



Code Compliance Board Work Session

Agenda

May 7, 2026 @ 12:30 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings/ and include virtual meeting instructions.

decorum

As a courtesy to those present, please silence your mobile devices. If you must take a phone call, please excuse yourself and step outside.

Members of the public shall observe the same rules of propriety, decorum and good conduct applicable to members of the Board. Persons making remarks or exhibiting behavior that disrupts the orderly conduct of this meeting will be subject to removal from the meeting.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

board member compliance

Board/Committee members when acting within the scope of their public duties are subject to the Florida Sunshine Law (Ch. 286, F.S.), Florida Public Records Act (Ch. 119, F.S.) and state ethics laws (Ch. 112, F.S.). All discussions with any other board member(s) regarding public items that are likely to come before the board/committee must occur on the record during a public meeting. No member shall vote upon, and no appointed member shall attempt to influence, any item considered which would inure to the special private gain or loss of the member, any principal/parent/subsidiary retaining the member, or any relative or business associate of the member. Members must announce their conflict and file a written conflict disclosure with the City Clerk within 15 days of the meeting.

1. Meeting Called to Order

- a. Roll Call 1 Minute

2. Discussion Item (s)

- a. Urban Forestry Tree Appeals: An informational workshop for Code Compliance Board Members presented by Richard Geller, City Attorney 1.5 hours

3. Adjournment



Code Compliance Board

agenda item 2.a

item type

Discussion Item (s)

meeting date

May 7, 2026

prepared by

Susan Pruchnicki, Coordinator

approved by**subject**

Urban Forestry Tree Appeals: An informational workshop for Code Compliance Board Members presented by Richard Geller, City Attorney

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

1. Tree Removal Appeals - rsg - 4 7 26 - jrh 5 1 26

Tree Removal Appeals

Richard S. Geller



Jorden Hinrichsen



Powers Shifted to Code Board

ORDINANCE 3328-25

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 2, ARTICLE III, SECTION 2-47 LI SUBSIDIARY BOARDS OF THE CITY OF WINTER PARK; AMENDING CHAPTER 2, ARTICLE III, SECTION 2-48 DESCRIBING GENERAL RULES APPLICABLE TO SUBSIDIARY BOARDS; REPEALING CHAPTER 2, ARTICLE III, SECTION REGARDING THE TREE PRESERVATION BOARD; AMENDING CHAPTER 2, ARTICLE III, SECTIONS 2-103 AND 2-106 REGARDING THE JURISDICTION AND POWERS OF THE COMPLIANCE BOARD; AMENDING CHAPTER 58, ARTICLE DIVISION 6 GOVERNING TREE PRESERVATION AND PROTECTION; PROVIDING FOR SEVERABILITY, CONFLICT RESOLUTION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under the City Charter, Article VIII of the State Constitution, and Section 166.021(1), Florida Statute, to exercise any power for municipal purposes except where expressly prohibited; and

WHEREAS, on June 13, 2011, the City Commission adopted Ordinance 2843-11 codifying amendments to Article III of Chapter 2 of the City Code of Ordinances regarding the establishment of subsidiary boards of the City of Winter Park; and

WHEREAS, on October 17, 2024, the City Commission adopted Ordinance 3320-24 codifying amendments to Article V of Chapter 58 of the City Code of Ordinances concerning tree preservation and protection and regulations; and

WHEREAS, the responsibility for issuing stop orders, granting removal permits, and implementing the Tree Preservation Ordinance with the Urban Forestry Division of the City's Parks and Recreation Department; and Section 58-283(a) of the City of Winter Park Code of Ordinances; and

WHEREAS, the responsibility for issuing fines for violations of the Tree Preservation Ordinance rests with the Code Compliance Board under Article V of Chapter 58 of the City of Winter Park Code of Ordinances; and

WHEREAS, the Building & Permitting Services Department has the authority to require tree removal permits and place conditions on the construction, demolition and other land development permits where the protection of trees is requested; and

