

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

[CONTINUED FROM THE 11/07/06 MEETING]

SUBJECT: Amendments to the Land Development Code of Seminole County
establishing Canopy Roads, Candidate Roads, and Tree Protection Zones

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Jeff Hopper **EXT.** 7377

Agenda Date <u>1/09/07</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. Enact the Ordinance; or
2. Deny the Ordinance; or
3. Continue the item to a time and date certain.

(Countywide)

(Jeff Hopper, Senior Planner)

BACKGROUND:

NOTE: At its November 7, 2006 meeting, the Board continued this item to today's agenda.

The Design Element of the Seminole County Comprehensive Plan includes objectives and policies that encourage the preservation of canopy trees along County roads, treating them as a resource having both aesthetic and economic benefits. Policy DES 2.2 calls for maintaining a program to identify and protect scenic and canopy roads with "existing, heavy vegetation and natural canopy trees," and notes that the County will establish development standards along such roads to prevent the loss of this vegetation.

The attached ordinance is intended to address three major components: (1) Amend Chapter 2 (Definitions) and Chapter 60 (Arbor Regulations) of the Land Development Code (LDC); (2) establish a list of canopy roads, candidate roads, and tree protection zones (see Staff Findings for additional details); and (3) increase the minimum caliper requirement for tree replacement standards. Its provisions would apply to County operations as well as private development activities.

Reviewed by:	<u>[Signature]</u>
Co Atty:	_____
DFS:	_____
Other:	<u>[Signature]</u>
DCM:	_____
CM:	<u>[Signature]</u>
File No.	ph130pdp01

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the ordinance.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On December 6, 2006, the Planning & Zoning Commission voted 5-0 to recommend DENIAL of the ordinance.

STAFF FINDINGS:

In 2004, the Board designated General Hutchison Parkway, between US 17-92 and Ronald Reagan Boulevard, as the County's first official canopy road, as designated by the Vision 2020 Seminole County Comprehensive Plan. The attached ordinance designates additional roads as canopy roads and candidate roads.

Canopy roads and candidate roads are defined as thoroughfares (primarily collector roadways) that are characterized by rows of trees bordering both sides (canopy) or one side (candidate) of the road corridor of sufficient height, density and crown spread to create natural canopy coverage over the road.

The attached ordinance details the following:

1. Designates certain roads as canopy roads and candidate roads.
2. Establishes tree protection zones for canopy and candidate roads.
3. Establishes regulations to ensure the protection of canopy roads (including General Hutchison Parkway) and candidate roads.
4. Amends LDC provisions regarding the authority to require the removal of trees; requirement for routine maintenance plan; and tree trimming provisions.
5. Amends the permit and application procedures regarding maintenance and trimming of trees by public utilities; permits for tree removal within a tree protection zone; authorization to set reasonable fees; requirement for and contents of a plan for work within a tree protection zone; and provision for inspection of work within a tree protection zone.
6. Amends the Definitions section of the LDC relating to canopy and candidate roads.
7. Adds replacement tree caliper requirements.

The proposed LDC amendments will implement and are consistent with the Vision 2020 Seminole County Comprehensive Plan.

During the review process, staff received comments from the Planning & Zoning Commission, the Development Advisory Board (DAB) and BellSouth Communications (see attached letters). Several issues communicated to staff were directed at the existing Arbor regulations and therefore not relevant to the proposed regulations on canopy roads. However, a number of others were appropriate for consideration as part

of this item. The following table summarizes these concerns, and comments by staff in response:

Issue	Staff Comments
Possible impacts of the ordinance on existing development.	The new regulations address only existing trees in designated protection zones. They would not require additional or replacement trees in excess of existing arbor and buffering requirements.
Inadvertent protection of exotic species at the expense of more desirable species of canopy trees.	Existing arbor regulations reference the Florida Exotic Pest Plant Council's List of Invasive Species as exempted plants. This exemption would also apply to species within proposed tree protection zones. Staff has verified that this list is updated and includes all appropriate species for Seminole County.
Creative use of land in protecting canopy trees when roads are widened; e.g., locating new travel lanes so as to avoid destruction of canopy trees.	The Seminole County Comprehensive Plan encourages protection of canopy trees (see Policies DES 1.9 and 2.2). Plan policies should govern all road-building activities, but specific standards are beyond the scope of this ordinance.
Unattractive pruning patterns when trees are trimmed by utility companies.	Pruning standards should be modified to prohibit specific types of tree trimming as appropriate.
Potential impacts on the County's ability to fight forest fires in rural areas.	Seminole County Public Safety Department cooperates with the Florida Division of Forestry in implementing programs to reduce potential fire fuels along roadways. The Department indicates no particular concerns with the proposed regulations regarding fire protection.
Adequate provision for removal of trees to facilitate maintenance of roads and utilities.	BCC may retain the authority to order the removal of trees where they may interfere with maintenance of roads and utilities.
Exempt utilities from permitting requirements.	A major purpose of the ordinance is to give Seminole County the ability to protect the health and attractive appearance of canopy trees in tree protection zones.
Proposed 16-foot limit for clearing over roadways within a tree protection zone is not adequate for all types of utility equipment.	Seminole County Public Safety Department notes that a distance of 12 feet is required to allow fire apparatus to have adequate access in the roadway.

The Board may wish to consider following modifications, which were presented to the Planning & Zoning Commission on December 6, 2006:

1. Modify Section 60.2 to clarify that proposed regulations addressing tree protection zones shall not apply to developed properties where protected trees do not currently exist.
2. Revise Section 60.5(c) to include the trimming of trees in a "V"-shape as a prohibited form of pruning.
3. Review Section 60.5(e) and revise as necessary to be consistent with the most recent available edition of the Florida Exotic Pest Plant Council's List of Invasive Species.

4. Revise Section 60.5.2 (4) to allow the Board of County Commissioners to order removal of trees for the purpose of maintaining public roads, utilities, etc.
5. Revise Section 60.5.2 (5) to include trees in a tree protection zone which are an immediate threat to public safety due to age, disease, or other damage.

The proposed canopy road regulations in the attached draft are combined with existing regulations on Arbor Permits, already part of the Land Development Code. Please note that underlined text shows the proposed new language, text with a line struck through it is proposed for removal, and plain text is language already adopted in the Code.

ATTACHMENTS:

P & Z Minutes 11/01/06
P & Z Minutes 12/06/06
Proposed Ordinance
Policy DES 2.2, Seminole County Comprehensive Plan
Economic Impact Statement
Property Rights Analysis
Letter from William R. Miller
Letter from BellSouth Telecommunications
Letter from Seminole County Dept. of Public Safety
Letter from Jim Hattaway

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
NOVEMBER 1, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Jason Brodeur, and Dudley Bates

Members absent: Rob Wolf and Walt Eismann

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Dr. Kelly Brock, Senior Engineer; Austin Watkins, Planner; and Candace Lindlaw-Hudson, Clerk to the Commission.

Land Development Code Amendments to create "Canopy Roads", "Candidate Roads" and "Tree Protection Zones:

A proposed amendment to the Land Development Code to protect canopy trees along designated roadways, creating a "tree protection zone" prohibiting most clearing activities.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the BCC established the General Hutchinson Parkway as the County's first official canopy road in 2004 through and amendment to the County's Vision 2020 Plan. This amendment will carry that designation into the Land Development Code and designate other roads as canopy roads to help preserve some of the County's significant natural features. The ordinance also identifies "Candidate Roads" which have the potential of becoming canopy roads in the future. The ordinance will also establish tree protection zones and establish regulations to protect the canopy trees within the zones. Staff recommendation is for a finding of consistency with the comprehensive plan and approval of the ordinance.

Mr. Hopper explained that in doing this project, the existing arbor ordinances were merged with the language of the current project. The text that is underlined is new; the text that is not underlined is existing.

Commissioner Brown asked if the corridor was at 150 feet when the General Hutchinson was passed.

Mr. Hopper said that it was.

Commissioner Brown questioned if the 150-foot width would put restrictions on landowners at certain places on these roads.

Mr. Hopper said that if the land had been cleared of trees, these rules are to protect existing trees. At General Hutchinson, the width was chosen to make room for a County trail along there.

Commissioner Brown asked if it would be an issue to have to take down trees to make the County trail in the General Hutchinson area.

Mr. Hopper said that the ordinance would allow the Planning and Development Director to review any proposed plans to be sure that the effect would be minimized. The 150-foot width was for inclusion of the trail area in the protection area.

Commissioner Tucker asked if there was any differentiation between species of canopy trees.

Mr. Hopper said there was no differentiation. There was a list of trees excluded in Chapter 60 of the Code. Exotic species will not be protected.

Commissioner Tucker stated that Mellonville Road is a beautiful canopy road with large hardwood trees. The problem is the tree-lined roads that have to be widened. Extra lanes can be put on the outside of the existing trees to save the trees.

Mr. Hopper said that the BCC has the option of removing the trees where they interfere with the construction of roads, utilities, and the like.

Commissioner Tucker said that he would like to see some creative use of land to preserve the trees.

Commissioner Hattaway said that when going west on General Hutchinson toward Ronald Reagan there is an area that could be held to be an extension of the Canopy Road. There is a convenience store and an auto body shop. Will property owners be required to re-canopy the area if no trees exist there? If the area is redeveloped then the owner would be required to use canopy trees.

Mr. Hopper said that the trees would be required in the buffering of any redevelopment. Buffer requirements in the Code now include canopy trees.

Commissioner Tucker asked when this item would be implemented.

Mr. Hopper said that the item would be going to the BCC on November 7, 2006 for adoption. It would take effect immediately.

Commissioner Hattaway noted that on page 8, the pruning was a concern to her, especially the making of large "V" shaped cuts in trees for power lines. The "V" shaping is not desirable either.

