

## Check Before You Chop

Written by Jeff Shimonski, BT Contributor  
February 2019

---

### Don't mess with the city tree laws



I've always felt that it's appropriate to make an effort to cultivate native plants, especially on newly built projects. In fact, most, if not all, municipalities require a percentage of "mitigated" plants to be native in a new landscape.

Mitigation is when an owner or developer must install plants on a site to make up for canopy loss from the plants and trees that were removed to build the new structure, or to replace trees that were removed for other reasons.

This, of course, is very problematic. How many of these native plants actually survive for more than a few years; how many will eventually thrive where they were planted?

They're supposed to do well, right?

My own landscape has a few native plants among the other species of palms and shrubs. The native trees that stand out are the live oaks. I've cultivated two of them since they were seedlings, and now they're pushing about 30 feet in height. I've been structurally pruning them over the years, both so the branches don't grow out into the street and to give them a sound branch structure.

It's very easy to "direct" the branch structure via pruning when your trees are young, especially after they have been recently installed. The pruning cuts are small and will heal rapidly. This

## Check Before You Chop

Written by Jeff Shimonski, BT Contributor  
February 2019

---

treatment is called formative structural pruning and it will save you lots of money and effort down the road, since you won't end up years later with large branch removal (and large pruning cuts) if the tree ends up with a weak branch structure or if the main branches begin to grow into adjacent buildings.

My largest live oak has a circumference so great that it takes two people to wrap their arms around its trunk. It's in great condition. It was already large back when I used to cut the grass, almost 40 years ago. I have some attractive aroid vines growing up in the branches, a nice epiphytic bird's nest plant, and a volunteer staghorn fern attached to a large branch. It shades part of my house in the afternoon, keeping it much cooler than the part of the house that gets direct sunlight.

I keep getting letters from developers who want to take the property off my hands for "a great price." I wonder if they've already figured out the cost of the tree removal and added it to the overall future project cost -- so that, of course, it would include the cost of tree mitigation on top of the cost of building a multistory structure that would eat up the entire lot.

Now, I'm sure that if I asked those developers what they plan to do with those magnificent live oaks, they'd say, "Why, we love trees. They're great for the environment and we'll do whatever it takes to save them."

In fact, I've heard this countless times because my company is involved in writing tree evaluations throughout South Florida.

I suppose they have a right to do what they want with their property, but I've been confronted by very angry owners and developers who said they were surprised to find out that the municipality has ordinances that prohibit tree damage and removal.

I have to wonder if these angry people know the other zoning ordinances and building codes that apply to their properties. Actually, I'm sure they do. They all seem to know exactly how much of the property their proposed structure can cover, and of course, they've jammed in a swimming pool.

## Check Before You Chop

Written by Jeff Shimonski, BT Contributor  
February 2019

---

So why don't they know about the tree ordinances? Just why did they purchase that property with a large tree in the middle of it and not think it was protected?

Already twice recently I've been confronted by aggressive attorneys on different projects who raised their voices when I reminded them of the local tree protection ordinances. (I know how aggressive attorneys can be, having sat through depositions and questions ad nauseam about my involvement in a property site issue.)

Of course, not all attorneys are as nasty as the guys who tried to tell me that their property rights allowed them to do whatever they wanted to do on that property, and that the municipality had no right to prohibit them from removing trees.

When these guys stopped for breath, I asked them politely if they didn't plan to follow the South Florida building code either, since they felt they could do whatever they wanted to do on their property. You know, they never answered and the conversations ended abruptly.

Then there was another attorney who actually yelled, "Trees are a renewable resource!"

"Where?" I asked.

*Jeff Shimonski is an ISA-certified arborist municipal specialist, retired director of horticulture at Parrot Jungle and Jungle Island, and principal of Tropical Designs of Florida. Contact him at [jef@tropicaldesigns.com](mailto:jef@tropicaldesigns.com)*

## Check Before You Chop

Written by Jeff Shimonski, BT Contributor  
February 2019

---

*Feedback:* [letters@biscaynetimes.com](mailto:letters@biscaynetimes.com)