



Town of Lake Park Community Development Department

Tree Removal Building Permit Application Attachment

A tree removal building permit is required for all protected trees, and specimen trees with a trunk caliper larger than 12 inches.

Please attach to a completed Building Permit Application - \$100. Should the Town require a consultant to assist, an additional escrow fee will be required

Building Permit Number Assigned _____

Location Address _____

Owner's name and e-mail _____

Common Name of Tree _____

Tree size and Caliper _____

Reason for Request to Remove Tree – Please be detailed and use additional page if needed. (Arborist letter may be required to support the removal of protected trees or specimen trees)

Include with application:

- Two (2) copies of your property survey illustrating the location of the tree to be removed. All existing structures and easements shall be identified on the survey
• Two (2) color photos of the tree(s).

If a letter from a certified arborist is required, at a minimum, it must contain the following information regarding tree (s): caliper, health/condition, aesthetic quality. In arborist's opinion, does the tree pose a threat to persons or property? Can the tree be removed and relocated? (on-site or elsewhere) Replacement value of tree.

Failure to submit all of the above requirements will result in the denial of a tree removal building permit application.

If a determination is made that the trees are either *Specimen trees* or *Protected trees*, one of the following will be required, per section 34-9 (7) of the Code

- Applicant shall provide alternate site plan that preserves tree
- Applicant shall adjustment of lot lines, if more than one lot
- Applicant shall provide for tree relocation elsewhere on site, or in town, in accordance with code section 34-9 (7) (c)
- If determination is made that tree cannot be saved, Community Development Department shall designate an equivalent replacement tree or trees to be placed:
 - on-site, by applicant or
 - elsewhere in Town
- If determined that on-site replacement is not feasible, off-site replacement shall be required, or contribution made to Town Tree Trust Fund for full equivalent of replacement tree or trees.

Town Code, Sec. 34-2. - Definitions.

Protected tree. A tree with a minimum caliper of four inches in diameter, one foot above the ground of the species Live Oak, Laurel Oak, Gumbo Limbo, Royal Poinciana, Banyan, and Mahogany.

Specimen tree. A tree with any individual trunk, which has a caliper larger than 12 inches. All nuisance trees listed in subsection [34-9\(2\)\(e\)](#) are not considered to be specimen trees.

Tree Removal Standards from the Town of Lake Park Code of Ordinances are attached

7/20/20

Sec. 34-9. - Tree removal standards.

The following standards shall be applicable to the removal of trees within the town:

- (1) *[Permit required.]* It shall be unlawful for any person, business or entity, intentionally or unintentionally, knowingly or unknowingly, directly or by direction, to cut down, destroy, remove or move, or to effectively remove or destroy, through the infliction of damage, any tree within the town, without first obtaining a permit from the community development department.
- (2) *[Exemptions.]* The following tree removal activities are specifically exempted from the permit, relocation, replacement and mitigation requirements of this chapter:
 - (a) Removal of trees within the property boundaries of developed property which are not specimen or protected trees.
 - (b) Removal of any dead tree.
 - (c) Removal of trees in emergency situations.
 - (d) Removal of any of the following nuisance tree species:

	Species	Common Name
1.	Acacia auriculiformis	Earleaf Acacia
2.	Albizia lebbek	Woman's Tongue
3.	Araucaria heterophylla	Norfolk Island Pine
4.	Bambusa Vulgaris	Tree Bamboo
5.	Bischofia javanica	Bischofia
6.	Brassaia actinophylla	Schefflera
7.	Casuarina spp	Australian Pine
8.	Cupaniopsis anacardiodes	Carrotwood
9.	Enterolobium cyclocarpum	Ear Tree
10.	Eucalyptus spp	Eucalyptus
11.	Ficus spp	Ficus
12.	Grevillea robusta	Silk Oak
13.	Hibiscus tiliaceus	Mahoe
14.	Melaleuca quinquenervia	Melaleuca
15.	Metopium toxiferum	Poison Wood
16.	Psidium quajava/littorale	Guava
17.	Ricinus communis	Castorbean
18.	Sapium sebiferum	Chinese Tallow Tree
19.	Schinus terebinthifolius	Brazilian Pepper
20.	Syzygium cumini	Java Plum
21.	Thespesia populnea	Portia Tree