Commissioner Brodeur noted that private citizens have to go through a process to remove trees, whereas the government can do what it wants. Isn't there an arborist panel to consider these things?

Commissioner Hattaway noted Section 60.7 which requires one to file a fee in cases of objection to a decision by the tree committee. She did not want to add another layer of bureaucracy to an already complex system.

Mr. Hopper pointed out that the Tree Committee is part of the already existing regulations. It is the Board of County Commissioners.

Commissioner Brodeur said that the designation should be the "Board of County Commissioners" rather than "Tree Committee."

Commissioner Hattaway stated that she did not want to be a part of adding to the bureaucracy of procedures within the county.

Commissioner Brown asked if there were trees being lost in these areas now?

Mr. Hopper said that this was an effort to protect what was there.

Commissioner Brown said that he thought that this was diminishing the property rights of the land owners.

Commissioner Tucker said that this was a long term project.

Commissioner Hattaway said that she did not see the reason for this whole thing; we have a lot of control now.

Commissioner Hattaway made a motion to table this item for further study.

Commissioner Brodeur seconded the motion.

The motion passed unanimously.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 6, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Walt Eismann, and Jason Brodeur

Members absent: Dudley Bates and Rob Wolf

Also present: April Boswell, Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Ian Sikonia, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Tony Matthews, Principal Planner; Jeffrey Hopper, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Tony Nelson, Senior Engineer; Dori Debord, Director of Planning and Development; Kevin Fall, Economic Development Department; and Candace Lindlaw-Hudson, Clerk to the Commission.

Land Development Code Amendments to create "Canopy Roads", "Candidate Roads" and "Tree Protection Zones":

A proposed amendment to the Land Development Code to protect canopy trees along designated roadways, creating a "tree protection zone" prohibiting most clearing activities.

Unincorporated Seminole County
Jeffrey Hopper, Senior Planner

Mr. Hopper presented the ordinance which will cover canopy roads and candidate roads and tree protection zones. Canopy roads are bordered on both sides by trees of sufficient height, density and crown spread to create natural canopy coverage over the road. Candidate roads have trees of that nature on at least one side of the road with the potential that they could become canopy trees at a later time. The ordinance establishes the permitting process to protect significant trees within a tree protection zone. Trees would have a minimum of 8-inch diameter at breast height. This definition excludes invasive or exotic species. These regulations would be incorporated into the County's existing arbor permit regulations and would become part of the County's development review process. Mr. Hopper stated that he has received comments from the Development Advisory Board and one utility company since the first presentation to the Planning and Zoning Commission. Mr. Hopper said that eight issues had been identified to address at tonight's hearing.

Issue One: How will the ordinance effect existing development, particularly commercial development? Would trees be required to be added to existing sites? Mr. Hopper said that only existing trees are covered by the ordinance. Other provisions, already in effect, in arbor and landscaping regulations that may require further action.

Issue Two: Are we protecting exotic species? Mr. Hopper said that existing regulations exempt exotic species.

Issue Three: There is a need to protect canopy trees when roads are widened. Mr. Hopper said that alternate ways of widening road by creating new travel lanes around the trees would be explored and other ways to protect significant trees would be considered when the need arose.

Issue Four: There are unattractive shapes of trees being created around power and utility lines. Mr. Hopper said that two shapes are currently prohibited and others can be added.

Issue Five: Will the ordinance effect fire fighting in the rural areas? Mr. Hopper said that the ordinance was reviewed by the Department of Public Safety and that they had no comment.

Issue Six: Another issue was that there was adequate provision to remove trees for the maintenance of roads or utilities. Language can be changed for maintenance and construction of roads and utilities.

Issue Seven: The County needs the opportunity to evaluate trimming and maintenance activities before they occur.

Issue Eight: A 16-foot distance for clearance is not adequate for all types of utility equipment. Public safety has stated that they only need 12 feet of clearance for fire equipment access.

Mr. Hopper reviewed five revisions that have been recorded for inclusion, as noted in the staff report.

Mr. Hopper stated that staff recommendation is for a finding of consistency with the Comprehensive Plan and a recommendation of approval.

There were no comments from the audience.

Commissioner Brown asked how a property owner can prove what was on his property at the time of the activation of the ordinance. How will the County know what was there?

Mr. Hopper said the intent of the Ordinance is to protect existing trees, not to inventory trees for the purpose of replacing them. If there are no trees, or existing trees do not meet the 8 inch diameter definition of a "protected tree", the ordinance does not address the property.

Commissioner Brown said that people would be inclined to cut down trees of less than an 8 inch diameter because of their potential for a negative economic impact to the property owner. Commissioner Brown said that structures built within tree protection zones are subject to setbacks. He questioned the 75-foot setback. Commissioner Brown said that this is addressing a problem that the County does not have.

Mr. Hopper noted that the references to setbacks are in an outdated document attached to the Staff report. The current draft of the Ordinance does not require setbacks for structures in tree protection zones over and above normal requirements of the Land Development Code.

April Boswell said that property owners are not being asked to plant or take down any trees. The Arbor Regulations, which are already in effect in the Code, may in some cases require tree replacement, but these regulations are not specific to Tree Protection Zones. The Canopy Road regulations will not be applied retroactively to require replacement of trees in Tree Protection Zones where such trees have already been removed.

Commissioner Brown said that people will remove trees to avoid future restrictions. This ordinance could actually hurt us. In other parts of the country people have gone ahead and clear-cut their lots just to avoid having potential problems.

Commissioner Hattaway said that people who own vacant land will now cut down trees when they are small to avoid regulations that will require the trees to be preserved.

Commissioner Brodeur read eleven requirements of the proposed ordinance regarding the documentation of existing trees on a site and justification for removing such trees. He said that this new ordinance will create administrative and financial impacts that would lead people to clear cut their property. We should give incentives to keep trees through measures such as tax incentives or fast-tracking project approvals.

Commissioner Hattaway said that the County already has a lot of latitude and control now. This ordinance is another layer of bureaucracy we don't need.

Commissioner Hattaway made a motion to recommend denial.

Commissioner Eismann seconded the motion.

The motion passed 5 – 0.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, FLORIDA; AMENDING CHAPTER 2, SECTION 2.3 BY ADDING DEFINITIONS FOR BORDER TREE, CANOPY ROAD, CANDIDATE ROAD, DISTURBANCE, DIAMETER AT BREAST HEIGHT, INVASIVE PLANT, NATURALIZED PLANT, PROTECTED TREE, TREE REMOVAL, TRAVELWAY, TREE PROTECTION ZONE, TREE REMOVAL AND PROTECTION PERMIT, AND TREE LOCATION SURVEY, AMENDING 60.2 PROVIDING FOR PROPERTY IN A TREE PROTECTION ZONE NOT EXEMPT FROM REGULATIONS; CREATING SECTION 60.2.1, "CANOPY ROADS, CANDIDATE ROADS, AND TREE PROTECTION ZONES" TO CHAPTER 60; DESIGNATING CERTAIN COUNTY ROADS AS CANOPY ROADS; DESIGNATING CERTAIN COUNTY ROADS AS CANDIDATE ROADS, AND ESTABLISHING TREE PROTECTION ZONES FOR CANOPY ROADS AND CANDIDATE ROADS; AMENDING SECTION 60.5 BY EXEMPTING THE CARROTWOOD TREE FROM THE PROVISIONS OF CHAPTER 60; AMENDING SECTION 60.5.2 BY EXPANDING THE AUTHORITY TO REQUIRE THE REMOVAL OF TREES, REQUIREMENT FOR ROUTINE MAINTENANCE PLAN, AND TREE TRIMMING PROVISIONS FOR PUBLIC UTILITIES; AMENDING SECTION 60.22 CLARIFYING THE PERMIT AND APPLICATION PROCEDURES FOR MAINTENANCE AND TRIMMING OF TREES BY PUBLIC UTILITIES, PERMITS FOR TREE REMOVAL WITHIN A TREE PROTECTION ZONE, AUTHORIZATION TO SET REASONABLE FEES, REQUIREMENT FOR AND CONTENTS OF A PLAN FOR WORK WITHIN A TREE PROTECTION ZONE, PROVISION FOR INSPECTION OF WORK WITHIN A TREE PROTECTION ZONE, AND INCREASING MINIMUM CALIPER SIZE FOR TREE REPLACEMENT; AMENDING SECTION 60.24 PROVIDING FOR REMEDIES IN LAW AND EQUITY BY THE TREE COMMITTEE FOR COMPLIANCE WITH THIS PART; DELETING THE DEFINITION OF TREE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has an exemplary history of preserving and enhancing the character of roadways within Seminole County by adopting Comprehensive Plan policies and Land Development Code regulations regarding gateway, canopy, and scenic roadways; and

WHEREAS, the Board of County Commissioners desires to designate certain County roads as canopy roads and candidate roads and incorporate provisions for the protection and maintenance of these roads into the County's Arbor Regulations; and

WHEREAS, the Board of County Commissioners desires to strengthen the existing Arbor Regulations of the Land Development Code of Seminole County; and

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan (SCCP); and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Amendment to Section 2.3, Land Development Code of Seminole County (LDC). Section 2.3 of the LDC is amended to add the following definitions:

"Border Tree: A tree which has any portion of its trunk, between 12" and 54" above ground surface, growing on the line established as the outer perimeter of the tree protection zone."

"Canopy Road: A thoroughfare that is characterized by rows of trees bordering both sides of the road corridor of sufficient height, density and crown spread to create natural canopy coverage over the road. A canopy road shall have a minimum of 50 percent overhead coverage (excluding invasive species), per section of travelway as measured by branching, drip line, shadows, and other visual cues. Trees within a canopy road tree protection zone shall, or generally consist of a minimum of 75 percent native and naturalized species."

