

SEMINOLE COUNTY

ARTICLE II. TREE PROTECTION

Sec. 62-31. Intent.

Trees are declared to be a natural public resource. It is the intent of the city to protect them as set out in this article in the interest of the health, safety and welfare of the citizens of this city. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees as covered by the terms of this article except in accordance with all the provisions of this article.

(Code 1991, § 5.01.01)

Sec. 62-32. Definitions.

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

Commercial nursery or tree farm means a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.

Drip line means an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

Protective barrier means a physical structure limiting access to a protected area, composed of wooden or other suitable materials that assures compliance with the intent of this article.

Remove or removal means the actual removal by digging up or cutting down, or the effective removal through damage or other means.

Transplant means the digging up by a property owner of a tree from one place on his property and the planting of the same tree in another place on the same property.

Tree means any self-supporting, woody plant that normally grows to a minimum height of 15 feet or greater with a mature crown spread of 15 feet or greater and having trunks that can be maintained with over five feet of clear wood. Mangroves shall be considered trees

Tree survey means an aerial photograph or drawing at no more than a scale of 1" = 200' which provides the location of all trees protected under the provisions of this article, plotted by accurate techniques, common or botanical name of all trees, consecutively numbered and calibrated.

(Code 1991, § 5.01.02)

Cross references: Definitions generally, § 1-2.

Sec. 62-33. Regulations--Small tracts.

On platted lots or tracts of less than one acre in area, it shall be unlawful for any person to remove or cause to be removed any tree with a trunk diameter of four inches or more, the diameter being measured 4 1/2 feet above grade (diameter at breast height) when such a tree is located within the front, side or rear setback of the lot or tract, as defined by this land development code, without first having a permit to do so as provided in this article.

(Code 1991, § 5.01.03)

Sec. 62-34. Same--Large tracts.

On any platted or unplatted tract of one acre or more in area, it shall be unlawful for any person to remove or cause to be removed any tree with a trunk diameter of four inches or more, the diameter being measured 4 1/2 feet above grade (diameter at breast height), without first having obtained a permit to do so as provided in this article.

(Code 1991, § 5.01.04)

Sec. 62-35. Protected and exempt trees.

(a) *Protected species.* All species commonly known as mangroves, (Avicennia germinans, black mangrove; Laguncularia racemosa, white mangrove; Rhizophora mangle, red mangrove; Conocarpus erectus, buttonwood) of whatever size, as well as the species Quercus Virginiana (live oak) and Quercus laurifolia (laurel oak), of whatever size, are recognized to be of special ecological value. No mangrove tree, live oak or laurel oak shall be removed without a tree removal permit.

(b) *Mangroves exempt from survey.* Due to the vegetative characteristics of mangroves, they will be exempt from the tree survey requirement; but no other permitting procedures will nullify the requirements of this article, including but not limited to a 1" = 200' aerial photograph, and site plan review.

(c) *Commercial nursery tree farm.* The terms and provisions of this article shall not apply to a commercial nursery or tree farm.

(d) *Exempt trees.* Specifically exempt from the terms and provisions of this article are the following species of trees:

- (1) Melaleuca quinquenervia (pumpkin tree).
- (2) Enterolobium cyclocarpum (ear).
- (3) Melia azedarach (chinaberry tree).
- (4) Jacaranda mimosaeifolia (jacaranda tree).
- (5) Schinus terebinthifolius (Brazilian pepper).
- (6) Casuarina equisetifolia (Australian pine).

(Code 1991, § 5.01.05)

Sec. 62-36. Reforestation.

(a) *Reforestation required.* As a condition for the issuance of a permit under the provisions of this land development code, the city manager may require that the owner of the property either relocate or replace any trees with comparable substitutes within designated areas of the property. No tree which has been planted as a replacement under the provisions of this section may be removed without a tree removal permit, regardless of size.

(b) *Replacement species.* A list of suggested tree-replacement species is available upon request; the trees on this list were selected from the viewpoint of hardiness, disease and pest resistance, availability, and size variability. It is not intended to limit acceptable species, but rather to provide adequate guidelines. However, in no case shall single-trunk palms or cluster palms constitute more than 20 percent of the trees selected as replacement trees.