WHEREAS, the City's distinctive tree canopy is a natural resource of great significance that enhances the City's aesthetic beauty;

SECTION 4. City Code Amendment. Section 2-68 of the City Code of Ordinances is hereby repealed as follows (words that are stricken-out are deletions; words that are underlined are additions):

Sec. 2-68. Reserved. ~~Tree preservation board:~~

Pursuant to the authority of the city commission, there is established within the City of Winter Park, a tree preservation board, subject to the following provisions:

- ~~(1) *Membership.* The number of members and the procedures for appointment thereof shall be in accordance with the provisions of divisions 1 and 2 of this article.~~
- ~~(2) *With exception, this is an advisory board.* The tree preservation board is generally an advisory board with exceptions, and shall, after receiving such information as it deems appropriate, and following due deliberation in accordance with its internal rules and procedures, give advice and recommendations to the city commission related to the protection and improvement of the city's trees, with the goal of fostering, maintaining and improving the public stewardship, protection, long range planning and careful oversight of the implementation of improvement projects for the maintenance, preservation, growth and enhancement of trees within the City of Winter Park. The city acknowledges that its trees and tree canopy are a natural resource of great significance.~~
 - a. ~~Review and make recommendations on proposed code revisions and changes to the City of Winter Park Planting Guide and the City of Winter Park Urban Forestry Management Plan.~~
 - b. ~~Prioritize, review and make recommendations on tree management plans for large city facilities (parks and public buildings).~~
 - c. ~~Review and make recommendations on habitat management plans for natural areas.~~
 - d. ~~Provide educational opportunities to engage the community in learning about the value and benefit of trees.~~

Powers Shifted to Code Board

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WHEREAS, the City has the authority under the City Charter, Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited;

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WHEREAS, the responsibility for issuing stop orders, granting tree removal permits, and implementing the Tree Preservation Ordinance rests with the Urban Forestry Division of the City's Parks and Recreation Department under Section 58-283(a) of the City of Winter Park Code of Ordinances;

WHEREAS, the responsibility for issuing fines for violation of the Tree Preservation Ordinance rests with the Code Compliance Board under Section 58-287 of the City of Winter Park Code of Ordinances;

WHEREAS, the Building & Permitting Services Department has the authority to require tree removal permits and place conditions on construction, demolition and other land development permits where the presence of protected trees is requested; and

WHEREAS, the City's distinctive tree canopy is a natural resource of great significance that enhances the City's aesthetic beauty;

Sec. 2-106. Powers of the code compliance board.

The code compliance board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings, which subpoenas shall be served by the police department.
- (3) Subpoena records, surveys, plats and other documentary evidence, which subpoenas shall be served by the police department.
- (4) Take testimony under oath.
- (5) Issue orders having the force and effect of law commanding whatever steps are necessary to bring a violation into compliance.
- (6) Establish and levy fines for code violations pursuant to sections 2-108, 58-287, 58-299, and 58-300.
- (7) Hear and decide appeals from the denial of tree removal permit applications as well as appeals of conditions of approval placed on tree removal permits.

Powers Shifted to Code Board

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WHEREAS, the responsibility for issuing fines for violations of the Tree Preservation Ordinance rests with the Code Compliance Board of the City of Winter Park Code of Ordinances; and

WHEREAS, the Building & Permitting Services Department has the authority to require tree removal permits and place conditions on construction, demolition and other land development permits where the protection of trees is requested; and

WHEREAS, the City's distinctive tree canopy is a natural resource of great significance that enhances the City's aesthetic beauty;

Sec. 58-290. Penalties for tree removal without required permit or for tree damage.

