

Summary of Ordinance

The purpose of this Ordinance is to amend Lake County Code, Appendix E, Land Development Regulations (“LDR”), in order to revise the landscaping standards. Specifically, this Ordinance amends Section 9.01.00 “Landscaping Standards” and Section 9.02.00 “Tree Protection” to simplify and streamline existing landscape regulations including the modification of tree removal requirements.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE 2018- ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 9.01.00 “LANDSCAPING STANDARDS” AND 9.02.00 “TREE PROTECTION” BY SIMPLIFYING EXISTING LANDSCAPE STANDARDS AND TO EXEMPT RESIDENTIAL LOTS WITH AN OCCUPIED DWELLING FROM NEEDING A TREE REMOVAL PERMIT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lake County, Florida desires to amend Lake County Code, Appendix E, Land Development Regulations, to simplify existing landscape regulations including the modification of tree removal requirements; and

WHEREAS, the Lake County Board of County Commissioners determines that this amendment is in the best interests of the citizens of Lake County, Florida.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein.

Section 2. Amendment. Section 9.01.00 *Landscaping Standards* and Section 9.02.00 *Tree Protection* Lake County Code, Appendix E, Land Development Regulations, is hereby amended as follows.

9.01.02 General Requirements and Exemptions. It Shall be unlawful for any person to clear, develop or increase the developed area of any site or lot unless in compliance with the terms of this Section. No development order or development permit Shall be issued unless it complies with these requirements or unless such development is specifically exempted as specified below. The following activities are exempt from the provisions of this Section:

- A. Agriculture and Silviculture.
 - 1. Bona fide farm operations on land classified as agricultural pursuant to Section 193.461, Florida Statutes, as amended.

- 1 2. Silviculture operations on property zoned Agriculture, or legally existing nonconforming
2 agricultural uses, that have completed a Forestry Management Plan and would qualify for
3 classification as agricultural pursuant to Section 193.461, Florida Statutes, as amended.
- 4 3. Silviculture activities regulated through best management practices, interim measures, or
5 regulations developed through the Florida Department of Environmental Protection, Florida
6 Department of Agriculture and Consumer Services, or water management district.
- 7 B. Any activity that is expressly regulated and permitted by the U.S. Army Corps of Engineers or
8 U.S. Environmental Protection Agency.
- 9 C. Emergency maintenance work performed for the protection of public health and welfare.
- 10 D. Any maintenance to an existing approved landscaped area made in accordance with an approved
11 landscape plan.
- 12 E. Parks and Conservation lands with an approved Land Management Plan Shall be exempt from
13 complying with the Landscaping Standards in Section 9.01 and the Tree Protection Standards in
14 Section 9.02.
- 15 F. All pine trees and palm trees are exempt from needing a tree removal permit, except for natural
16 longleaf pines (Pinus palustris).
- 17
- 18 G. Canopy trees located on a single family residential lot, five (5) acres or less in size, and contains
19 an occupied residential dwelling are exempt from needing a tree removal permit provided tree
20 requirements in Section 9.01.08(A) are met.

21
22 **9.01.03 Waivers to Landscaping and Tree Protection Requirements.** The County Manager or
23 designee may waive up to twenty-five percent (25%) of any requirement in Section 9.01.00 or 9.02.00,
24 other than requirements specified in a site specific zoning ordinance or conditional use permit, based on
25 any of the following conditions:

- 26 1. The site cannot accommodate the required landscaping due to conditions not caused by the
27 applicant;
- 28 2. A Landscape Architect certifies that the type and configuration of the landscape material to be
29 used will accomplish the intent of this section;
- 30 3. Existing vegetation is of sufficient size and maturity that planting all the required vegetation is
31 unnecessary. Such existing vegetation shall be preserved as a condition of approval;
- 32 4. Existing topography and grade changes naturally occurring on the land, not caused by the
33 applicant, limit the planting area;
- 34 5. Existing wetlands limit the available planting area, or disturbance of the wetlands would be
35 necessary in order to install the required landscaping; or
- 36 6. Required landscaping would impose greater drainage impacts on adjacent lands than an
37 alternative design.
- 38 7. Unless otherwise approved by the County Manager or designee, at least two-thirds (2/3) of the
39 required landscaping consists of Florida Friendly Landscaping™ native vegetation.