(Code 1991, § 5.01.06)

Sec. 62-37. Protection during construction.

(a) *Area of protection.* It shall be unlawful for any person in the construction of any structures or improvements to place material, machinery or temporary soil deposits within six feet or two-thirds of the drip line, whichever distance is greater, of any tree having a four-inch or greater trunk diameter measured 4.5 feet above grade level.

(b) *Barriers required.* Before development, land clearing or any other land alterations that may affect the health of existing trees, the developer shall be required to erect suitable protective

barriers; further, these barriers shall remain until such time as they are authorized to be removed. During construction, no wires or attachments of any kind shall be affixed to any of these trees. (Code 1991, § 5.01.07)

Sec. 62-38. Emergencies.

In the case of emergencies such as hurricane, windstorm, flood, freeze or other disasters or hazards, the requirements of this division may be waived by the city manager upon a finding that such waiver is necessary so that public or private work to restore order in the community will not be impeded. (Code 1991, § 5.01.08)

Sec. 62-39. Public right-of-way.

No trees shall be removed from the public right-of-way except under the direction of the city manager. (Code 1991, § 5.01.09)

Sec. 62-40. Creation and establishment of a tree advisory committee.

There is hereby created and established a tree advisory committee for the city, which shall consist of five members, who shall be appointed by the mayor and council.

(1) *Duties and responsibilities.* It shall be the responsibility of the tree advisory committee to develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the department of general services. The tree advisory committee, when requested by the department of general services, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(2) *Term of office.* The term of the five persons to be appointed by the mayor and council shall be three years except that the term of two of the members appointed to the first tree advisory committee shall be for only one year and the term of two members of the first tree advisory committee shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(3) *Compensation.* Members of the tree advisory committee shall serve without compensation.

(4) *Definitions.*

Street trees mean trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Park trees mean trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(5) *Operation.* The tree advisory committee shall choose its own officers, govern by Roberts Rules, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(6) *Street tree species to be planted.* The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees without written permission of the tree advisory committee.

TABLE INSET:

Shade Trees	Ornamental Trees	Palm Trees
Live Oak	Crepe Myrtle	Washingtonia
Weeping Elm	Ligustrum Tree-form	Sabal

Winged Elm	Weeping Holly	Medjool
Magnolia	India Hawthorn	
Red maple	Oleander Tree-Form	

(7) *Spacing of street trees.* No trees may be planted closer together than the following:

Shade trees, 40--50 feet;

Ornamental trees/power line planting, 30--40 feet;

Palm trees, 30 feet; except in special plantings designed or approved by a landscape architect.

(8) *Distance from curb and sidewalk.* The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the following:

Shade trees, three feet;

Ornamental trees, two feet; and

Palm trees, two feet.

(9) *Distance from street corners and fire hydrants.* No street tree shall be planted closer than ten feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet of any fireplug.

(10) *Utilities.* No street trees other than those species listed in subsection (6) of this section may be planted under or within ten-lateral feet of any overhead utility wire, or over or within five-lateral feet of any underground water line, sewer line, transmission line or other utility.

(11) *Public tree care.* The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The tree advisory committee may recommend the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This subsection does not prohibit property owners providing that the selection and location of said trees is in accordance with subsections (6) through (10) of this section.

(12) *Tree topping.* It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the general services department.

(13) *Pruning, corner clearance.* Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 13 feet, six inches above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

(14) *Dead or diseased tree removal on private property.* The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of

service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the property owner.

(15) *Removal of stumps.* All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(16) *Arborists license and bond.* It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a permit. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in an amount satisfactory to the city, for bodily injury and property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(17) *Review by city council.* The city council shall have the right to review the conduct, acts and decisions of the tree advisory committee.

(18) *Penalty.* Any person violating any provision of this section shall be, upon conviction or a plea of guilty, subject to a fine as provided for by the Code of Ordinances of the city.

(19) *Severability.* The provisions of this section are declared to be severable and if any section, sentence, clause or phrase of this section shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this section, but shall remain in effect, it being the legislative intent that this section shall stand notwithstanding the invalidity of any part.

(20) *Effective date.* The effective date of this section shall be immediately upon its passage by the city.

(Ord. No. 25-2001, 10-9-01)

Secs. 62-41--62-70. Reserved.