

DRC PLAN REVIEW

TREE ORDINANCE AND LANDSCAPE REQUIREMENTS CHECKLIST

(Tree Ordinance Requirements are per Sections 15-276 thru 15-306)

(Landscape Requirements are per Chapter 24 and per Chapter 34)

TREE ORDINANCE:

- A. Provide a Signed and Sealed Tree Survey prepared by a Surveyor registered by the state of Florida. This electronically transmitted document must follow the Florida Board of Professional Surveyors and Mappers Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents”. (Section 5J-17.062). The survey shall follow the guidelines per Sec. 15-301(e)(1). Be aware, if there are no existing protected trees as defined by Section 15-301(e), the surveyor may submit a signed and sealed letter which states: “There are no protected trees on this property, as per Section 15-301(e).”
- B. Drawings shall be scaled at least one (1) inch equals three hundred (300) feet. (Sec. 15-301(e)(1))
- C. Each survey shall comply with Sec. 15-301(e)(1). In addition, the trees shall be sequentially numbered and indexed.
- D. Protection Zones A, B & C shall be overlaid on survey of undeveloped lands or portions thereof with appropriate setbacks for Zones A & B. (Sec. 15-301(e)(1)(b))
- E. Trees on the Recommended Stock List, (Sec. 15-283), shall be located and identified, within Protection Zones, by Diameter at Breast Height, tree species, and common names. (Sec. 15-301(e)(1)(c))
- F. Indicate trees proposed for removal. (Sec. 15-301(e)(2)(a))
- G. Indicate trees to be preserved and protected. Provide diagram and description of industry approved protection barrier as well as diagram of such barrier around each preserved tree(s). (Sections 15-301(e)(2)(b) and 15-282(c))
- H. Identify existing and proposed easements. (Sec. 15-301(e)(2)(c))
- I. Identify water bodies, wetlands and other conservation areas. (Sec. 15-301(e)(2)(d))
- J. Trees located within water bodies, wetlands and other conservation areas shall not be included in the Tree Survey, (Sec. 15-283(d)(7)) as they will not count toward replacement requirements.
- K. Indicate existing and proposed improvements to the site, including proposed grading plan. (Sec. 15-301(e)(2)(e))
- L. Calculations of removal/replacement tree inches must be included. Provide a spreadsheet indicating existing, removed, and preserved inches per protection zone as well as planted inches to determine possible mitigation. (Include only those species on the Recommended Stock List, DBH per Protection Zone minimums, 3 inches and greater preserved inch caliper and location, per Sec. 15-283). (Sec. 15-301(e)(2)(f))

- M. Residential Preliminary Subdivision Plans (PSP) must provide a lot-by-lot spreadsheet. Include: lot number, lot size, required trees per Sec 15-306, caliper(s) provided (2 inch Min.), proposed replacement trees, caliper(s) provided (3 inch Min.), preserved trees, total replacement (inches per lot).
- N. Specimen trees are any Live Oak or Southern Magnolia twenty-four (24) inches DBH or greater. Specimen trees shall also include Champion Trees. Specimen trees are counted at a ratio of 2:1 of DBH inches. (Sec. 15-283(d)(1)). Any tree identified as a “Twin” or “Multi-Trunked” of either of the above species shall have their cumulative diameters multiplied by 2:1 if their cumulative diameter is 24 inches or greater. (Ex. Twin 20/22 Oak = 42 inches x 2:1 = 84 inches DBH)
- O. If a tree is labeled simply as ‘oak’, it will be considered a Live Oak – per administrative decision.
- P. Removed pines do not require mitigation and do not require identification. However, preserved pine trees 3 inches DBH or greater will count as credit when listed as preserved. (Sec. 15-283(d)(5))
- Q. Palms do not count, based on the minimal understory canopy they provide.
- R. Preserved trees that are 3 inches in caliper and greater and that are on the Recommended Stock List, will count as preserved inches. (Sec. 15-283(d)(5))
- S. Tree Replacement Calculations. The following are sample numbers however this is the format to follow:

| | |
|---|--------|
| Total Protected Inches on Site: | 3,089 |
| Total Protected Inches Removed (<i>including 2:1 Specimen trees</i>): | 2,170 |
| Total Protected Inches Preserved (<i>including 2:1 Specimen trees</i>): | 919 |
| Total Inches Requiring Replacement: | 2,170* |