“Candidate Road: A thoroughfare that is characterized by rows of trees bordering at least one side of the road corridor, having the potential to grow to sufficient height, density and crown spread to create natural canopy coverage over the road. A candidate road shall have a minimum length of 1/8 mile (660 feet) and a minimum of 10 percent overhead coverage (excluding invasive species), per section of travelway as measured by branching, drip line, shadows, and other visual cues. Trees within a candidate road tree protection zone shall consist of a minimum of 75 percent native and naturalized species.”

“Disturbance: Any action by a person which causes irreparable harm to a protected tree. Actions which disturb a protected tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents, infliction of a trunk wound, measured at its greatest dimension, that is 50 percent or greater of the diameter of the tree, or removal of sufficient canopy to cause unnatural decline of the tree.”

“Diameter at Breast Height (DBH): The diameter of the trunk measured 54 inches above the ground.”

“Invasive Plant: Any non-indigenous plant that grows aggressively enough to crowd out native plants.”

“Naturalized Plant: A plant that is not native to Seminole County but has colonized without being aggressive.”

“Protected Tree: A tree of 8 inches DBH or greater with sustaining root system and crown and potential to provide shade over travelways. Specifically excluded from this definition are species listed in Chapter 60 of the Land Development Code.”

“Tree Removal: To relocate, cut down, poison, or in any other manner destroy, or cause to be destroyed, a tree. It includes topping (except where permitted under state law), damage, or any other action that causes irreparable injury.”

“Travelway: The portion of the roadway for the movement of vehicles exclusive of the shoulders, bike lanes, or gutters.”

“Tree Protection Zone: An area on either side of a designated canopy road or candidate road, having a width of 50-150 feet from the centerline of such road. The width of any specific tree protection zone shall be as established in Section 60 of this Code, or by resolution of the Board.”

“Tree Removal and Protection Permit: The legal authorization to remove trees and/or the requirements to protect the trees from disturbance on a lot, pursuant to the provisions of this Code.”

“Tree Location Survey: A scaled drawing, at 1 inch = 200 feet or less, which provides the following information: location of all trees, plotted by accurate techniques; common name of all trees; and diameter at breast height (DBH) for each tree, printed on the proposed site plan. A site plan printed on an aerial photograph may be substituted if it is approved by the Planning & Development Director prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions. Such a site plan shall be subject to the same scale requirements as a tree location survey.”

Section 2. Amendment to Chapter 60, Land Development Code of

County (LDC). Chapter 60 of the LDC is amended to read as follows:

Sec. 60.2. Scope Applicability. The terms and provisions of this chapter shall apply to all real property lying within the unincorporated areas of the county except as to those properties exempted from regulation by the County pursuant to Sections 163.3162 and 823.14, Florida Statutes (2003) and except as to developed single family lots of five (5) acres or less. Any property in a tree protection zone is not exempt from the regulations, unless otherwise stated in this Part.

Sec. 60. 2.1 Canopy Roads, Candidate Roads, and Tree Protection Zones

Canopy and Candidate roads and tree protection zones are established herein and shall apply to the following collector roads:

<u>ROAD</u>	<u>FROM</u>	<u>TO</u>	<u>CLASS</u>	<u>PROTECTION ZONE WIDTH</u> <u>1,2</u>
<u>Banana Lake Road</u>	<u>CR 46A</u>	<u>South terminus</u>	<u>Canopy</u>	<u>50'</u>
<u>Brumley Rd.</u>	<u>Lake Mills Rd.</u>	<u>White Tail Tr.</u>	<u>Candidate</u>	<u>50'</u>
<u>Country Club Rd. (C-15)</u>	<u>Ronald Reagan Blvd.</u>	<u>HE Thomas Jr. Pkwy. (CR 46-A)</u>	<u>Candidate</u>	<u>60'</u>
<u>Curryville Rd.</u>	<u>Lake Mills Rd.</u>	<u>Pandora Lane</u>	<u>Candidate</u>	<u>60'</u>
<u>Dike Rd.</u>	<u>500' west of Maidenwood Way</u>	<u>Howell Branch Rd.</u>	<u>Candidate</u>	<u>60'</u>
<u>Florida Ave.</u>	<u>Elm St.</u>	<u>Kansas St.</u>	<u>Canopy</u>	<u>75'</u>
<u>Florida Ave.</u>	<u>Oklahoma St.</u>	<u>Van Arsdale St.</u>	<u>Canopy</u>	<u>50'</u>
<u>Florida Ave.</u>	<u>Kansas St.</u>	<u>Oklahoma St.</u>	<u>Candidate</u>	<u>75'</u>
<u>Fort Lane Rd.</u>	<u>Whitcomb Rd.</u>	<u>East terminus</u>	<u>Candidate</u>	<u>50'</u>
<u>Gen. Hutchison Pkwy.</u>	<u>Ronald Reagan Blvd.</u>	<u>US 17-92</u>	<u>Canopy</u>	<u>150'</u>
<u>Hunt Club Blvd.</u>	<u>SR 436</u>	<u>Wekiva Springs Rd.</u>	<u>Candidate</u>	<u>75'</u>
<u>Lake Markham Rd.</u>	<u>Markham Road</u>	<u>Sylvan Lake Dr.</u>	<u>Candidate</u>	<u>50'</u>
<u>Markham Rd.</u>	<u>Orange Blvd.</u>	<u>Longwood-</u>	<u>Candidate</u>	<u>75'</u>

<u>ROAD</u>	<u>FROM</u>	<u>TO</u>	<u>CLASS</u>	<u>PROTECTION ZONE WIDTH</u> <i>1,2</i>
		Markham Rd.		
Markham Woods Rd.	SR 434	Markham Road	Candidate	75'
Mullet Lake Road	SR 46	Mullet Lake Park	Candidate	60'
West Osceola Road	SR 46	End Of The Trail	Candidate	50'
N. Hart Road	Avenue C	Avenue A	Canopy	100'
N. Hart Road	Avenue A	Geneva Heights Rd.	Canopy	75'
N. Hart Road	SR 46	Main St.	Candidate	75'
N. Hart Road	Main St.	Avenue C	Candidate	100'
Old Chuluota Rd.	CR 419	Willingham Rd.	Candidate	75'
Palm Springs Dr.	SR 434	Center Street	Candidate	50'
S. Sanford Ave.	SR 417	Myrtle St.	Candidate	50'
S. Sanford Ave.	Myrtle St.	Lake Jesup Park	Candidate	60'
Snowhill Road	Overlook Dr.	CR 426	Candidate	75'
Wayside Rd.	SR 46	Orange Blvd.	Candidate	60'
Wekiva Springs Rd.	Wekiva Springs Ln.	Orange Co. Line	Candidate	75'
Whitcomb Rd.	Lake Harney Rd.	Fort Lane Rd.	Candidate	50'
Wilson Road	Emmett Ave.	International Pkwy.	Canopy	50'
1 Measured from road centerline				
2 Border trees shall be included in the tree protection zone.				

Sec. 60.3. The Board of County Commissioners Designated as the Seminole County Tree Committee. The Board of County Commissioners (BCC) is hereby designated as the Seminole County Tree Committee. In that capacity the BCC may:

- (1) Consider and impose appropriate tree preservation conditions of approval for land use amendments, rezoning requests, and preliminary master plans;
- (2) Approve grading, tree replacement and tree protection provisions contained in final master plans and subdivision plats;
- (3) Approve Historic Tree nominations and permits for necessary removal of Historic trees;
- (4) Increase citizen awareness of and community support for tree preservation and protection programs and objectives;
- (5) Implement a Tree Planting and Management Plan;

- (6) Provide for designating and observing an Arbor Day, including a Proclamation relating thereto;
- (7) Approve the annual re-certification as Tree County USA;
- (8) Coordinate activities and programs with civic and public interest groups devoted to tree care and preservation;
- (9) Hear appeals by aggrieved parties from decisions made by the Planning and Development Director, or his or her designee; and
- (10) Direct the enforcement of all provisions of this ordinance.

Sec. 60.4. Tree preservation during development and construction.

(a) In order to prevent destruction of or damage to trees, trees not designated for removal may be required by the terms of the permit to be protected by barrier zones. Protective barriers shall be erected prior to any land clearing or construction of any structures, roads, utility service, or other improvements and may be required by the terms of the permit to comply with the following:

- (1) Protective posts (two (2) inches by four (4) inches or larger wooden post, two (2) inches outer diameter or larger galvanized pipe, or other post material of equivalent size and strength-rebar shall not be used as a protective post) shall be implanted deep enough in the ground to be stable and with at least three (3) feet of the post visible above the ground;
- (2) Protective posts shall be placed at points not closer than the drip line of the protected tree, with the posts being not further than six (6) feet apart, except that pedestrian access may be allowed within this line as needed during construction but, in no case, shall access be permitted closer than five (5) feet to the trunk;
- (3) All protective posts shall be linked together (fencing at least three (3) feet high, two (2) courses of rope not less than one-half ($1/2$) inch in diameter or a chain of comparable size, or other material of equivalent visibility), and each section shall be clearly visible (flagged with yellow plastic tapes or other brightly colored weatherproof marker);
- (4) All existing trees to remain and replacement stock shall have the natural soil level maintained from the trunk to the drip line of each tree. Permanent tree wells, retaining walls or planter islands shall be provided, when found to be necessary by the Planning and Development Director, or his or her designee, to maintain the existing

natural soil levels. Insofar as practicable to maintain a reasonable beneficial use of the property, natural drainage to such trees shall be maintained. No grade changes shall be made within the protective barrier zones, without prior approval by the Planning and Development Director, or his or her designee.