40 ***

41 **9.01.05 General Landscaping Requirements.**

- 42 A. Plant Materials. All required landscaping Shall meet the following general requirements:

- 1 1. Quality. All required plant materials Shall be installed and maintained in conformance with
2 the provisions of this Section and Shall conform to the standards for Florida No. 1 or better
3 as given in Florida Grades and Standards for Nursery Plants 2015 State of Florida,
4 Department of Agriculture and Consumer Services, Tallahassee, which is hereby adopted
5 and included by reference herein. A copy of such publication is available from the County
6 Manager or designee. All plant material Shall be planted in suitable soil to permit its survival.
7 Any plant materials not contained in the references provided in The Plant List for Lake
8 County, and not prohibited by Section 9.01.09 Prohibited Plant Species, must be shown to
9 be suitable for planting.
- 10 2. Soil Analysis. The existing soils on the site should be analyzed to help determine the
11 appropriate plant types for the site.
- 12 3. Native Plants. A minimum of ~~two-thirds (2/3) fifty (50) percent~~ of the required plants Shall
13 be ~~native-Florida Friendly Landscaping™~~ species suitable for the site.
- 14 4. Canopy Trees. All canopy trees required pursuant to this chapter Shall be a minimum of two
15 and one-half (2.5) caliper inches and in a thirty (30) gallon container or greater. Equivalent
16 ball and burlap trees may be used. The minimum height of trees is eight (8) feet and the
17 minimum spread is four (4) feet.
 - 18 a. Canopy trees Shall be provided with a minimum one hundred (100) square foot pervious
19 area around the trunk with a minimum diameter of eight (8) feet.
 - 20 b. Clustering may be utilized if needed for design intent. ~~Special precautions Shall be
21 taken to not locate be located under or near utility easements.~~
 - 22 ~~c. Canopy trees Shall not be located or installed under or near utility easements.~~
- 23 5. Ornamental trees. All ornamental trees required pursuant to this chapter Shall be a minimum
24 of two (2) caliper inches and in a thirty-gallon container or greater. Equivalent ball and
25 burlap trees may be used. The minimum height of trees is eight (8) feet and the minimum
26 spread is four (4) feet.
27 Adequate spacing Shall be maintained to protect and allow for the growth of the root systems
28 of each tree.
29
- 30 6. Palms. Palms may be used in place of ornamental or canopy trees to meet the minimum tree
31 requirements. In no case Shall the total number of palms of all species combined account for
32 more than twenty (20) percent of the required canopy trees nor more than twenty (20) percent
33 of the required ornamental trees. The minimum size of palms is four (4) feet of clear trunk
34 for tree form palms. ~~One (1) Two (2) palm trees may count as one (1) canopy or ornamental
35 tree unless it is a large specimen palm tree such as a Medjool or Date Palm which may be
36 counted as one (1) palm tree to one (1) canopy or ornamental tree.~~

38 **9.01.06 Landscape Buffer Requirements.**

40 **C. Street Tree Requirements.**

- 41 1. Street trees shall be along internal roads.
- 42 2. All Street trees Shall be canopy trees, at an average spacing of fifty (50) feet on center
43 spacing along both sides of roads. The canopy trees required for residential lots may count
44 towards this requirement if within twenty (20) feet of the right-of-way line.