- (a) Any protected tree removed without a permit or destroyed or having received major damage in violation of this division shall be replaced and/or compensated at the rate of twice the requirements of section 58-286.
- (b) If no evidence exists on site to calculate the DBH inches of the tree(s) removed, then the tree(s) shall be presumed to be a minimum of a twenty-four DBH inches. It is the property owner's responsibility and burden of proof to prove otherwise.
- (c) For repeat offenders the City has the right to double restoration requirements or fines (or both) for each subsequent infraction, and in the alternative or in addition to revoke or suspend a contractor's license to do business in the city.
- (d) Any person subject to code enforcement for an infraction pursuant to this section shall be entitled to all rights of administrative appeal and judicial review before the Code Compliance Board and review of such actions as provided by Florida law.

De Novo Quasi-Judicial Hearing

Winter Park Code, Sec. 58-285. (d)(2)

- Following the urban forestry division's receipt of a written appeal of a denial of a tree removal permit or the conditions placed on the approval of a tree removal permit, the code compliance board shall consider the appeal as a de novo quasi-judicial hearing within 45 calendar days or as soon as possible thereafter and make a final decision. The code compliance board will hear such an appeal pursuant to its authority under section 2-103.

Appealing Party Has the Burden of Proof

Winter Park Code, Sec. 58-285. (d)(2) (cont'd)

- The applicant appealing the decision has the burden to prove that the tree removal denial decision or specific conditions placed on the tree removal is incorrect or exceeds the authority given under the city code. The code compliance board's decision on the appeal must be supported by competent, substantial evidence in the record at the appeal hearing. A written rendition of the decision of the code compliance board will be sent to the applicant within ten days of the appeal hearing.

Appeal Types

- Code Violation
 - Tree removal
 - Improper prune
 - Damage beyond recovery
- Tree Removal Permit Denial
 - Denial of one, several, or all trees
 - Terms of mitigation

Sec. 58-284. Tree removal permits.

- (a) Exempt trees. Unless on city property or near shorelines and waterways (referenced in section 114-6), no permit shall be required to remove the following types of trees:
- Any tree found on the most recent edition of the Florida Invasive Species Council's List of Invasive Plant Species;
- Cherry laurels;
- Palms;
- Fruit trees;
- Any tree with a DBH less than six inches, not including replacement trees;
- Protected trees that have fallen due to acts of nature such as storms, fire, or natural decay.





