

## WINGFIELD NORTH ARB TREE REMOVAL POLICY

Article III, Section 5 of the Residential Planning Criteria of the Association states that *"No trees of four inches in diameter or greater-at one foot above natural grade can be cut or removed without approval of the ARB..."*

The ARB believes that Owners deserve some guidance as to (i) when and under what circumstances the ARB will approve or disapprove the removal of trees, and (ii) the remedies that the ARB will have when trees are removed without approval. In order to provide such guidance, the ARB has approved the following policy. This does not constitute an amendment to the Residential Planning Criteria, but merely sets forth the ARB's current policy with respect to its administration and enforcement of the tree removal provisions currently contained in the Residential Planning Criteria, which will be in effect unless and until amended in the future by the ARB:

1. Trees of four inches in diameter or greater measured at a height of one foot above natural grade may only be removed with prior written approval of the ARB, unless there exists the threat of imminent harm to persons or property on account of a dangerous condition (e.g., a tree is about to fall on a house), and it is impracticable to obtain ARB approval, in which case the tree in question may be removed to avoid the imminent harm so long as written notice thereof is given to the ARB as soon as practicable thereafter, together with documentary evidence establishing that the tree removal qualified for this exception. It is intended that this exception be narrowly construed and apply only to conditions that constitute emergencies at the time, and not the possibility of a future emergency. If an Owner removes a tree under this exception and the ARB determines in its reasonable discretion that the threat of imminent harm did not actually exist, the ARB may treat the tree removal as unpermitted. It is the responsibility of the Owner to demonstrate to the ARB's reasonable satisfaction that the Owner qualified for this exception. If the Owner is unable to do so, it will be presumed that the tree removal did not qualify for this exception.

2. The ARB may approve the removal of trees as part of a landscaping plan approved by the ARB, in its discretion, in connection with which the ARB may require the landscaping plan to incorporate a Tree Replacement Plan pursuant to Section 5 below as a condition to granting its approval.

3. The ARB will otherwise approve the removal of trees only if and when it is demonstrated by the Owner, to the ARB's reasonable satisfaction, that: (i) the removal is needed to accommodate the construction of new improvements approved by the ARB, (ii) the trees in question are sufficiently damaged or diseased to justify removal, (iii) the trees are dying or dead, (iv) the trees are considered noxious or invasive by a recognized authority in arboriculture, or (v) the continued presence of the trees poses the threat of injury to persons or damage to permitted improvements on the Lot. The mere presence of a tree in close proximity to a home, driveway, walkway, pool enclosure, etc. does not constitute the threat of harm. There must exist some other condition which poses the threat of actual injury or damage, whether or not imminent. For example, the fact that a tree overhangs a house or pool enclosure, or drops leaves or pine needles on a house or pool enclosure, does not justify the removal of the tree, nor is such removal justified because a hurricane may adversely affect the tree in the future (just like any other tree). However, if the tree is also damaged or diseased, or leaning inordinately over the house so as to be unstable, the ARB may consider it appropriate for removal.

3. If the ARB is in doubt as to whether a tree qualifies for removal under one or more of the criteria indicated in Section 3 above, the ARB may, in its discretion, require the homeowner who is requesting a tree removal to pay for an independent assessment by an appropriate professional

acceptable to the ARB as to their credentials, impartiality and suitability to render such an assessment. Such an assessment shall not be binding on the ARB, but is one factor that the ARB would consider in determining whether to grant, deny or condition an approval for a tree removal.

5. If the ARB approves the removal of any trees, it may condition such approval on the Owner planting replacement trees of a size and type that the ARB may require, pursuant to a Tree Replacement Plan submitted by the Owner and approved by the ARB in its sole discretion. In approving such a Plan, the ARB shall be guided by (but shall not be bound by) the provisions of Chapter 60 of the Seminole County Land Development Code in effect as of the date of approval of this Policy, pertaining to the number and type of replacement trees required to be planted under circumstances where the County approves the removal of the existing trees. Although that Section of the County's Code does not apply to residential Lots of less than 5 acres, it provides reasonable guidance for what is considered appropriate tree replacement protocols when removing existing trees with a County permit, and so is considered by the ARB to be authoritative and appropriate on the subject.

6. If an Owner removes any trees without complying with the requirements of this Policy, the ARB may, in addition to any other remedy that the ARB or the Association may have (such as but not limited to requesting the imposition of fines by the Association's Fine Committee), require that the Owner replace the improperly removed trees with up to the number and type of replacement trees which would be required to be planted under Chapter 60 of the Seminole County Land Development Code in effect as of the date of adoption of this Policy, under circumstances where the County did NOT approve the removal of the existing trees (i.e., which would be an "Arbor Violation" under the County Code). This is a more stringent requirement than the County Code provides under circumstances where the County approved the removal of the existing trees, and so is intended to be an appropriate deterrent against any Owner removing trees without the prior approval of the ARB. For purposes of clarification, the County Code requirements currently in effect are set forth in the chart below, the right column of which would apply under this Section 6. The term "DBH" below means diameter at breast height.

TREE REPLACEMENT STANDARDS

DBH of Tree Removed	Number of Replacement Trees Required for Each Tree Removed	Minimum Caliper for Standard Replacement	Replacement Trees Required for Each Tree Removed due to an Arbor Violation
3 inches to less than 12 inches	Two (2) replaced for one (1) removed	Two (2) inches	Four (4) replaced for one (1) removed
12 inches to less than 24 inches	Four (4) replaced for one (1) removed	Two (2) inches	Six (6) replaced for one removed
24 inches or larger	Five (5) replaced for one (1) removed	Two (2) inches	Eight (8) replaced for one (1) removed