- (e) Removal of any tree which has been destroyed or effectively destroyed by an act of God, or by acts outside the control of the legal, beneficial or equitable owner of the real property in which the tree is located, and which acts could not have been prevented by the exercise of reasonable care.
 - (f) Removal of any tree by the town in accordance with the authority and administrative discretion provided in section 34-14 of this chapter.
 - (g) Removal of noxious weeds, noxious plants, noxious aquatic plants, invasive plants, non-native plants, non-native aquatic plants, and plants infested with plant pests, as such terms are defined in F.S. ch. 581, as amended from time to time.
- (3) *[Dead or destroyed tree removal.]* All of the aforesaid trees listed in subsection (2) of this section which are dead or effectively destroyed, shall be removed by the property owner, without any permit, relocation, replacement or mitigation requirement, so as to protect adjacent properties from damage that may be caused by the dead or effectively destroyed trees.
- (4) **Application for removal permits.** Tree removal permits are required for the removal of any specimen or protected tree not specifically exempted under this section. The town shall provide permit application forms which shall be used by permit applicants. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit applicant is a lessee, or agent of the owner, a statement from the owner of the property, indicating that the owner has no objection to the proposed tree removal, shall be submitted with the application. The permit applicant shall submit to the town a completed application form which shall include the reasons for the requested removal, the tree size and tree caliper, and the common name of the tree to be removed. Permit application forms shall be accompanied by two diagrams showing the location of the tree to be removed which are subject to review and approval by the community development department. The diagrams shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees. If the submitted diagrams do not provide sufficient information to determine which trees will be affected by proposed development, the department may require that a tree survey of the site be prepared and submitted to the department for review.
- (5) **Permit fees.** The town shall, by resolution, establish a fee schedule for all matters relating to tree removal, relocation, replacement, monetary contribution, and all administrative reviews necessitated thereby.
- (6) **Review and evaluations of removal permit applications.** A review of each completed tree removal permit application shall be conducted by the community development department. This review and all actions taken by the department shall be conducted under a standard of reasonableness using the best available practices from biology, botany, forestry, landscape architecture and other relevant fields.
- (7) **Specimen and protected trees standards.**
- (a) **Specimen and protected trees application.** Specimen and protected trees shall be preserved whenever reasonably possible. Upon receipt of an application to remove a specimen or protected tree, the department shall consider the following factors in evaluating said application:
 1. Size and configuration of the property.
 2. Size and configuration of any proposed development.
 3. Location of the tree relative to any proposed development.
 4. Whether or not the tree can be preserved under the proposed plan or any alternative plan.
 5. Health, condition and aesthetic qualities of the tree.
 6. Whether the tree poses a threat to persons or property.
 - (b) **Alternate plans.** If, upon review of the aforesaid factors, the department determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially proposed plan.

Alterations consistent with the scope and intent of the initially proposed plan may include, but shall not be limited to:

1. An adjustment of building orientation on a site.
 2. An adjustment of lot lines within a site proposal for more than one lot when said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.
- (c) **Specimen and protected tree relocation.** If preservation of the specimen and protected tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the department may issue a permit to relocate the specimen or protected tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in a manner that will maintain the canopy within the general vicinity of the removal on the same property or to relocate the tree to a location within the town designated by the community development department.
- (d) **Removal of specimen or protected trees.** If relocation of the specimen or protected tree is not feasible, due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required. The community development department shall designate an equivalent replacement tree or trees and a location within the town for its planting.
- (e) **Replacement requirements for specimen or protected trees.** In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution made to the town tree trust fund for the full equivalent value of the replacement tree or trees.

(Ord. No. 04-2009, § 3, 2-18-2009; Ord. No. 02-2010, § 2, 2-17-2010)

Florida Statutes contain an exemption from obtaining a permit under the following circumstance:

163.045 Tree pruning, trimming, or removal on residential property.

(1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains **documentation from an arborist certified** by the International Society of Arboriculture or a Florida licensed landscape architect **that the tree presents a danger to persons or property**