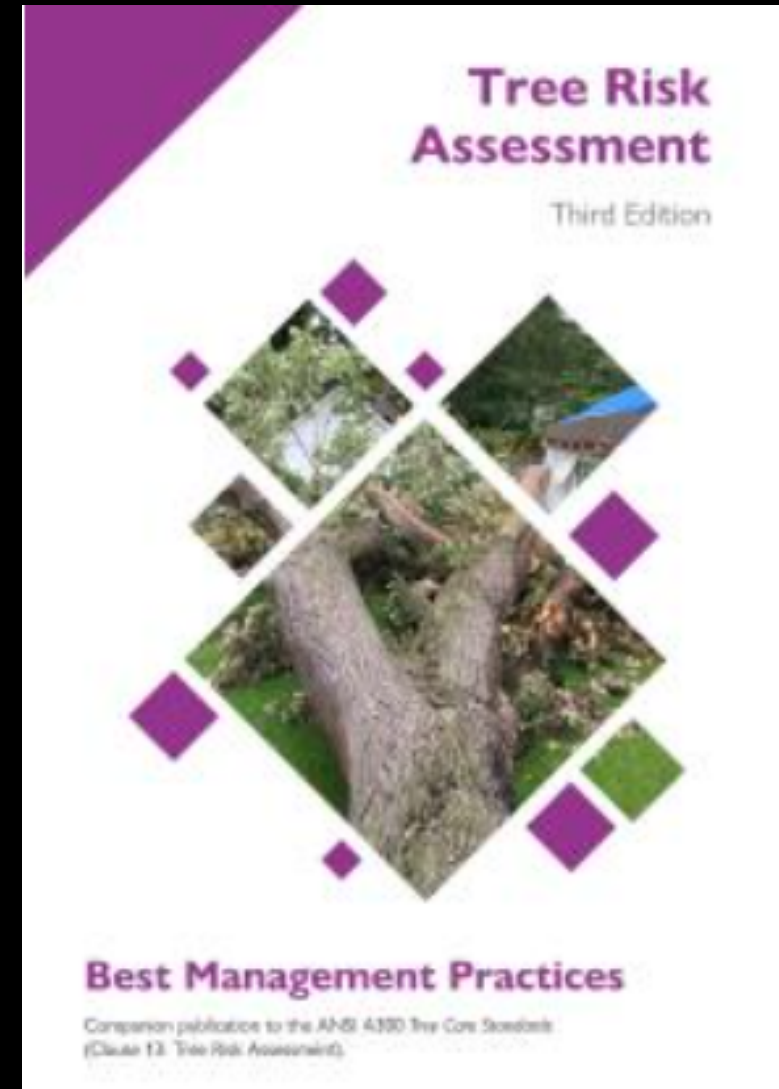


Sec. 58-284. Tree removal permits.

- (b) Unless preempted by Florida statutes, it shall be unlawful to authorize or undertake the removal, destruction, improper pruning, moving, or damaging of major roots of any protected tree within the city, without prior issuance by the city of a tree removal permit approving the act(s), or as otherwise authorized by the city, as further described in this division.

Sec. 58-284. Tree removal permits.

- (c) Each application for a tree removal permit shall be reviewed and a decision rendered on approval or denial (in whole or in part) on the basis of tree assessment standards set forth in the most recent edition of the International Society of Arboriculture Best Management Practices—Tree Risk Assessment and ANSI A300 Standards for Tree Risk Assessment, including any amendments thereto.



Sec. 58-284. Tree removal permits.

- Additional considerations may include but are not limited to:
 - (1) The health of the tree(s).
 - (2) Canopy coverage and available planting space on the lot.
 - (3) Active damage to structures or hardscapes which the city determines cannot be mitigated through lesser measures such as limb or root pruning.
 - (4) Whether structures were designed to minimize the removal of trees.
 - (5) The denial of the permit would create an unreasonable hardship on the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties. A minor reduction of the potential number of residential units or building size due to the tree location does not represent a severe limit of the economic enjoyment of the property.
 - (6) The applicant has demonstrated to the satisfaction of the city that there are no reasonable alternatives to preserving the tree(s).

Sec. 58-284. Tree removal permits.

- If a person or entity is removing a tree on an occupied residential property without a permit on the basis that such tree poses an unacceptable risk to persons or property, the property owner and person or entity removing such tree must have in their respective possession at the time of removal supporting documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect finding that such tree poses an unacceptable risk to persons or property ("Tree Risk Assessment Documentation").

Fla. Stat. § 163.045 Tree pruning, trimming, or removal on residential property.—