- (5) Protective barrier zones shall remain in place and intact until such time as landscape operations begin or construction is complete, whichever occurs first;
- (6) Landscape preparation in the protected area shall be limited to shallow disking of the area, however, no disking shall occur within five (5) feet of the trunk or above ground roots.
- (b) No building materials, machinery or temporary soil deposits shall be placed within protective barrier zones defined in subsection (a) above;
- (c) No attachments or wires other than those of a protective or non-damaging nature shall be attached to any tree;
- (d) Trenching of any type should be avoided in the protective barrier zone. Where underground installations are conducted adjacent to the trunks of trees to be preserved, tunneling should be utilized to the maximum practicable extent. When trenching or tunneling occurs near trees to be protected, protective measures should be taken in accordance with the Tree Protection Manual for Builders and Developers published by the Florida Department of Agriculture and Consumer Services which is adopted herein by this reference thereto;
- (e) The Planning and Development Director, or his or her designee, shall conduct periodic inspections of the site before work begins and during clearing, construction and post-construction phases of development in order to insure compliance with this Code and the intent of this chapter. Trees that are destroyed or which are subject to major damage, as determined by the Planning and Development Director, or his or her designee, shall be replaced in accordance with the requirements of this ordinance before occupancy unless removal has been permitted by the County.

Sec. 60.5. Exemptions. The following exemptions are self executing, but any person desiring a document attesting to such exemption may make application to the Planning and Development Director, or his or her designee. If deemed necessary the property shall be inspected to confirm that the specified activity is, in fact, exempt. If the activity is determined to be exempt, the Planning and Development Director, or his or her designee, shall place on record the basis for the same, including all statements and documents submitted by the applicant and shall describe with particularity the precise activities exempted.

(a) **Emergencies.** In the event that any tree endangers health or safety and requires immediate removal, such as, but not limited to, the cutting of emergency fire lanes by fire-fighting units, verbal authorization may be given by the Planning and Development Director, or his or her designee, and the tree may be removed without obtaining a written permit as herein required. Such verbal authorization shall later be confirmed in writing;

(b) **Nurseries.** All state-approved, governmental and private plant or tree nurseries and botanical gardens are exempt from the terms and provisions of this chapter only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of business or for some public purpose;

(c) **Pruning.** Normal pruning (less than 25 percent of the canopy) of trees, when conducted in accordance with the adopted "Tree Pruning Standards" of the National Arborist Association, are exempt from the terms and provisions of this chapter, except that the following pruning practices are not permitted and constitute a violation of this chapter requiring replacement of the trees subjected thereto in accordance with the replacement requirements of this chapter:

(1) Hat-racking: the severe trimming of trees in which most branches are cut and few branches with leaves remain;

(2) Lollipopping: the severe trimming of trees to create a non-natural shape.

Trees planted and maintained as topiaries which are not part of the required landscaping are exempt from these pruning restrictions.

(d) **Agricultural Uses.** Activity of a bona fide farm operation on land classified as agricultural land pursuant to section 193.461, Florida Statutes (2003), is exempt from this chapter 60 if such activity is regulated through implemented best management practices, interim measures, or regulations developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district and adopted under chapter 120 as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(e) **Exotic Trees.** All tree species listed as Category I or Category II invasive exotics in the Florida Exotic Pest Plant Council's List of Invasive Species, including the following species of trees, shall be exempt from the provisions of this chapter:

- (1) Acacia (Acacia species);
- (2) Australian Pine (Casuarina species);

- (3) Brazilian Pepper (*Schinus terebinthifolius*);
- (4) Tree or Punk Tree (*Melaleuca quinquenervia*);
- (5) Camphor (*Cinnamomum camphora*);
- (6) Carrotwood (*Cupaniopsis anacardiodes*);
- ~~(67)~~ Chinaberry (*Melia azedarach*);
- ~~(78)~~ Chinese Tallow Tree (*Triadica sebifera*);
- ~~(89)~~ Ear Tree (*Enterolobium cyclocarpum*)
- ~~(910)~~ Eucalyptus (*Eucalyptus robusta*)
- ~~(1011)~~ Flamegold Tree (*Koelreuteria elegans*);
- ~~(1112)~~ Guava (*Psidium* species);
- ~~(1213)~~ Jacaranda (*Jacaranda acutifolia*)
- ~~(1314)~~ Java Plum (*Syzygium cumini*);
- ~~(1415)~~ Mimosa (*Albizia julibrissin*);
- ~~(1516)~~ Paper Mulberry (*Broussonetia papyrifera*);
- ~~(1617)~~ Rosewood (*Dalbergia sissoo*);
- ~~(1718)~~ Silk Oak (*Grevillea robusta*);
- ~~(1819)~~ Tung Oil Tree (*Aleurites fordii*);
- ~~(1920)~~ Umbrella Tree (*Schefflera actinophylla*); and
- ~~(2021)~~ White Lead Tree (*Leucaena leucocephala*).

(f) **Disasters.** In the case of emergencies such as hurricane, hailstorm, windstorm, flood, freeze, or other disasters, the requirements of this chapter may be temporarily waived by the Planning and Development Director, or his or her designee, or the Public Safety Director. At the earliest possible meeting of the board, findings shall be presented to the board establishing that such waiver was necessary so that public or private work to restore order in the county would not be impeded. Said waiver must be for a time certain and may not be for an indefinite period;

(g) **Dead Trees.** Dead trees are exempt from the terms of this chapter.

Section 60.5.1. Logging.

(a) Except as to activity conducted on land classified as agricultural land pursuant to section 193.461, Florida Statutes (2003), no person shall engage in logging operations without first obtaining a logging permit.

(b) Each application for a logging permit shall comply with all applicable conditions and recommendations outlined in the Florida Department of Agriculture and Consumer Services' publication titled "Silviculture Best Management Practices". Applications shall describe in detail the lands to be logged, the size and types of trees to be logged, the term of operations, the months during which trees will be logged, the procedures for safeguarding trees not to be logged, procedures for restoration of altered terrain, procedures for preventing erosion and pollution, and to what extent reforestation is to occur. A reforestation plan indicating all appropriate cover and plantings shall be submitted with all applications for logging permits unless waived by the Planning and Development Director, or his or her designee, based upon his or her determination that

submission of a plan would not further the public interests based upon future development conditions that will relate to the site. The Planning and Development Director, or his or her designee, upon receipt of said application, may require such additional information as deemed necessary to meet the intent and purposes of this chapter;

(c) The Planning and Development Director, or his or her designee, may, in granting a logging permit, place such reasonable conditions or restrictions upon the same as deemed necessary to:

- (1) Protect trees not permitted to be logged;
- (2) Buffer logging operations from waterways, parks, and residentially designated, zoned, occupied or used lands;
- (3) Guarantee restoration of terrain to a degree necessary for the prevention of erosion and protection of flora;
- (4) Prevent pollution;
- (5) Insure reforestation, if part of the management plan;
- (6) Preserve historic trees;
- (7) Otherwise promote the intents and purposes of this chapter.

(d) Notwithstanding anything herein to the contrary, no person shall:

- (1) Destroy, damage or log any trees which have been designated by the county or other appropriate agency as threatened, endangered or historic; or
- (2) Conduct logging operations within fifty (50) feet of any lands that are residentially designated, zoned, used or occupied.

Section 60.5.2 Authority to require removal of trees. The Board of County Commissioners may, after such notice as is reasonable under the circumstances, order the removal of ~~dead, damaged or diseased~~ trees on private or public property when such trees:

- (1) constitute an imminent threat to life or property; or
- (2) harbor pest insects which threaten other trees in the area; or
- (3) are diseased with a disease that threatens other trees in the area; or
- (4) have the potential for interference with the construction of public roads, utilities, landfills, stormwater facilities, or other government uses where such trees are located within a tree protection zone; or

(5) are dead and located within tree protection zones.

The owner of the property upon which the tree is located shall remove the tree within the time specified by the Board. Failure to comply with the Board's order shall authorize the County to enter upon the property and remove the tree and bill the owner for the expense thereof.

Nothing in this Part shall be construed to prevent routine maintenance or the trimming of trees within tree protection zones by public utilities or their authorized agents, where such trimming or maintenance is required for the establishment or continuation of the service provided by such utility. Prior to undertaking such activities, the utility shall submit to the Planning & Development Director a general maintenance plan which shall indicate:

- (a) The type of maintenance to be performed.
- (b) The location of the affected tree protection zone(s) and the location of utility structures within such zone(s).
- (c) An approximate (e.g. yearly or monthly) maintenance schedule.
- (d) Specific measures to be taken by the utility to minimize damage to trees and the canopy or tree-lined effect within the protection zone(s).

The Planning & Development Director, or designee, shall review the submitted maintenance plan and shall, within 30 days, issue a letter of agreement authorizing maintenance within the tree protection zone(s). The letter shall contain all pertinent information submitted in accordance with subsection (5)(a-d) above as well as any revisions deemed necessary by the Director to preserve the tree protection zone. The letter shall be signed by the Planning & Development Director and an authorized representative of the utility. The letter of agreement shall be valid for a maximum period of 5 years. Upon expiration of this time period, the utility may seek a new letter of authorization and shall be subject to any new regulations then in effect.

Trimming within a tree protection zone shall be limited to 16 feet clearance over the travelway for vehicles, and eight feet over walkways for pedestrian clearance.

Sec. 60.6. Variances. The preservation of any tree on the preferred tree replacement species list with a trunk diameter of twenty-four (24) inches and greater measured four and one-half (4^{1/2}) feet above the ground [Diameter at Breast Height (DBH)] may be considered as the basis for the Planning and Development Director, or his or her designee, granting a variance from the required replacement ratios or the literal application of the provisions of this chapter. Conditions of a variance so granted shall be made a part of the arbor permit.

Sec. 60.7. Appeals. Any affected person, as hereafter defined, aggrieved by any decision made in the application of this chapter may file a written appeal with the Tree Committee in accordance with the provisions of this section. An "affected person" is the person, firm, corporation or other legal entity making an application for a permit pursuant to this Chapter or that is the subject of any enforcement action pursuant to this Chapter.