***(Compare this number to the maximum mitigation number below. The lesser of the two numbers is the actual number of inches to mitigate.)**

| | |
|---|-----------------------------|
| Total Maximum Mitigation Required per Sec. 15-283(d): | 1,493.1 |
| <i>(16.59 Buildable Acres x 90 inches)</i> | |
| Total Inches Preserved (<i>including 2:1 Specimen trees</i>): | - 919 |
| Balance of Mitigation Owed: | 5,74.1 |
| Total Inches Proposed to be Planted: | 1,122 |
| Balance of Mitigation Owed: | 0 |
| | (547.9 inch surplus) |

Note: If there are inches owed for replacement, they may be offset by planting additional trees or larger trees on site, however per administrative decision, newly planted trees may not have a caliper greater than 5 inches. In addition, mitigation may be satisfied by paying into the Orange County Tree Fund. If this option is chosen, payment must be made prior to the recording of the plat if a PSP or prior to permit issuance if a Development Plan (DP). The current fee, as may be amended by the BCC, is \$106 per inch (Non-specimen trees) and \$212 per inch for Specimen trees. The calculations, including any amount of fees to be paid, shall be stated on the tree plan submitted with the PSP (or DP), along with a note recognizing that any payment of fees shall be paid prior to the recording of the plat or prior to permit issuance.

T. Add these statements to the Residential PSP Tree Plan:

1. Residential PSP’s shall comply with Section 15-306 concerning minimum number of trees per lot.

2. Any trees proposed to be preserved on this approved PSP tree preservation plan that are subsequently removed, shall be considered a violation and as such shall be replaced (in inches) on site at a 2:1 ratio for non-specimen trees and at 4:1 for Specimen trees per Section 15-281(e). As an alternative, the violation may be satisfied via payment into the Orange County Tree Fund or by some combination of payment and onsite planting. The current fee, as may be amended by the BCC, is \$106.00 per inch. Mitigation must take place at time of permitting (or the recording of the plat, if the violation is discovered prior to platting). The removal of such trees, if any, shall not result in a net loss in the required number of trees per Section 15-306 of the Orange County Code.

3. Tree removal mitigation per lot is the responsibility of each lot owner and shall be consistent with this tree survey / removal / replacement plan.

4. Any trees proposed to be preserved on this plan shall not have any fill or excavation at points closer than six feet from the base of the tree or at the radius of the drip-line of the protected tree or stand of trees, whichever is greater. (Sec. 15-282(c))

5. Payment of any tree mitigation fees shall take place prior to the recording of the plat.

6. A Tree Preservation/Mitigation Plan is included with this PSP submittal. Due to final site engineering evaluation, up to (but no more than) 10% of the amount of trees (in inches) shown to be preserved may be removed, provided such removals are reflected in an adjusted Tree Preservation/Mitigation Plan submitted and approved by the Zoning Arbor Office prior to removals. Such removals and mitigations shall be in accordance with regular mitigation requirements, and shall not be considered a violation. However, any proposal or removal of more than 10% shall require that the Tree Preservation/Mitigation Plan (and PSP) return to DRC for a Change Determination, where the proposal for excess removal may be considered a Substantial Change, and/or may consider the removals to be a violation of the Tree Preservation/Mitigation Plan (and PSP) thereby requiring penalty mitigation to be provided.

U. Add these statements to any Non-Residential PSP or DP Tree Preservation/Mitigation Plans:

1. Any trees proposed to be preserved on this approved PSP or DP tree preservation/mitigation plan that are subsequently removed, shall be considered a violation and as such shall be replaced (in inches) on site at a 2:1 ratio for Non-specimen trees and at 4:1 for Specimen trees per Section 15-281(e). As an alternative, the violation may be satisfied via payment into the Orange County Tree Fund or by some combination of payment and onsite planting. The current fee, as may be amended by the BCC, is \$106.00 per inch. Mitigation must take place at time of permitting (or prior to the issuance of Certificate of Occupancy if site is in violation).