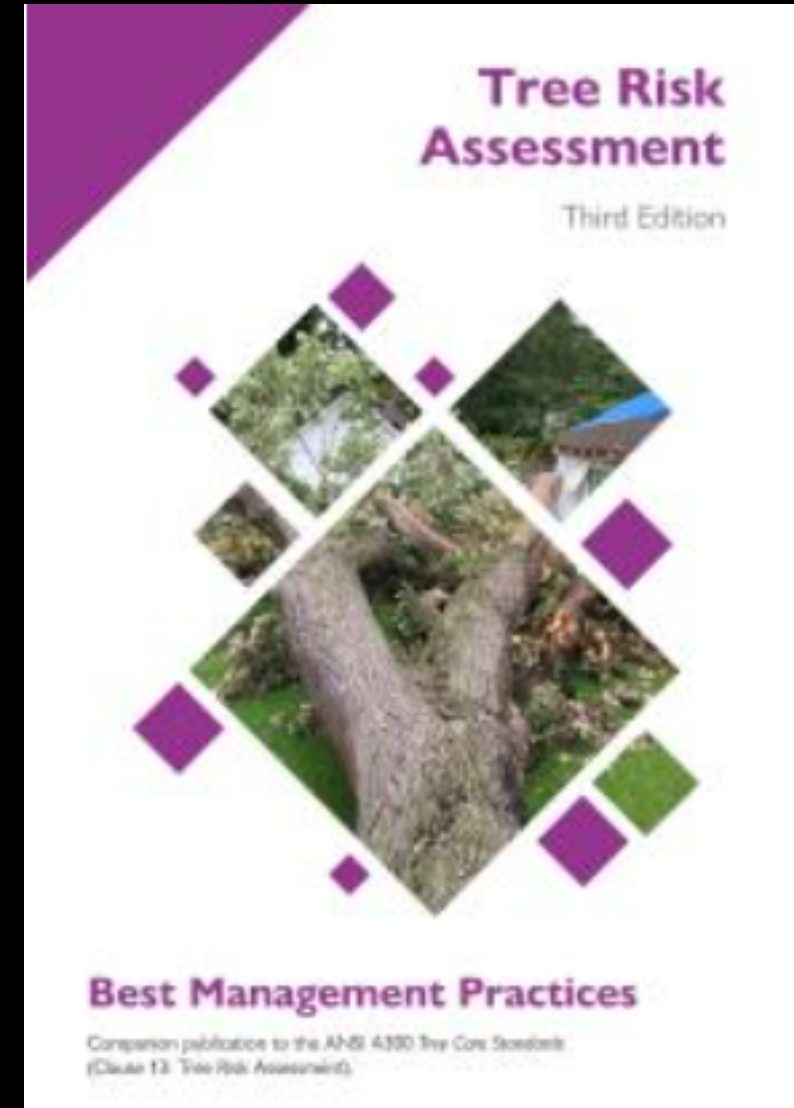
- (2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property.

Fla. Stat. § 163.045 Tree pruning, trimming, or removal on residential property.—

- (2) (cont'd) A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

Winter Park Code, Sec. 58-282. Definitions.

- ***Unacceptable risk*** shall mean a tree which poses a risk of moderate or higher where removal is the only means of practically mitigating its risk below moderate, as determined by tree risk assessment procedures outlined in the most recent edition of the International Society of Arboriculture's (ISA) Best Management Practices—Tree Risk Assessment.



Fla. Stat. § 163.045 Tree pruning, trimming, or removal on residential property.—

- (a) “Documentation” means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

...must have in their
respective possession
at the time of
removal...

CITY OF WINTER PARK
URBAN FORESTRY DIVISION
721 W NEW ENGLAND AVE
WINTER PARK, FLORIDA 32789

**NOTICE OF ADMINISTRATIVE ORDER TO
PRESENT DOCUMENTATION WITHIN 10 DAYS**

TO:

DATE:

CERTIFIED TRACKING NUMBER:

The Urban Forestry Division, a division of the Parks and Recreation Department of the City of Winter Park, has observed unpermitted tree removal(s) on your property.

Pursuant to City of Winter Park Code of Ordinances, Chapter 58, Article V, Division 6, Section 58-284, you are hereby **ORDERED** to supply tree risk assessment documentation supporting the removal(s) within **10 days** of the date of this Order. Such documentation must conform to the tree risk assessment procedures outlined in *Best Management Practices—Tree Risk Assessment* by the International Society of Arboriculture (ISA).

Property Zoned:	WP-R-1AA
Parcel ID#:	06-22-30-0000-00-011
Location/Address:	1001 Anchorage Ct Winter Park, FL 32789
Property Owner/ Tenant:	BEACHES & DREAMS FOREVER LLC
Mailing Address:	805 W 2nd Ave
City/ State/ Zip:	Windermere, FL 34786
Description of activity:	4 trees were observed removed, 3 of which are confirmed protected laurel oaks of indeterminate diameter.

Pursuant to Section 58-284 of the City Code, failure to comply with this Order may result in the City issuing a Code Violation.

ADMINISTRATOR NAME: Jorden Hinrichsen – 407-643-1669
jhinrichsen@cityofwinterpark.org

Fla. Stat. § 163.045 Tree pruning, trimming, or removal on residential property.—

- (b) “Residential property” means a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction’s applicable land development regulations.