- (a) The appeal shall be filed not later than fifteen (15) days from the date on which the disputed decision was rendered;
- (b) The fee for filing an appeal shall be paid when the appeal is filed. The amount of the fee shall be established by resolution of the Board of County Commissioners.
- (c) The hearing on the appeal shall be held within sixty (60) days of the date of filing of the appeal.
- (d) After a full and complete hearing on the appeal, the Tree Committee shall, within fifteen (15) days of said hearing, render its decision in writing either affirming, overruling, or modifying the decision of the administrative official, agency or body.

Sec. 60.8. Effect of violations upon building permits and final approvals. No building permits shall be issued on lands where violations of this chapter are found to exist by the Planning and Development Director, or his or her designee, until such time as appropriate remedial action is approved by the county. Final approval shall not be given to any construction until all violations have been corrected.

Sec. 60.22. Permit application and procedures. The following procedures shall be followed and shall govern the granting of all permits pursuant to this chapter, except for the permits for maintenance and trimming of trees by public utilities within tree protection zones, as defined in Sec. 60.5.2.:

- (a) *Application.* Permits for removal, relocation, or replacement of trees covered herein shall be obtained by making application in a form prescribed by the Planning and Development Director, or his or her designee, to the following appropriate public bodies:
 - (1) In the case of a subdivision development, an application for an arbor permit shall accompany the preliminary subdivision plan of said subdivision and shall be submitted to the Development Review Division for review. The arbor permit submittal information included with the preliminary subdivision plan may be limited to an aerial photograph or drawing of the areas where trees are proposed for removal or relocation. Upon submittal of final engineering plans for a subdivision, the applicant shall provide all information required in Section 60.22 (b) and (i). The Planning and Development Director, or his or her designee, shall have final authority over the approval or denial of applications for permits in such instances. Approval of the

final engineering plans shall constitute approval of the arbor permit, provided however that no clearing pursuant to the arbor permit shall commence until the site permit has been issued for the final engineering plans;

(2) In the case of any development which requires site plan approval by the Planning and Zoning Commission, the Board of County Commissioners, or both; permits for removal, relocation or replacement of trees covered herein shall be obtained by making application at the time of site plan submittal to the board charged by law, ordinance or regulation with the approval of said site plan. In those cases where a site plan is required to be approved by both the Planning and Zoning Commission and the Board of County Commissioners, the decision of the Planning and Zoning Commission with respect to the tree permit application shall be recommendatory only, and the Board of County Commissioners shall make the ultimate decision as to whether to grant or deny said application for permit. Staff evaluation of the appropriateness of the application will be included in their recommendation to the Board of County Commissioners and approval of the site plan shall constitute approval of the arbor permit;

(3) In the case of property in a tree protection zone where development requires approval under the Land Development Code, said tree removal and protection permit shall not be issued until after the final engineering is approved. Any person applying for a permit to remove or disturb trees shall file a written application and pay such a fee as established under separate resolution by the Board of County Commissioners. The written application shall constitute a written authorization for County staff to enter the property to conduct inspections to determine if the applicant is in compliance with the provisions of this Part. A tree location survey for the lot must be submitted with the application.

~~(34)~~In the case of a vacant single family lot development involving tree removals, an application for an arbor permit shall accompany the building application for said lot and shall be submitted to the Building Division for approval; or

~~(45)~~In all cases, other than those described in subsections (1), (2), ~~(3)~~ and ~~(34)~~ above, permits for removal, relocation, or replacement of trees covered herein shall be obtained by making application to the Planning Division.

(b) Fees. The Board of County Commissioners is authorized to set reasonable fees and charges for the implementation of this Part. Fees charged shall substantially finance the costs incurred in processing authorizations and other related activities administered by the Planning &

Development Director. Fees shall be waived with reference to any tree that is determined to be exempt under the conditions of Sec. 60.5.

(bc) *Submittals.* All applications shall be accompanied by such permit fee as shall, from time to time, be established by duly adopted resolution by the Board of County Commissioners; provided, however, that governmental agencies are exempted from permit fees. Each application for a permit to remove, relocate or replace trees covered herein shall be accompanied by a written statement indicating the reasons for removal, relocation or replacement of trees and two (2) copies of a legible site plan drawn to the largest practicable scale, but need not be certified by a registered surveyor, indicating the following:

- (1) Location of all existing or proposed structures, improvements and site uses, properly dimensioned in reference to property lines, setback and yard requirements in spatial relationship;
- (2) Proposed changes, if any, in site elevations, grades and major contours;
- (3) Location of existing or proposed utility services and easements;
- (4) Location of all trees on-site which have a minimum DBH of three (3) inches designating the trees to be retained, removed, relocated, or replaced. Groups of trees in close proximity may be designated as "clumps" of trees with the estimated number and type of trees noted when they are to be removed, relocated or replaced. Trees with a DBH of twenty-four (24) inches and greater shall be identified by species and diameter measurement. Trees to be removed, relocated or replaced shall be labeled by (common or botanical name) on the site plan;
- (5) Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, relocation or replacement; and
- (6) Applications involving developed properties may be based on drawings showing only that portion of the site directly involved and adjacent structures and landscaping on natural growth incidental thereto.
- (7) Applications involving work in a tree protection zone shall include a plan showing proposed scope of work, and shall identify protected trees (by species and DBH), the scaled location of the tree protection zone, and the proposed location of the tree protection barricades. The application shall also include a tree survey, general description of the trees to be removed or relocated, an area map indicating the location of the trees to be removed or relocated, and any proposed

structures or vehicle use areas. In addition, part of the application shall contain a signed acknowledgement by the applicant verifying that no protected trees will be removed as a part of the development project except as noted on the approved application. The written statement and site plan shall include, at a minimum, the following:

- (i) Written detailed justification for removing a tree.
- (ii) The location and dimensions of all existing and proposed structures.
- (iii) Significant natural features.
- (iv) Existing and proposed contours.
- (v) Existing protected trees to remain on site.
- (vi) Trees to be removed and retained.
- (vii) Existing and proposed utilities.
- (viii) Building and other structural setbacks.
- (ix) Trees on adjacent property that may be affected by proposed construction.
- (x) Any land use requirements pertaining to property use or restrictions.
- (xi) For items (v) and (vi) above, the general location of the trees, including blocks of trees, is acceptable, providing a listing of individual trees by species and size is provided.

(de) Tree preservation. For trees that are to be saved or retained, each application must contain a statement of how these trees or tree areas are to be protected during construction and landscape operations;

(ed) Application review. Upon receipt of a proper application, the appropriate body or agency shall review said application. The review may include, but need not be limited to, a field check of the site and referral of the application for recommendations to other appropriate administrative departments or agencies. The designated public agency or body shall take all steps to assure that a decision is made on the application within thirty (30) days; provided, however, that, in the case of site plan approval, a decision on an application shall be made within the time required for site plan approval; and provided, further, however, that, if more time is required to process any application, a request in writing stating a specified extension of time shall be made to the applicant for his or her approval. If the request for extended process time is rejected by the applicant, an approval, conditional approval or denial of the application shall be issued without undue delay; provided, further, however, that expiration of the review time does not entitle the applicant to remove the trees which are the subject of the application.

Upon receipt of the complete application for work in a tree protection zone, the Planning & Development Director, or designee, will conduct a field inspection to determine if the information is sufficient for review, and if the proposed plan is in compliance with the provisions of this Part.

Upon completion of the review, the Planning & Development Director will notify the applicant that the application is insufficient; does not comply with the provisions of this article; or that the permit is approved, or approved with conditions;

(fe) *Issuance of permits for removal.* No permit shall be issued for tree removal unless one (1) of the following conditions exists:

- (1) The tree is located in a buildable area, yard area or right-of-way where a structure or improvement is to be placed and for which a permit application has been filed, and/or it unreasonably restricts the permitted use of the property;
- (2) The tree is diseased or injured, or in danger of falling on pedestrians, vehicular traffic or in such proximity to existing or proposed structures so as to endanger such structures;
- (3) The tree interferes with utility services or creates unsafe vision clearance;
- (4) The tree is diseased or infested with a condition that will require removal of the tree to prevent the transmission of the disease or infestation.

(g) *Relocation or replacement.* As a condition of the granting of a permit, the applicant may be required by the Planning and Development Director, or his or her designee, to relocate or replace (with authorized replacement trees) the trees being removed. Replacement trees, when required, will be provided based on the DBH of the trees being removed and the caliper (trunk diameter measured one foot above the ground) of the replacement stock trees. A site plan depicting the proposed location of the replacement trees is required as part of the permit application. The replacement standards below will apply, provided, however, that under no circumstances shall the number of required replacement trees exceed 250 trees per acre.

TREE REPLACEMENT STANDARDS

<i>DBH of Tree Removed</i>	<i>Number of Replacement Trees Required for Each Tree Removed</i>	<i>Minimum Caliper for Standard Replacement</i>	<i>Replacement Trees Required for Each Tree Removed due to an Arbor Violation</i>
3 inches to less than- 12 inches	Two (2) replaced for one (1) removed	Two (2) <u>Four (4)</u> inches	Four (4) replaced for one (1) removed
12 inches to less than 24 inches	Four (4) replaced for one (1) removed	Two (2) <u>Four (4)</u> inches	Six (6) replaced for one removed

24 inches or larger	Five (5) replaced for one (1) removed	Two (2) <u>Four (4)</u> inches	Eight (8) replaced for one (1) removed
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In determining the required relocation or replacement of trees, the following shall be considered:

- (1) Existing tree coverage;
- (2) Number of trees to be removed and retained. Special consideration will be given to the retention of Florida native species and trees with a DBH of twenty-four (24) inches or larger;
- (3) Area to be covered with structures, parking, and driveways;
- (4) Topography and drainage of the site and its environs;
- (5) Character and ecology of the site; and
- (6) Characteristics and amount of trees, shrubs and grass proposed for planting on the site by the applicant. Special credit may be given in consideration of planting of trees that exceed the minimum diameter requirements or are selected from the "Preferred Tree Species" list.