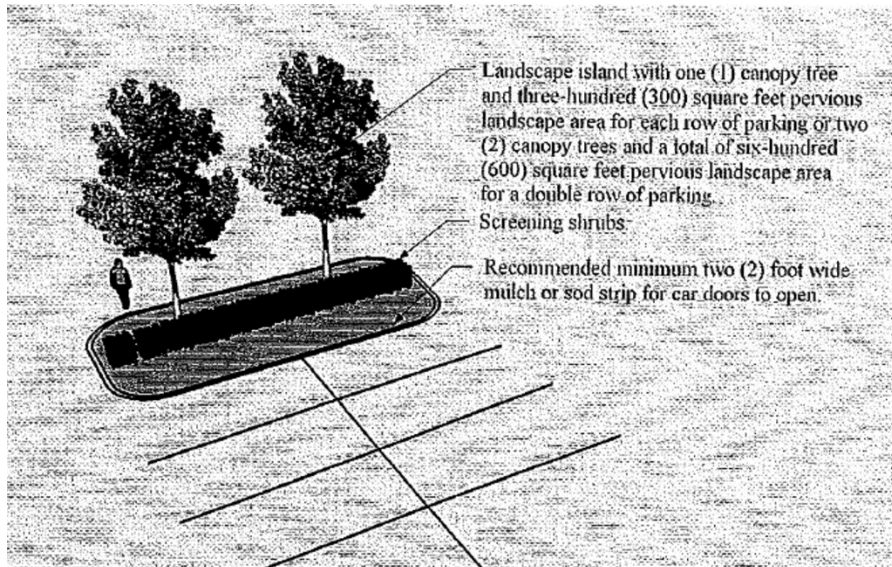
- 3. Trees may **not** be planted in the right-of-way (R.O.W.) ~~with a R.O.W. Utilization Permit. Any tree planted within the R.O.W. Shall comply with the Florida Green Book as amended, produced by the State of Florida's Department of Transportation.~~ Canopy trees Shall be planted a minimum of eight (8) feet from public sidewalks.

9.01.07 Internal Landscaping in Parking Areas and other Site Areas, other than Single-Family and Duplex Lots. Any development order other than for single-family or duplex dwellings Shall require that all ground surface areas used on commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites Shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and channelize and define logical areas for pedestrian and vehicular circulation. The following special landscaping requirements apply to commercial, institutional, community facility, industrial, condominium, recreational vehicle parks and multifamily sites.

- A. Interior Parking Areas. Landscape islands Shall be provided within parking areas, as described below to prevent excessively long, contiguous runs of parking spaces. These areas Shall use curbs, wheel stops, bollards or other control measures to prevent encroachment or damage to trees and vegetation. This requirement Shall not apply to parking garages, staging or storage areas at distribution centers. ~~A minimum of fifty (50) percent of the required Interior Parking areas trees Shall be Live Oak trees.~~

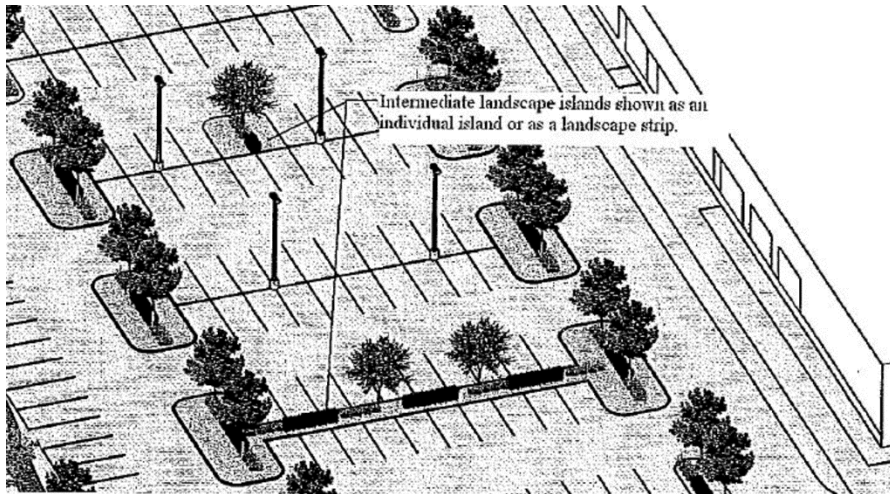
- 1. Single-Row Terminal Landscape Islands. A single row parking bay Shall not contain more than ten (10) contiguous parking spaces or extend more than one hundred twenty (120) feet, whichever is more restrictive. One (1) single-row terminal landscape island, with a minimum pervious area of three hundred (300) square feet and a minimum width of twelve (12) feet, Shall be provided at each end of a single-row parking bay. Each single-row terminal landscape island Shall contain at least one (1) canopy tree. Required maximum two-foot high screening shrubs Shall be utilized the entire length of the landscape island, or as limited by sight distances. Please see below Figure C — Single and Double-Row Terminal Landscape Island.