Winter Park Code, Sec. 58-284. Tree removal permits.

- If a person or entity is removing a tree on an occupied residential property without a permit on the basis that such tree poses an unacceptable risk to persons or property, the property owner and person or entity removing such tree must have in their respective possession at the time of removal supporting documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect finding that such tree poses an unacceptable risk to persons or property ("Tree Risk Assessment Documentation").

Winter Park Code, Sec. 58-284. Tree removal permits.

- The tree risk assessment document must have the credentials, name, address, telephone number, and certification signature of the professional that issued the tree risk assessment documentation and must conform to tree risk assessment procedures as outlined in the International Society of Arboriculture's (ISA) Best Management Practices—Tree Risk Assessment. Upon request, the person or entity performing the removal of the tree must present the tree risk assessment documentation to any city officer, employee, or contractor requesting to review such documentation. Failure to comply with this subsection or any part thereof constitutes a violation of this Code, for which the property owner and any agent, contractor, consultant, or other entity causing or advocating for such removal of such tree may be held jointly and severally liable.

ISA Basic Tree Risk Assessment Form

Client: _____ Date: _____ Time: _____
 Address/Tree location: _____ Tree no. _____ Street _____ of _____
 Tree species: _____ dbh: _____ Height: _____ Crown spread dia: _____
 Assessor(s): _____ Time frame: _____ Tools used: _____

Target #	Target description	Target score				Overall target score (1-5)	Risk level (1-5)	Priority (1-5)
		Target 1	Target 2	Target 3	Target 4			
1								
2								
3								
4								

Site Factors
 History of failures: _____ Topography Flat Slope _____ % Aspect: _____
 Site changes: None Grade change Site clearing Changed soil hydrology Root cuts Describe: _____
 Soil conditions: Limited volume Saturated Shallow Compacted Pavement over roots _____ % Describe: _____
 Prevailing wind direction: _____ Common weather: Strong winds Ice Snow Heavy rain Describe: _____

Tree Health and Species Profile
 Vigor: Low Normal High Foliage: None (pruned) None (dead) Normal _____ % Chlorotic _____ % Necrotic _____ %
 Affects: _____
 Species failure profile: Branches Trunk Roots Describe: _____

Local Factors
 Wind exposure: Protected Partial Full Wind tunneling Relative crown size: Small Medium Large
 Crown density: Sparse Normal Dense Interior branches: Few Normal Dense Vines/Whitewash/Moss
 Recent or planned change in local factors: _____

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown LOR: _____ %
 Dead twigs/branches _____ % overall Max. dia. _____
 Broken/hangers: Number _____ Max. dia. _____
 Over-extended branches
 Pruning history:
 Crown cleaned Thinned Raised
 Reduced Topped Lion-tailed
 Flush cut Other: _____
 Main concern(s): _____

Cracks _____ Lightning damage
 Codominant _____ Included bark
 Weak attachments _____ Cavity/Notch hole _____ % circ.
 Previous branch failure _____ Similar branches present
 Dead/missing bark Cankers/Galls/Burns Sapwood damage/decay
 Conks Heartwood decay
 Response growth: _____

Load on defect: N/A Minor Moderate Significant
 Likelihood of failure: Improbable Possible Probable Imminent

— Trunk —

Dead/missing bark Abnormal bark texture/color
 Codominant stems Included bark Cracks
 Sapwood damage/decay Cankers/Galls/Burns Sapwood
 Lightning damage Heartwood decay Conks/Mushrooms
 Cavity/Notch hole _____ % circ. Depth _____ Floor layer
 Lean: _____° Connected? _____
 Response growth: _____
 Main concern(s): _____

Load on defect: N/A Minor Moderate Significant
 Likelihood of failure: _____

— Roots and Root Collar —

Collar bark/Not visible Depth _____ Stem girdling
 Dead Decay Conks/Mushrooms
 Gase Cavity _____ % circ.
 Cracks Cut/Damaged roots Distance from trunk _____
 Root plate lifting Soil resistance
 Response growth: _____
 Main concern(s): _____

Load on defect: N/A Minor Moderate Significant
 Likelihood of failure: _____

Adjourn for Demonstration of Tree Risk Assessment

Live oak tree located at City Hall,
401 S Park Ave Winter Park FL
32789





Report Example

Sec. 58-285. Tree removal permit procedure.