(hg) *Alternatives to standard tree replacement.* If the total number of trees required cannot be reasonably accommodated on a site, the total caliper inches shall be met by the placement of fewer, but larger, trees on the site, as approved by the Planning and Development Director, or his or her designee;

(ih) When ten (10) or more trees are required to be planted on a site to meet the requirements of this chapter, a mix of trees shall be provided at least one (1) of which shall be native to the Central Florida Region and no single tree species may constitute more than fifty (50) percent of the trees planted. The minimum number of species to be planted is set forth below.

REQUIRED MIX OF TREE SPECIES

<i>Required Number of Trees Planted</i>	<i>Minimum Number of Species</i>
10 – 20	2
21 – 30	3
31 – 40	4
41+	5

(ii) *Permit form.* Permits shall be issued in such form as may be prescribed by the Planning and Development Director, or his or her designee, and may set forth in detail the conditions upon which the permit is granted.

One (1) permit may cover several trees or groups of trees as long as the same can be clearly identified thereon; provided, however, that, no permit may be issued for more than one (1) parcel or area of land unless said parcels or areas of land are contiguous to one another; and

(k) In a tree protection zone, any authorization for tree removal or disturbance shall specify the location approved, the species of tree, the action allowed to be performed, the duration of the approval, and any other requirement deemed necessary by the Planning & Development Director to regulate the disturbance or removal of canopy road trees in the County.

(l) If a protected tree within a tree protection zone dies after a tree removal permit has been issued, and prior to the issuance of a Certificate of Occupancy, the applicant shall notify the Planning & Development Director and request an inspection prior to the removal of the dead tree. An inspection shall be made within two working days of the notification by the applicant. Failure to notify the Planning & Development Director prior to the removal of any protected tree constitutes a violation of this Part .

(m) All permits for tree removal for trees within a tree protection zone will require a final inspection to ensure compliance with the provisions of this Part. Final inspections shall be scheduled by the applicant after completing the project.

(nj) *Permit expiration.* Any permit issued under this ordinance shall automatically expire twelve (12) months after issuance, or, when issued as part of a building permit, at the time of expiration of the building permit, whichever is later.

(ok) *Stop Work Order.* Whenever any work is being done contrary to the provisions of this ordinance, the Planning and Development Director, or his or her designee, may order the work stopped by serving written notice on the holder of the permit or the person(s) at the work site.

Sec. 60.23. Replacement stock.

(a) In all cases wherein this chapter requires replacement of any tree removed, said replacement shall be made with "replacement stock." Replacement stock is hereby defined as any immature tree, other than palm trees, with a minimum diameter of two (2) inches at one (1) foot above ground level (i.e. 2" caliper) and having a height of at least eight (8) feet. Replacement stock shall be maintained by the permittee until replacement stock meets the definition of a tree as defined in Chapter 2. Any dead or substantially damaged tree under maintenance shall be replaced with same kind within thirty (30) days of notification. Trees listed as Category I or Category II invasive exotics identified in the Florida Exotic Pest Plant Council's List of Invasive Species shall not qualify as replacement stock.

- (b) The following suggested tree replacement species were selected for their hardiness, disease or pest resistance. It is not the intent to limit acceptable species (except as herein set forth), but rather to provide adequate guidelines in the selection of replacements. All replacement trees shall be Florida Nursery grade Number 1. Tree species must be approved in advance by the Planning and Development Director, or his or her designee, except for the following trees which may be used as replacement stock without prior approval:

Preferred Tree Species List

- (1) American Elm (*Ulmus americana*);
- (2) American Holly (*Ilex opaca*);
- (3) American Hornbeam (*Carpinus caroliniana*);
- (4) Box Elder (*Acer negundo*);
- (5) Bald Cypress (*Taxodium distichum*);
- (6) Carolina Basswood (*Tilia americana* var *caroliniana*);
- (7) Dahoon Holly (*Ilex cassine*);
- (8) Devilwood (*Osmanthus americanus*);
- (9) Laurel Oak (*Quercus laurifolia*);
- (10) Live Oak (*Quercus virginiana*);
- (11) Loblolly Bay (*Gordonia lasianthus*);
- (12) Loblolly Pine (*Pinus taeda*);
- (13) Longleaf Pine (*Pinus palustris*);
- (14) Persimmon (*Diospyros virginiana*);
- (15) Pignut Hickory (*Carya glabra*);
- (16) Pond Cypress (*Taxodium ascendens*);
- (17) Pond Pine (*Pinus serotina*);
- (18) Red Bay (*Persea borbonia*);
- (19) Red Maple (*Acer rubrum*);

- (20) Sand Live Oak (*Quercus geminata*);
- (21) Scrub Holly (*Ilex opaca*);
- (22) Silk Bay (*Persea humilis*);
- (23) Slash Pine (*Pinus eliottii*);
- (24) Southern Magnolia (*Magnolia grandiflora*);
- (25) Southern Red Cedar (*Juniperus silicicola*);
- (26) Swamp Tupelo (*Nyssa sylvatica biflora*);
- (27) Sweetbay (*Magnolia virginiana*);
- (28) Sweetgum (*Liquidambar styraciflua*);
- (29) Sycamore (*Platanus occidentalis*);
- (30) Tulip Tree (*Liriodendron tulipifera*);
- (31) Turkey Oak (*Quercus laevis*); and
- (32) Winged Elm (*Ulmus alata*).

Acceptable Tree Species List

- (1) Carolina Ash (*Fraxinus caroliniana*);
- (2) Carolina Laurel Cherry (*Prunus caroliniana*);
- (3) Eastern Cottonwood (*Populus deltoides*);
- (4) Hackberry (*Celtis laevigata*);
- (5) River Birch (*Betula nigra*);
- (6) Shumard Oak (*Quercus shumardii*);
- (7) Swamp Bay (*Persea palustris*);
- (8) Myrtle Oak (*Quercus myrtifolia*); and
- (9) Sand Pine (*Pinus clausa*).

Other native and non-native species may be acceptable for use but will require County approval prior to planting.

Sec. 60.24. Authority to impose fines and County arbor violation trust fund.

(a) The Tree Committee may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this Part, and any permit issued thereunder, including injunctive relief to enjoin and restrain any Person from violating its provisions and such damages as may be sustained by virtue of this Part, together with all costs and expenses involved in the case.

(b) The removal or unauthorized pruning of a protected tree, or any action which causes the disturbance of a protected tree in violation of the provisions of this Part, or any permit issued thereunder, may be mitigated by paying a fine equal to \$100 per inch of diameter at breast height (DBH), and shall be used only for the purposes of acquiring, planting, and protecting trees within the County.

(a) The Code Enforcement Board, after notice and hearing, is authorized to impose fines, in amounts not to exceed those shown in subsection (b), for removal of trees without an arbor permit or removal of trees in excess of those authorized by an arbor permit.

(b) Fines shall be calculated on the basis of the following table, unless in a tree protection zone then Sec. 60.24(b) shall apply:

DBH of tree removed	Amount of fine
3 inches to less than 12 inches	\$100.00 per tree
12 inches to less than 24 inches	\$300.00 per tree
24 inches or larger	\$500.00 per tree

If the DBH of the tree(s) removed cannot reasonably be determined then there shall be a rebuttable presumption that the DBH of each tree removed was in excess of twelve (12) inches but less than twenty four (24) inches. If the number of trees removed cannot reasonably be determined then there shall be a rebuttable presumption that the density of the trees removed was one hundred (100) trees per acre and the number of trees removed shall be calculated using that density applied to the areas cleared. The maximum fine per acre shall not exceed \$10,000.00.

(c) All fines shall be in addition to and not in lieu of the requirement to plant replacement trees as specified in Section 60.22(f) of this chapter.

(cđ) An arbor violation trust fund is hereby established by the county for deposit of fines paid to the county. All monies deposited hereunder shall be deposited in the arbor violation trust fund, which shall be a separate account established and maintained apart from the general revenue fund of the County. All money in this fund shall be used for the planting of trees in the County and the administrative costs incurred in enforcing this ordinance as authorized by the Board of County Commissioners. The arbor violation trust fund shall be self-perpetuating from year to year unless specifically terminated by the Board of County Commissioners.

Section 3. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this ordinance and the balance of this Ordinance shall not be affected thereby.

Section 4. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Land Development Code and that the word "Ordinance" may be changed to "section," "part" or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 3, 4, and 5 shall not be codified.

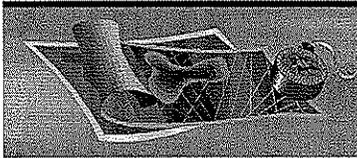
Section 5. Effective Date. This Ordinance shall become effective upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 9th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

CARLTON D. HENLEY, CHAIRMAN



OBJECTIVE DES 2 IMPROVE THE VISUAL QUALITY OF STREETS AND HIGHWAYS

Policy DES 2.1 **Landscaping and Maintenance of Public Roadways**

The County shall amend the Land Development Code, by 2002, to include, at a minimum, provisions implementing each of the following policies:

- Require larger minimum tree size, larger tree spacing and buffer widths with better irrigation standards for buffers adjacent to roadways to ensure the viability of new landscaping.
- Enhance landscaping regulations to regulate the size of wells (planting area) where new trees are planted to ensure that the well is of adequate size to allow sufficient root growth and to ensure that wells are free of construction debris when trees are planted.
- Consider retention/detention facilities designed without fencing and proper landscaping as lands contributing to open space and landscape requirements.
- Require the use of hedges, walls and landscaping at intersections and development entryways along arterial and collector roadways, consistent with line-of-sight safety standards, to identify community areas to the traveling public.
- Include additional landscaping and design techniques between commercial areas and highway frontage in conjunction with sign controls to enhance community aesthetics and maintain neighborhood viability. Landscape and design techniques may vary in development corridors and mixed-use centers based on the specific site plan for the area.
- Evaluate and strengthen, if necessary, code enforcement requirements, procedures or staffing to ensure that property owners are meeting the requirements of adopted codes.
- Evaluate and strengthen, if necessary, county maintenance standards, procedures and staffing for county streets and highways to ensure that the desired aesthetic effect is being achieved.

