

211.3 SUBJECT: TREE PROTECTION

:1 OBJECTIVE:

Establish a procedure for administering tree protection permit applications.

:2 AUTHORITY:

This procedure amended by City Council September 15, 2003.

:3 DIRECTION:

Parks Division Manager, as an appointed official, serves at the pleasure of the Mayor and receives direction through the Families, Parks and Recreation Direction.

:4 METHOD OF OPERATION:

A. General Rules, Application, Fee

Persons desirous of removing a protected tree(s) from any real property shall make application on the form prescribed herein and pay a non-returnable fee (as established in City Code Section 65.640) to the Parks & Special Facilities Bureau Inspector for each acre or fraction thereof of the area to be inspected. Payment of a permit fee may be by cash or check payable to the City of Orlando. Fees collected shall be recorded on the Parks Division cash collection report crediting Revenue Account Number 100 732 5575 225.

Fees as provided for in this paragraph for protected tree(s) are hereby declared to be necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement of City Code Section 65.640, as amended.

The Orlando Utilities Commission is exempt from payment of the application fee. The Commission is required to submit the application form as provided in Section 4, paragraph G.

B. Definitions

Comparable Substitute - a tree of equal value to the appraised value of that tree which is to be destroyed, removed, or is injured. The nationally recognized evaluation procedure of the International Shade Tree Conference, Inc., shall be used for all appraisals.

Families, Parks and Recreation Director - the person who serves as the duly appointed Families, Parks and Recreation Director for the City of Orlando.

Inspector - a person employed by or assigned to the City's Parks Division and who is trained in forestry.

Parks Division Manager - the person who serves as the duly appointed Parks Division Manager.

Dead Tree - a woody plant, which the Inspector determines not a living body,

no longer possessing living tissue, is no longer capable of growing and bears no evidence of life.

Person - includes any individual, partnership, corporation, association, or other legal entity, and shall include the plural, as well as the singular.

Public Works Contractor - any person performing improvements under a contract with a public agency or utility.

Removal – the cutting down of a tree, or the transfer of a protected tree from one place to another, or the damaging or cutting of a protected tree resulting in no longer being capable of developing growth. Trees protected under the ordinance are defined to be any self-supporting woody plant of a species which normally grows or is capable of growing to an overall height of a minimum of 15 feet in Central Florida, and having a trunk diameter of not less than four inches (4") as measured four feet (4') above ground level.

C. Trees Exempt

Trees exempt from the provisions of the ordinance are:

1. Containerized trees and nursery stock trees for resale in licensed nurseries.
2. Trees determined by the Inspector to be dead. The Inspector shall provide a written statement in his report that in his opinion the tree inspected does not meet the requirements of a living tree; such trees will not require a permit, nor payment of a permit fee.

The Parks Division Manager may issue a notice stating that a tree exempt under the provisions of this paragraph C may be removed.

D. Criteria for Granting Permit

The criteria for granting a tree removal permit are:

1. Trees which pose a hazard to the safety of pedestrian or vehicular traffic.
2. Trees which pose a hazard to the safety of buildings or public utilities.
3. Trees which prevent the proper development of a lot, parcel or public works improvement, or the proper physical use thereof.
4. Diseased trees or trees weakened by age, storm, fire, or other injury which are a source of hazard to people, buildings or other improvements on a lot or parcel of land.

E. Relocation or Replacement of Trees

The Families, Parks and Recreation Director or designee may require, as a condition for the approval of an application for the removal of a tree(s) within the required front, rear, or side yard of any real property, that the person either relocate or replace said tree(s) with comparable substitutes somewhere within the property lines of said property. Such locations to be approved by the Families, Parks and Recreation Director or designee.

F. Plot Plan

The Community & Youth Services Director or designee may require, as a condition for processing the application for the removal of trees, two copies of a plot plan. The plot plans will show, in addition to existing code requirements, all trees four inches (4") or more in trunk diameter measured four feet (4') above ground level identified by size and species; designation of each such tree considered diseased or hazardous to pavement or utilities; designation of trees proposed to be removed, retained, and replaced; and proposed grade changes which may adversely affect such trees with proposals of how to preserve and retain the trees in a manner or form prescribed by City Code Section 60.216, as amended. The plot plans will be forwarded to the Parks Division for inspection purposes.

G. Application and Permit Issuance Procedure

Tree Removal Permit Application Form may be obtained at the Parks Division office or on the City's web page at cityoflando.net.

A tree removal permit may be obtained by, or in relation to, the processing of:

- Residential, public works contractor or utility firm application
- Building permit application
- Developer's agreement
- Plans for paving of off-street parking and other vehicular use areas
- Subdivision application
- Annexation petition

1. Application - Inspection Permit Form

Inspection Permit Form shall be used when application is made for a tree removal permit. The form shall serve as a combined application, inspection report and permit form.

The form shall be composed of a set of two sheets, each set numbered and colored as follows:

- | | |
|-------------------|---------------------------------|
| 1st copy (White) | Applicant's copy |
| 2nd copy (Canary) | Parks Division Inspector's copy |

2. Residential or Utility Firm Application
 - a. Procedure for On-Site Inspection

When an owner desires the removal of a protected tree(s) where building construction requiring a building permit is not contemplated, or where a utility company other than OUC determines a protected tree interferes with its service and desires to remove the tree(s), the request may be made in person or by phone to the Parks Division. All calls or contacts in reference to a tree inspection shall be directed to a Parks Division Inspector.

Payment of a permit fee shall be made as prescribed in Section :4, paragraph A, page 1 of this procedure.