- d) Appeals.
 - (1) Upon denial of an application, or conditions placed on the approval of a tree removal permit, the grounds for such action shall be given to the applicant in writing. An applicant may appeal the tree removal denial decision or specific conditions placed on the tree removal approval to the Code Compliance Board provided that such appeal is filed with the Urban Forestry Division within ten (10) days of the applicant's receipt of the decision or approval conditions being appealed. The appeal must be in writing, state the grounds of the appeal, and articulate in detail why the written decision (or a portion thereof) is incorrect. An applicant appealing a decision must pay to the city a fee prescribed by the City Commission to cover the administrative costs of an appeal taken under this subsection (d).

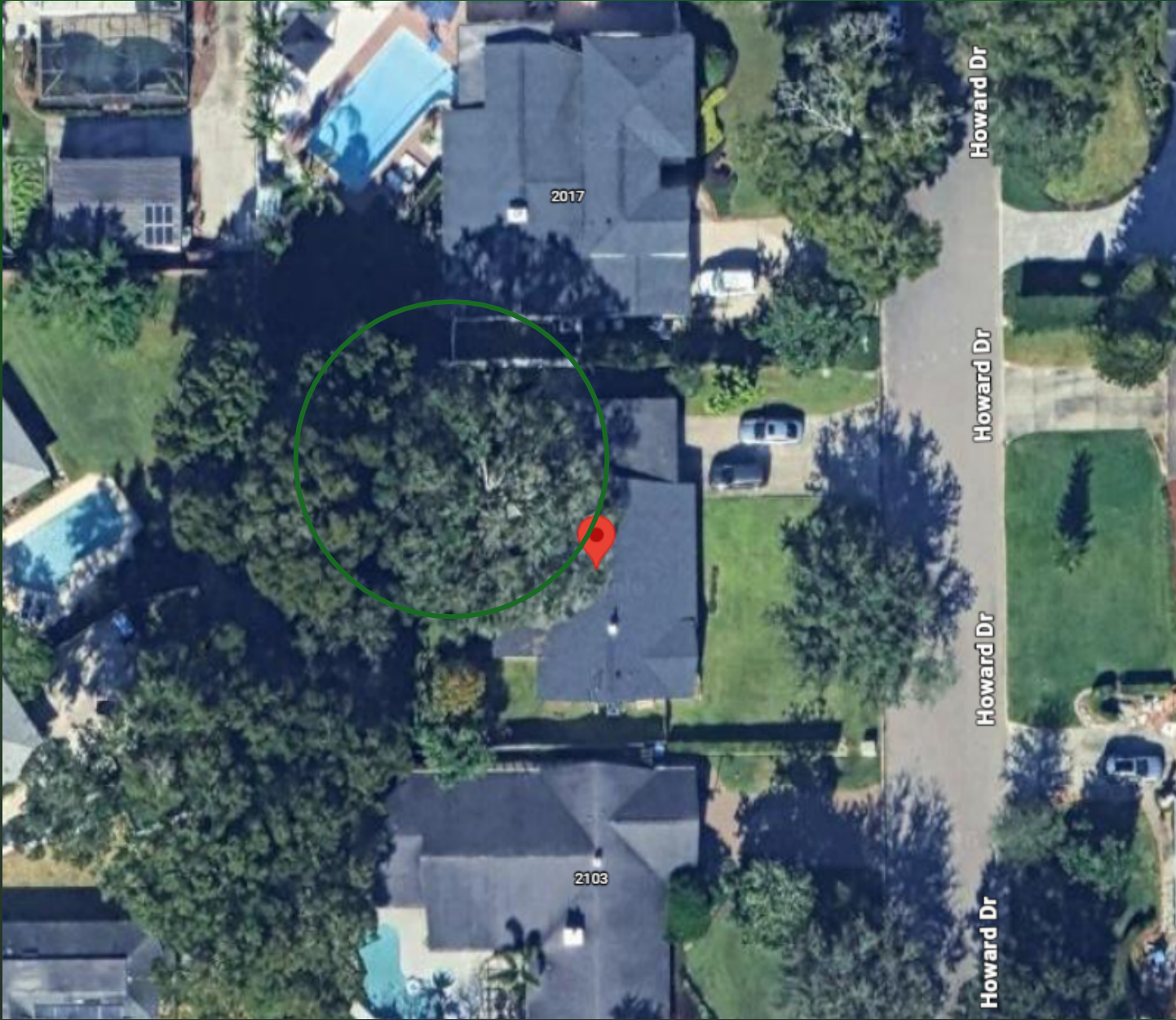
Sec. 58-285. Tree removal permit procedure.