Policy DES 2.2 **Scenic and Canopy Roads**

A The County shall monitor and revise as necessary the adopted scenic and canopy road program which protects roadways with existing, heavy vegetation and natural canopy trees on designated roads. The designation of sections or entire roadways as scenic roadways is based upon road characteristics such as, by way of example:

- Amount of existing vegetation cover, especially canopy trees along the roadway;
- Amount and character of development on the roadway;
- Number of curbcuts, traffic signals and other visual impacts; and,
- Future land use designations along the roadway.

B The County shall develop standards for future development along designated scenic roadways focusing on preserving existing canopy trees through design standards for:

- Building setbacks and heights;
- Signage, lighting and outdoor advertising;
- Curbcuts and utilities in the right-of-way;





- Fences and walls and other structures within the setback area; and
 - Minimum tree size and supplemental arbor and landscaping requirements.
- C** General Hutchison Parkway, between US 17-92 and County Road 427 (Ronald Reagan Boulevard) is designated as a canopy roadway. The roadway corridor extends 150 feet from the centerline of the roadway. To ensure the preservation of the natural canopy and scenic character of this roadway, the following standards shall only apply to vacant, undeveloped properties, rights-of-way and publicly owned properties within the 150 foot corridor:
- Clearing of canopy trees, native vegetation or construction activities within the corridor shall be prohibited, except when warranted in cases of eminent danger, selective clearing according to Best Management Practices for the purpose of stimulating canopy growth, and for routine maintenance, which shall be limited to mowing of grass and removal of underbrush and dead trees.
 - The Board of County Commissioners may grant approval, when warranted, to clear canopy trees, native vegetation or perform construction activities within the corridor.
 - Allowance shall be made for development of the County's recreational trail system.

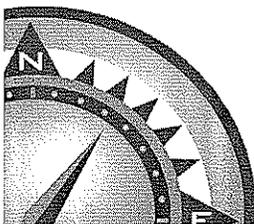
(Added: Amendment 04S.TXT02.1; Ordinance 2004-25, 06/08/2004)

Policy DES 2.3

Gateway Roads

The County shall continue to adopt Collector and Arterial Road Gateway Overlay Zoning Ordinances for selected collector and arterial roadways. These selected roads must be programmed for expansion (according to the procedures and general criteria established through the Lake Mary Boulevard Overlay Ordinance) where public and private landscaping is provided and signage, parking and building placement and height are regulated according to the following guidelines:

- Landscaping shall be in large canopy trees where possible and natural drought resistant species; signs shall be low profile; building placement and site buffers shall be uniform; and parking lots shall be adequately landscaped and have low-level lighting fixtures.
- The County shall perform gateway studies, which are prioritized in conjunction with major roadway improvements wherever possible so they may be adopted prior to roadway construction.
- The County shall develop, by 2002, a set of base line public landscaping and buffer improvements to protect existing neighborhoods when existing collector or arterial roads are expanded.
- The County shall continue to use beautification committees to identify improvements and associated funding for landscaping and buffers above the County's base-line level.
- Community groups shall be encouraged to help fund beautification improvements above the County's base-line level.



Seminole County ECONOMIC IMPACT STATEMENT

Date:	10/24/06	Department//Division:	Planning and Development- Planning Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Ordinance amending the Land Development Code		
Topic:	Amendment to the Land Development Code of Seminole County relating to tree protection and establishment of canopy and candidate roads.		

Describe Project/Proposal

Ordinance amending the Land Development Code for the purpose of regulating the cutting of trees on privately owned properties abutting certain designated roads in Seminole County.

The Seminole County Comprehensive Plan encourages the preservation of canopy trees along County roads, treating them as having both aesthetic and economic benefits. In areas where such trees are plentiful enough to be a significant and identifiable resource, the County is required to establish development standards to prevent loss or reduction of this vegetation.

This Ordinance may have an economic impact on individuals, businesses, or government, based on the following provisions of the proposed amendments to the Land Development Code:

- (1) The proposed ordinance would regulate the removal of canopy trees in areas adjacent to designated "canopy roads" where such trees are now abundant, and where their protection is important to preserving the scenic natural character of Seminole County.
- (2) The proposed ordinance would also regulate the removal of canopy trees in areas adjacent to designated "candidate roads" where such trees are present in some amount, and where their protection has the potential to create new corridors suitable for a "canopy road" designation in the future.
- (3) Permitted uses and other development standards not related to canopy tree preservation along designated "canopy roads" and "candidate roads" would continue to be governed by the Land Development Code and the Seminole County Comprehensive Plan.
- (4) A permit issued by the Planning & Development Director shall be required for removal of any protected tree. Such removal shall generally be related to eliminating a safety hazard or permitting a utility to maintain service to its customers.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

This ordinance may have a direct effect upon the economic impact of County operations as it relates to the cost to local government in developing and implementing new governmental regulations, and from revenues expended by business and/or individuals to comply with such regulations.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

A slight increase in development costs to property owners is anticipated as a result of the proposed new regulations.

Identify Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

In adopting and implementing new land development regulations, local government may incur costs beyond fees generated by development applications. However, land values are expected to increase as well.

Citation

Seminole County Home Rule Charter.

**Seminole County
PRIVATE PROPERTY RIGHTS ANALYSIS
Amendments to the Land Development Code to Establish
Regulations for Canopy Roads, Candidate Roads and Tree
Protection Zones**

Date:	10/10/06	Department/Division:	Planning and Development/ Planning Division
Contact:	Jeff Hopper	Phone:	407-665-7377
Action:	Amendment of the Land Development Code to establish regulations to protect canopy trees on designated roadways in Seminole County.		
Topic:	Establishment of regulations for Canopy Roads, Candidate Roads and Tree Protection Zones		

Describe Project/Proposal

The proposed canopy roads ordinance would protect canopy trees along County roadways in areas where they are now abundant, and where development constraints would have the greatest benefits in protecting the County's natural and aesthetic resources. The proposed ordinance identifies roadways having these characteristics for the designation of "canopy road" and "candidate road." Within these zones, the disturbance of any protected tree would generally be related to eliminating a safety hazard, construction of roads and utilities, or restoration of electric power in an emergency situation.

Estimated Economic Impact on Individuals, Businesses, or Government

Impacts to individuals may result from complying with these proposed changes to the land development regulations. For example, restrictions on land clearing adjacent to canopy and candidate roads could reduce the buildable area of a parcel of land.

Impacts to businesses and government may result from implementation of a permitting process for removal of trees from designated canopy and candidate roads. Under the new regulations, a utility may trim or eliminate trees where such activities are required to establish or maintain service. However, utility companies will be required to obtain a permit from the Planning & Development Director stating where such activities will be carried out, the purpose and extent of the work, an ongoing maintenance schedule, and proposed measures to minimize damage to trees within the established protection zones. This permitting process may delay or reduce maintenance activities by utility companies while creating additional review and enforcement functions for Seminole County.

Note:

Existing development rights with respect to the types of permitted uses are based on future land use designations of the Seminole County Comprehensive Plan and zoning classifications of the Land Development Code. Aside from the requirements discussed above, no changes in development rights will be created by this ordinance.

Seminole County recognizes that it has the responsibility and duty to both insure that public facilities are available concurrent with the impacts of development and to protect private property rights, which have vested in owners of parcels of real property.

Objective FLU 12 Private Property Rights Act, of the Seminole County Comprehensive Plan (Vision 2020 Plan) states: "The County shall fully implement the provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act (Section 1, Chapter 95-181, Laws of Florida). Each staff recommendation relative to any land use decision shall consider the provisions of that Act and other general principles of law relating to the appropriate regulation of land without said regulation resulting in the taking of private property rights."

Anticipated New, Increased or Decreased Revenues

These amendments may affect revenues relating to the cost to local government in implementing new regulations and revenues generated from business and/or individuals to comply with new policies.

Method Used in Determining Analysis

The method of analysis involved the potential impacts from adopting the proposed amendments to the Seminole County Comprehensive Plan (Vision 2020 Plan) and professional expertise.

Citation

Seminole County Comprehensive Plan (Vision 2020 Plan).

**WILLIAM R. MILLER
147 VARIETY TREE CIRCLE
ALTAMONTE SPRINGS, FL 32714
(407) 970-2645**

November 3, 2006

TO: Dick Van Der Weide
Seminole County Board of County Commissioners
Fax (407) 665-7958

FROM: Bill Miller 

RE: Proposed Amendment to Chapter 60, Land Development Code

Yesterday, the D.A.B. had its first opportunity to review the proposed addition to Section 60.2.1 "Canopy Roads, Candidate Roads, and Tree Protection Zones".

After discussion it was agreed to communicate with the commissioners. Kevin Spolski sent a letter to Brenda which covers our concerns. I could not say it any better so I am taking the liberty to forward Kevin's letter for your review and consideration.

If you have any questions, please call me at (407)970-2645.