Parks Division Inspectors are empowered to complete on-site the application form, inspect the tree(s), accept and receipt for the fee applicable and issue the permit, accounting for such fees without delay to the Division's cashier.

- b. Inspection performed for City Departments/Division including the Families, Parks and Recreation Department.

Any protected tree which a City Department/Division requests to be removed shall be inspected without fee assessment by the Inspector. Inspection Permit Form shall be completed the same as provided in the foregoing paragraph 2(a). The Inspector shall note at the bottom of the form the word EXEMPT with the name of the requesting Department/Division in the space provided.

(Example)

Fee Exempt
Streets & Drainage Division

3. Building Construction.

When a tree is to be removed for building construction activities, a tree removal permit shall be applied for simultaneously when application is made for a building permit. All sets of plans submitted to the Code Enforcement Division shall state the following: "The building construction proposed herein ___ will or ___ will not (check one applicable) require the removal or damage of any tree(s) protected by City Code Section 60.211, as amended; no trees have been removed due to anticipated construction prior to the submission of these plans to the Code Enforcement Division without due compliance with City Code Section 60.211."

Owner or Authorized
Representative

When the above signed statement indicates the proposed removal of protected trees, a Tree Removal Permit application and a plot plan as set forth in Section :4, paragraph F, page 3, of this procedure shall be submitted to the Parks Division Inspector.

The Parks Division Inspector shall collect the fee as prescribed in Section :4, paragraph A, page 1, of this procedure. The Code Enforcement Division shall not approve a building permit application until the Parks Division approved permit is attached to the building permit application.

The Engineering Division, in reviewing the permit application, shall insure that the application is reviewed by the Parks Division when removal of a tree(s) is proposed. The Parks Division shall be responsible for the speedy processing of applications.

4. Construction Other Than Buildings or Structures

Permit application for construction other than buildings are the responsibility of the City Engineer. All sets of plans submitted to the City Engineer shall state the following: "The construction proposed herein ___ will ___ will not (check one applicable) require the removal or damage of any tree(s) protected by City Code Section 60.211 as amended."

Owner or Authorized Representative

In reviewing permit applications and inspecting such projects, the Engineering Division shall determine if a protected tree(s) appears to be endangered. In such instances a Tree Removal Permit Application form shall be submitted to the Parks Division Inspector. If the Parks Division Inspector deems it necessary, the applicant will also submit a plot plan as set forth in Section :4, paragraph F, page 3, of this procedure. Payment of permit fee shall be made as prescribed in Section :4, paragraph A, page 1, of this procedure. The City Engineer shall not issue the site construction permit until the Parks Division Inspector has completed his inspection and has issued a tree removal permit.

5. Annexation

Developer's Agreement - The Planning and Development Department shall ensure that a standard clause is inserted in all "Subdivision Check Lists and Developer's Agreement," stating that the developer shall comply with all provisions of the City of Orlando's Code, Section 60.210 as amended.

The Planning & Development Department shall forward a copy of each annexation or proposed subdivision petition to the Engineering Division. The petition shall show the following statement: "The construction proposed in this ___ will or ___ will not (check one applicable) require the removal or damage of any tree(s) protected by City Code Section 60.211 as amended."

Owner or Authorized Representative

An aerial photograph of the area to be annexed or subdivided or a plot plan as required in Section :4, paragraph F, page 3, of this procedure, will be furnished by the petitioner when required by the City, and will become a part of the proposed copy sent to the City Engineer.

The City Engineer shall be responsible for checking each proposal for annexation and subdivision of property and require that such proposal include an application for a permit for tree removal should the plans provide for the removal of protected trees.

The fee for tree removal issued as a part of an annexation and subdivision proposal shall be paid to the Parks Division in accordance with Section :4, paragraph A, page 1, of this procedure.

6. Land Development Project

Persons developing land shall submit with the application for land development a plot plan in accordance with Section :4, paragraph F, page 3, of this procedure.

The plot plan shall be retained in the Parks Division and used as a guide when an application is received for a permit to construct any building or other improvements in the proposed subdivision.

H. Orlando Utilities Commission

A permit, as provided by the provisions of this procedure, is required when removal of protected trees located on property other than private property easement becomes necessary because of their hazard to the safety of public utilities. The OUC is exempt from the payment of any permit fee.

I. Right of Appeal

Persons who believes that they are adversely affected by a decision of the Families, Parks and Recreation Director in the enforcement or interpretation of City Code Section 60.210 as amended, may appeal by filing a written notice of appeal to the City Clerk within ten (10) days after receipt of such written decision. The City Clerk will schedule a hearing and notify the parties involved. At such hearing the applicant may present to the City Council facts in support of his

position.

J. Permit Validity

A tree removal permit issued in relation to a building permit, developers agreement, site construction permit, subdivision application, or annexation petition, shall be for the period of that document's validity.

A tree removal permit issued for any other reason becomes void 90 days after the issue date unless extended by the Families, Parks and Recreation Director, or designee. If the Families, Parks and Recreation Director or designee determines that City Code 60.200 as amended, or this procedure are violated with relationship to an issued tree removal permit, the permit may be revoked or suspended immediately.

:5 FORMS:

Application and permit tree removal.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

City Code Section 43.60, amended December 26, 1972, Documentary #10929; City Code Section 35A.09 amended November 13, 1972, Documentary #10838. Procedure approved April 9, 1973, Item 40; amended January 7, 1974, Item 23; amended July 14, 1975, Item 34. Reviewed and found current October 10, 1977, Item 10; amended August 20, 1979, Item 14, amended April 19, 1993, Item VV; amended September 15, 2003.

:8 EFFECTIVE DATE:

This procedure effective September 15, 2003.