2. Any trees proposed to be preserved on this plan shall not have any fill or excavation at points closer than six feet from the base of the tree or at the radius of the drip-line of the protected tree or stand of trees, whichever is greater. (Sec. 15-282(c))

3. A Tree Preservation/Mitigation Plan is included with this PSP or DP submittal. Due to final site engineering evaluation, up to (but no more than) 10% of the amount of trees (in inches) shown to be preserved may be removed, provided such removals are reflected in an adjusted Tree Preservation/Mitigation Plan submitted and approved by the Zoning Arbor Office prior to removals. Such removals and mitigation shall be in accordance with regular mitigation requirements, and shall not be considered a violation. However, any proposal or removal of more than 10% shall require that the Tree Preservation/Mitigation Plan (PSP or DP) to return to DRC for a Change Determination, where the proposal for excess removal may be considered a Substantial Change, and/or may consider the removals to

be a violation of the Tree Preservation/Mitigation Plan (PSP or DP) thereby requiring penalty mitigation to be provided.

- V. For non-residential PSP's, provide a spreadsheet on the Tree Preservation/Mitigation Plan that indicates the amount of inches to be mitigated, if any, per lot (or transect). The inches shall be distributed and apportioned to the individual lots (or transects) within this PSP based on lot size. The required mitigation (in inches) per lot may be satisfied by onsite planting to meet Ch. 24 landscape requirements, by paying into County Tree Fund (the current fee, as may be amended by the BCC, is \$106 per inch for Non-specimen trees and \$212 per inch for Specimen trees) or by some combination of planting and payment. Mitigation shall be satisfied prior to permit issuance.

LANDSCAPE REQUIREMENTS: Chapter 24 updated by the BCC on September 22, 2009, which took effect October 1, 2010. These requirements shall be both depicted AND notated on the plan.

- AA. (a) The landscape plan shall conform to requirements set forth in Chapter 24 of this Code. Landscape plans for projects that are more than ½ acre in size shall be prepared and certified by a Landscape Architect who is registered in the State of Florida. Landscape plans for projects of ½ acre or less in size shall be prepared and certified by a Landscape Architect who is registered in the State of Florida or by other Qualified Professional (Sec. 24-3(b)) (Sec. 24-4(2))
- (b) The landscape plan shall be labeled as either a:
1. "40-40-20 Plan"
- or,**
2. "Florida Friendly Plan". The type of plan chosen shall be stated on the landscape plan. (Sec. 24-4(1)(1))
- (c) Note specifically whether the irrigation system will be:
1. Permanent
- or,**
2. Temporary --- "for the purpose of establishing the plant material". The chosen method shall be stated on the landscape plan. (Ch. 37, Sec.601-613)
- (d) Add a note to the landscape plan that certifies that "the irrigation shall be designed and installed to conform to Chapter 37, Sec. 601-613 of this Code".
- (e) Add a note to the landscape plan that "All existing invasive exotic plants, as listed on the Florida Exotic Pest Plant Council's Invasive Plant Species List, shall be removed. (Any disturbance of a wetland area requires compliance with Chapter 15 of this Code and review by the county's Environmental Protection Division)."
- f) Where street trees are proposed, no trees shall be planted within 75 feet of the Stop sign side of the road extension line.
- BB. Per Sec. 34-131(c)(1), all preliminary subdivision plans submitted after October 1, 2010 shall include a landscape plan to include any common or recreation areas lots within the subdivision and excluding storm water management areas.
- CC. Per Sec. 34-131(c)(1)a, the landscape plan shall contain no more than 60% turf based upon the total square footage of landscaped and irrigated common areas, excluding qualified retention ponds, storm water conveyance systems and active recreation areas/ball fields. No more than 60% of the

landscaping on individual residential lots may be turf. ***Include a typical lot diagram, with driveway and building footprint that shows that landscaping shall be comprised of no more than 60% turf.***

DD. Per Sec. 34-131(c)(3), the landscape plan shall contain certification by the landscape architect or other qualified professional, whichever is appropriate, that "the landscape plan is designed in compliance with this Code". The certification shall be stated directly on the PSP and shall be submitted to the County as a component of the initial submittal of the PSP.

EE. The landscape plan shall contain ***signed certification by the developer*** stating that "the landscape plan will hereafter be maintained in compliance with this Code and that such maintenance obligations shall be included in the deed restrictions associated with the subdivision". Per Sec. 34-133(k), the developer shall include language in the CC&R's stating that this landscape compliance language cannot be changed without county approval and such ***landscape plan compliance enforcement shall be the responsibility of the homeowner's association.*** (Sec. 34-131(c)(3))

FF. Per Sec. 34-131(c)(5), nothing in this ordinance shall be construed to prohibit or be enforced to prohibit any property owner from implementing county-approved low impact development techniques for storm water management and capture or Florida friendly landscaping on their land.

Please contact the reviewing arborist for specific questions:

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