- (c) Removal voids appeal process.
 - (1) Removal of any protected tree requested on a tree removal permit application is regarded as the applicant's acceptance of the conditions for removal as stated on the application and voids any appeal.
 - (2) Except as allowed under subsections 58-283(a)(4) and 58-284(e), removal of a protected tree without a permit shall make void any appeal as provided in this division.

Examples

Tree Removal Permit Denial Appeal: Case #26-0001

- Tree Removal Permit Appealed:
TRP-2026-0028
- 2025 Howard Dr. Winter Park FL 32789-6129
- Parcel ID
#17-22-30-8672-01-040
- Zone: WP-R-1A



Permit Application

- Applied date: 02/10/2026
- Stated reason for application: See letter.
- Cites patio damage, inhibition of future building, and danger to structure.
- Reasons for denial: tree is not a candidate for removal according to Code of Ordinances Division 6.
- Denied date: 02/25/2026

Live oak 37"

- Solid root system with adequate root flare.
 - Partially girdling root on the northeast side of the base
- Trunk produced a negative response during the sound test.
- Crown is co-dominant beginning in the lower third of the tree with a poor angle of attachment
 - Inclusions are present on the northwest side of the trunk.
 - Crown has seasonally defoliated; based on the presence of swollen buds, it shows average foliage and average vigor.
 - Wounds on the scaffold leads have failed to compartmentalize (largest wound measures approximately 5 inches).
- The closest root approach to the house is 9 feet, and the trunk is approximately 14 feet from the main structure.

Live oak 37"



Example 2

Example 3

Appeal Time to Circuit Court Standardized to 30 Days

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WHEREAS, the Building & Permitting Services Department has the authority to require tree removal permits and place conditions on construction, demolition and other land development permits when the removal of protected trees is requested; and

WHEREAS, the City's distinctive tree canopy is a natural resource of great significance that enhances the City's aesthetic beauty;

- (3) The applicant may appeal the decision of the Code Compliance-Tree Preservation Board to the circuit court within thirty (30) days of the execution of the final order pursuant to Sec. 2-108, City Commission if a further written appeal is filed with the City Clerk within ten (10) days of the date of the written rendition of the decision of the Tree Preservation Board. Further, with approval of the City Manager, the Urban Forestry Division may appeal the decision of the Tree Preservation Board to the City Commission by filing a written appeal with the City Clerk within ten (10) days of the date of the written rendition of the decision by the Tree Preservation Board. The City Commission will conduct a quasi-judicial hearing on the appeal at a regularly scheduled meeting to be conducted within forty five (45) days of the appeal being filed, or at such later meeting as may be agreed to by the applicant and the City Manager. The City Commission may reverse, modify or uphold the decision of the Tree Preservation Board. The City Commission's decision on the appeal constitutes a final decision by the City. If the Commission upholds the denial, the tree(s) may not be removed.