Email dated March 18, 2024

An application for a tree removal permit submitted and deemed complete (compliant with Section 15-301(e)) before March 15, may be reviewed and approved consistent with the old Article VIII requirements. Any application for a tree removal permit submitted from this point forward should be reviewed consistent with the new Article VIII requirements.
- **“I know real world situations often are not as black and white as the code makes it seem, but hopefully this helps a bit. If you have further questions or need to talk through some fact-pattern examples based on plans “in the works”, let me know and we can set up a WebEx to discuss.”**

Due Process Questions

Was the applicant offered a fair opportunity to appeal the violation issued by the Zoning Department based on the Deviation from regulations provisions allowed in Section 15-281 of the code?

Was the DRC decision made on September 24, 2025 the correct and fair decision?

Were the proper checks and balances in place during the September 24, 2025 DRC meeting?

Summary from BCC

Possible concerns over precedence-setting actions based on today's outcomes on future applications of this code.

Orange County Charter

ARTICLE II. - LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS

Sec. 207. - Powers and duties.

The board shall have the power and duty to originate, terminate and regulate legislative and policy matters, including but not limited to:

1. Adopting or enacting, in accordance with the procedures provided by general law, ordinances and resolutions it deems necessary and proper for the good governance of the county;