



April 21, 2023

VIA ELECTRONIC MAIL

Rebecca Hammock, AICP
Seminole County Planning Department
1101 East First Street
Sanford, Florida 32771

**Re: *Land Development Code Update – Tree Preservation and Tree Removal
in the Wekiva River Protection Area and the Wekiva Study Area***

Dear Ms. Hammock:

Our firm is special land use counsel to Friends of the Wekiva River, Inc. (“FOWR”), with respect to the above-referenced matter. Tree preservation and improper tree removal are of paramount interest and concern to FOWR, especially within the boundaries of the Wekiva River Protection Area (“WRPA”) and the Wekiva Study Area (“WSA”). Thus, on FOWR’s behalf, we are submitting this letter with proposed revisions to the County’s Land Development Code (“LDC”) for the County Staff’s consideration to address an existing inconsistency between the County’s environmental design standards for the WRPA and the County’s general arbor permitting requirements.

Briefly stated, Policy FLU 12.9 of the County’s Comprehensive Plan, entitled “Wekiva River Protection Environmental Design Standards,” provides that the County shall continue to implement land development regulations for properties “located within the Wekiva River Protection Area and outside of the East Lake Sylvan Transition Area” that, among other things, “demonstrate that at least fifty percent (50%) of the trees located within the developable areas of a site . . . are preserved on site.” Policy FLU 12.9 further states that the County shall continue to enforce land development regulations providing that “[t]rees and other native vegetation shall be maintained on at least 50 percent of any residential parcel or subdivision unless it can be demonstrated that such vegetation is diseased or presents a safety hazard” and “[p]roperties with less than 50 percent native vegetation on site shall be required to maintain native vegetation to the greatest extent possible.” Provisions implementing Policy FLU 12.9 are currently located within Section 30.1111 of the County’s LDC, entitled “Wekiva River Protection Area Environmental Design Standards.”

Tallahassee 433 North Magnolia Drive Tallahassee, Florida 32308 (850) 224-7332 Fax: (850) 224-7662	Orlando 1809 Edgewater Drive Orlando, Florida 32804 (407) 347-5388 Fax: (407) 264-6132
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FOWR, however, has identified an inconsistency between the County's WRPA provisions and the County's general arbor permitting requirements. For example, Section 5.6 of the County's LDC, entitled "Arbor Permits," states that "[a]n arbor permit is required prior to the removal of any tree in the unincorporated areas of Seminole County . . . except for those trees that are on developed single-family lots of five (5) acres or less" and directs the public to Chapter 60 of the LDC for the necessary procedures and requirements to be followed prior to the removal of any tree. Similarly, Section 60.2 of the County's LDC provides that "[t]he terms and provisions of this chapter shall apply to all real property lying within the unincorporated areas of the county . . . except as to developed single family lots of five (5) acres or less." In other words, both Sections 5.6 and 60.2 of the County's LDC purport to authorize the wholesale removal of trees without an arbor permit on any single family lot of five (5) acres or less.¹ Sections 5.6 and 60.2 of the County's LDC, however, contain no recognition of the more restrictive fifty percent (50%) tree preservation requirements applicable in the WRPA and, thus, could erroneously lead a property owner of a single-family lot of five (5) acres or less within the WRPA to believe that existing trees on their property may be removed without limitation and without a permit.

As of the draft dated January 10, 2023, the pending update to the County's LDC does not include any proposed revisions to Section 5.6, but does propose revising Section 60.2 to provide that "[t]he terms and provisions of this chapter shall apply to all real property lying within the unincorporated areas of the county . . . except as to developed single family lots of ~~five (5)~~ three (3) acres or less."² FOWR views the proposed reduction of the lot size in Section 60.2 as a positive change as it reduces the number of lots to which the "exception" from an arbor permit potentially applies. However, the County should also revise Section 5.6 to be consistent with the proposed revision in Section 60.2 of the County's LDC.

In addition to the above-noted revision, FOWR respectfully submits that Sections 5.6 and 60.2 of the County's LDC should also be revised to eliminate any potential inconsistency with FLU Policy 12.9 of the County's Comprehensive Plan and Section 30.1111 of the County's LDC by cross-referencing the WRPA standards. FOWR also submits that arbor permits should be required for the removal of trees within the WSA given the environmental importance of such area.

As such, FOWR submits that Sections 5.6 and 60.2 of the County's LDC should be revised to read, in part, as follows:

Section 5.6: An arbor permit is required prior to the removal of any tree in the unincorporated areas of Seminole County except as may be exempted from regulation by the County pursuant to Sections 163.3162 and 823.14, Florida Statutes (~~2003~~2021) and

¹ A "Note" on the County's Arbor/Logging Permit Application contains similar "exception" language.

² The draft LDC update dated April 19, 2022, proposed a two (2) acre threshold, which FOWR supports over the more recent proposed revision to three (3) acres.

except for those trees that are on developed single-family lots of ~~five (5)~~ two (2) acres or less **located outside the Wekiva Study Area or outside the Wekiva River Protection Area and not subject to the arbor protection standards in Section 30.1111(a) herein.** Chapter 60 of this Land Development Code contains the necessary procedures and requirements that are to be followed prior to removing any tree and also provisions for obtaining exemptions to the permitting requirements.

Section 60.2: 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~~2021) and except as to developed single family lots of ~~five (5)~~ two (2) acres or less **located outside the Wekiva Study Area or outside the Wekiva River Protection Area and not subject to the arbor protection standards in Section 30.1111(a) herein.**

Additionally, FOWR submits that the existing "Note" on the County's Arbor/Logging Permit Application should be revised as follows:

Arbor/Logging Permit Application: Note: DEVELOPED SINGLE FAMILY LOTS OF ~~25~~ ACRES OR LESS DO NOT REQUIRE A PERMIT FOR TREE REMOVAL, **UNLESS LOCATED WITHIN THE WEKIVA STUDY AREA OR WITHIN THE WEKIVA RIVER PROTECTION AREA AND SUBJECT TO THE ARBOR PROTECTION STANDARDS IN SECTION 30.1111(A), SCLDC.**

Accordingly, for the reasons provided herein, FOWR respectfully requests that the County Staff incorporate the stated revisions into Sections 5.6 and 60.2 of the County's LDC as part of the ongoing update to the County's LDC. FOWR and I appreciate your prompt attention to this matter. As always, please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

S. Brent Spain

S. Brent Spain

cc: Jim Adamski, FOWR President (via e-mail)