2 November 2006

SENT VIA E-MAIL AND U.S. MAIL

~~Commissioner Brenda Carey
Seminole County Commission, District 5
1107 East First Street
Sanford, FL 32771~~

RE: Amendment to Chapter 60, Land Development Code of County
Section 60.2.1 Canopy Roads, Candidate Roads, and Tree Protection Zones

Dear Commissioner ~~_____~~ **Dick**

On behalf of the Seminole County Development Advisory Board (DAB), I am writing to request that consideration of the proposed Section 60.2.1 of Amendment to Chapter 60 of the Land Development Code by the Seminole County Commission be postponed until the long-term effects and consequences of the proposed amendment are carefully investigated and considered. It is DAB's understanding that Section 60.2.1 is scheduled for consideration by the County Commission at the November 7, 2006 County Commission meeting. The intent of Section 60.2.1 is to establish Canopy and Candidate roads and tree protection zones applied to various collector roads as outlined in the Amendment. In essence, implementation of this Amendment would require that no trees be removed from a width varying from 50' to 150' from the centerline of the affected collector roads.

It is DAB's understanding that the Seminole County Planning and Zoning Board tabled consideration of Section 60.2.1 at last night's meeting pending receipt of additional information. The members of DAB wholeheartedly agree that this particular amendment to the Land Development Code should not be considered for approval at this time pending thorough investigation of all possible ramifications of this amendment. We feel consideration of this amendment has been rushed through the consideration process without sufficient staff review. Based upon information DAB has received, it appears that Section 60.2.1 has not been approved by Seminole County Public Safety Division nor has it been reviewed by Seminole County's Legal Division. We believe careful consideration by all Seminole County departments is essential to avoid future legal and logistical challenges that can reasonably be expected if this provision is implemented as proposed. For example: has Seminole County Public Safety determined the affects on egress of fire safety vehicles and equipment for combating forest fires fueled by possible dense vegetation on roadways where Section 60.2.1 will require that trees be allowed to canopy over the roadway? Further, have the legal liabilities to Seminole County been carefully considered related to possible property damage or loss of life caused by falling trees that cannot be removed as a result of Section 60.2.1? Additionally, DAB finds it troubling that Seminole County may face protracted, expensive legal challenges brought about by property owners whose property rights will be severely impacted by Section 60.2.1.

Spolski Construction, Inc. • 1425 E. Airport Blvd. • Sanford, FL 32773
Phone: 407.322.8424 • Fax: 407.322.8436

Commissioner Brenda Carey

Page 2

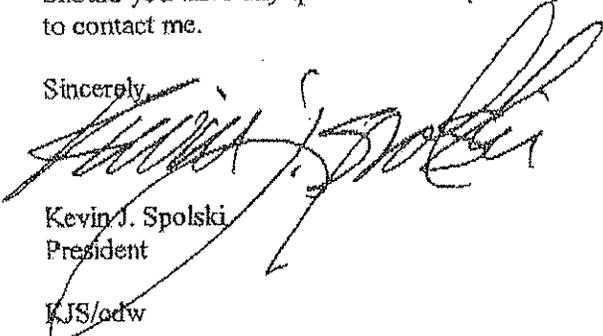
2 November 2006

The consensus of the Development Advisory Board members is to respectfully request the Seminole County Commissioners adhere to its motto of "A Business Doing Government Work". If Section 60.2.1 is considered from a business-like standpoint, we trust the Commission will determine that this Section is not a necessary addition to the Land Development Code. In fact, adoption of Section 60.2.1 will result in the creation of an additional layer of governmental oversight resulting in the need for additional staff and taxpayer dollars to fund review and compliance with the Amendment.

To reiterate, the Seminole County Development Advisory Board is respectfully requesting that Section 60.2.1 of the Amendment to the Land Development Code not be considered for approval by the Seminole County Commission unless and until all potential ramifications of implementation are investigated and reported by Seminole County staff.

Should you have any questions or require any additional information on this matter, please feel free to contact me.

Sincerely,



Kevin J. Spolski
President

KJS/adw

cc: Seminole County Development Advisory Board Members

BellSouth Telecommunications, Inc.
Room 400
500 North Orange Avenue
Orlando, Florida 32801

Office: 407 245-3015
Fax: 407 648-5771
Mobile: 407 325-5584
Email / Blackberry: Mark.LoCastro@BellSouth.com

Mark G. LoCastro, P.E.
Director – Provisioning

November 5, 2006

Mr. Jeffrey Hopper
Senior Planner
Seminole County Planning Division
1101 East First Street
Sanford, FL 32771

Subject: Proposed Canopy Roads Ordinance for Seminole County
BellSouth's Feedback on the Ordinance

Dear Mr. Hopper:

Thank you for giving BellSouth the opportunity to comment on the proposed ordinance prior to its approval. We commend your proactive approach in seeking such feedback in advance of the upcoming Public Hearing. Our comments are as follows:

Section 60.4 (a): it is our interpretation the “protective barriers” required by this section will not be necessary if our above-ground operations (trenching, boring rig setups, etc.) are outside of the drip line of the protected trees in question.

Section 60.4 (d): “tunneling” – it is our interpretation this term includes our industry-standard directional boring operations.

Section 60.5 (a): the terminology “In the event that any tree endangers health or safety and requires immediate removal...” should read something like “In the event that any tree endangers health, safety *or the maintenance of utility service* and requires immediate removal...”

Section 60.5.2 (4) page 10: the terminology “have the potential for interference with the construction of public roads, utilities, ...” should read something like “have the potential for interference with the construction *or maintenance* of public roads, utilities, ...”.

Section 60.5.2 (4) page 11: there are two points of concern within this section:

1) while we certainly appreciate the intent of the section overall, submittal of a general maintenance plan for each routine maintenance tree trimming operation, and waiting as long as 30 days for approval of the plan seems to be an excessive administrative burden for all utilities involved. We would suggest exemption status for utility services; and 2) the paragraph “Trimming within a tree protection zone shall be limited to 16 feet clearance over the travelway for vehicles, and eight feet over walkways for pedestrian clearance” does not allow for the trimming necessary for aerial utility passage at higher heights on pole lines – this needs to be modified.

Section 60.22 (g) top of page 17: “In determining the required relocation or replacement of trees, the following shall be considered:” – the document lists six things to consider but a seventh item should be added to insure that the existing location of underground and aerial utility facilities is taken into account during tree planning and placement and these locations should be protected and avoided.

Should you have any questions or concerns about this, please do not hesitate to call me. Thank you once again for this opportunity to provide feedback,



DEPARTMENT OF PUBLIC SAFETY

EMS-FIRE-RESCUE DIVISION



November 6, 2006

James A. Hattaway
840 Waterway Place
Longwood, Florida 32750

Re: Proposed Amendment to the Seminole County Land
Development Code Establishing Canopy and Tree Protection
Zones

Dear Mr. Hattaway:

In response to your letter dated November 02, 2006, I have reviewed the specific amendment in question concerning establishing standards for canopy roads, designating certain roads as such, establishing tree protection zones and setting up enforcement methods for such.

Your specific question related to whether this amendment overlooked our department's goals of eliminating fuel for forest fires, ensuring access for firefighting vehicles at the site of a forest fire, and generally protecting our community from forest fires. While we have no specific policy generated for such, providing optimum fire protection to the citizens of Seminole County is at the forefront of our mission.

Having reviewed the list of specific canopy roads, candidate roads and their associated tree protection zones in section 60.2.1, I have no particular concerns relating to the listed roads in terms of diminished ability to provide fire protection.

We need a minimum distance of 12 feet from ground to base of the canopy in order to enable a piece of fire apparatus to have access in the roadway and at this time are not aware of any situation within the County that is deficient in this manner.

As for the elimination of fuel for forest fires, we work with the Florida Division of Forestry which follows the "FireWise Florida" program to recommend the voluntary reduction of fire fuels within a 30 foot perimeter along with fire safe construction methods for residential structures.

Sincerely,

Leeanna Raw, Fire Chief
Seminole County EMS/Fire/Rescue Department

Law Offices

JAMES A. HATTAWAY PA

840 Waterway Place
Longwood, Florida 32750

407-831-7500
Fax 407-331-7500

Internet Address:

~~jimhattaway@celebrationff.us~~

Note e-mail change:
jimhattaway@earthlink.net

November 2, 2006

Chief Leeanna Raw
Seminole County Fire Department
150 Bush Boulevard
Sanford, Florida 32773

Re: Proposed Amendment to the Seminole County Land
Development Code Establishing Canopy and Tree Protection
Zones

Dear Chief Raw:

I write as a member of (and at the direction of) the Seminole County Development Advisory Board. Some months ago you joined us at a meeting, and we agreed to stay in touch with you if fire-related items came within our review. Such an event has occurred.

At this morning's meeting, Seminole County staff shared with us a proposed amendment to the Seminole County Land Development Code purporting to establish standards for canopy roads, designate certain roads as such, to establish tree protection zones, and to set up an enforcement mechanism (a copy is attached in the mailed version).

While we recognize that staff's goals are understandable, we are concerned that in working to further the goal of protecting certain trees staff might have overlooked your department's goals of eliminating the fuel for forest fires, ensuring access for your firefighting vehicles at the site of a forest fire, and generally protecting the community from forest fires.

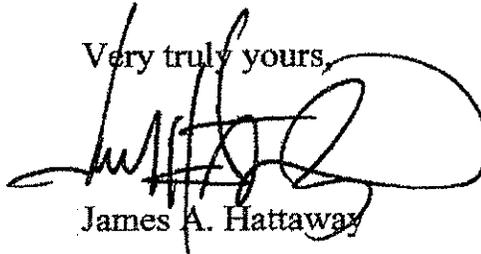
We asked staff if you or your department had been made aware of this proposal, and they said you had not. As such, we have taken it upon ourselves to share this item with you. While the item was tabled by the

November 2, 2006
Chief Leeanna Raw
Seminole County Fire Department
Re: Proposed Amendment to the Seminole County Land
Development Code Establishing Canopy and Tree Protection Zones

county's Planning and Zoning Commission last night, it is our understanding that the matter will be brought to the Board of County Commissioners at its November 7 meeting.

If you have any questions or comments, please do not hesitate to call or email me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James A. Hattaway', written over a large, stylized circular flourish.

James A. Hattaway