**Figure C — Interior Parking Areas
Single and Double-Row Terminal Landscape
Island — Perspective View**



- 1 2. Double-Row Terminal Landscape Islands. A double-row parking bay with head-to-head
2 parking shall not contain more than twenty (20) contiguous parking spaces in a two (2) rows
3 × ten-space configuration or extend more than one hundred twenty (120) feet, whichever is
4 more restrictive. One (1) double-row terminal landscape island, with a minimum pervious
5 area of six hundred (600) square feet and a minimum width of twelve (12) feet, shall be
6 provided at each end of a double-row parking bay. Each double-row terminal landscape
7 island shall contain at least two (2) canopy trees. Required maximum two-foot high
8 screening shrubs shall be utilized the entire length of the landscape island, or as limited by
9 sight distances.
- 10 3. Intermediate Landscape Islands. Intermediate landscape islands shall be provided for any
11 parking lot with eighty (80) or more parking spaces, and an additional intermediate landscape
12 island shall be provided for every additional twenty (20) parking spaces in excess of eighty
13 (80). Each intermediate landscape island shall have a minimum pervious area of three
14 hundred (300) square feet and a minimum width of twelve (12) feet, and each intermediate
15 landscape island shall contain at least one (1) canopy tree. Required maximum two-foot high
16 screening shrubs shall be utilized the entire length of the landscape island, or as limited by
17 sight distances. Alternatively, a minimum seven-foot wide landscape strip may be provided
18 between head-to-head parking, which may count as the required intermediate landscape
19 island for every three hundred (300) square feet of pervious area provided. If a landscape
20 strip is used, ornamental landscape trees and shrubs shall be planted within the landscape
21 strip on minimum thirty-foot centers. Please see below Figure D — Intermediate Landscape
22 Islands.

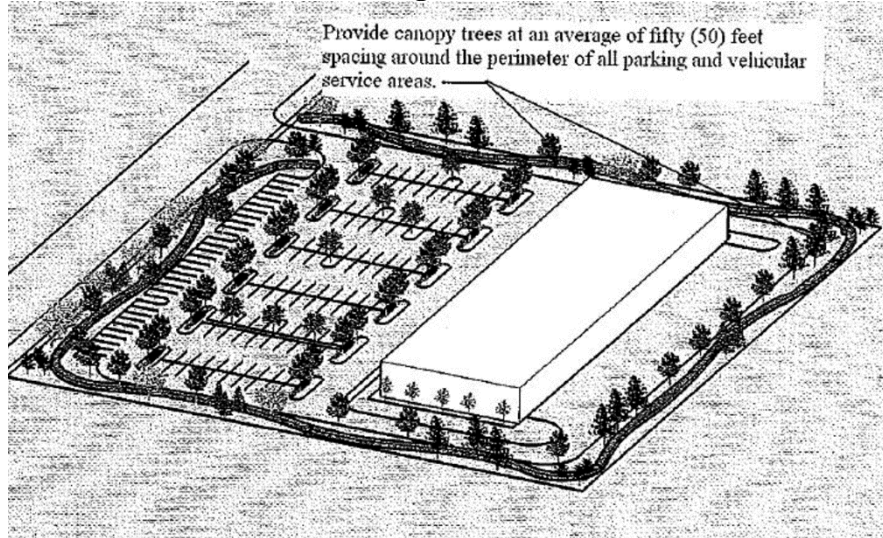
23 **Figure D — Interior Parking areas — Intermediate Landscape Islands.**
24



- 25
- 26 4. Limited Off-Street Paved Parking areas. Interior portions of off-street parking facilities,
27 which are not specifically designed as parking spaces or maneuvering areas, shall not be
28 paved for vehicle use.
- 29 5. Parking Lot Trees and Substitutions. All trees in the parking lots shall be canopy trees,
30 unless otherwise provided. A maximum of twenty (20) percent of the required canopy trees
31 in the parking lots may be substituted with palm trees. Palm trees used as substitutions in
32 parking lots shall be planted at a ~~1:1 ratio~~ ~~2:1 ratio~~ (i.e. Cabbage Palms, Windmill Palms) in
33 relation to canopy trees ~~with the exception of Canary Island Palms, Date Palms and Paurotis~~
34 ~~Palms, which may be planted at a 1:1 ratio.~~

- 1 6. Perimeter Trees and Spacing. Canopy trees Shall be planted an average of fifty-foot centers
2 around the total perimeter of the parking lot and all vehicular service areas. Clustering may
3 be utilized, but spacing Shall not exceed one hundred fifty-foot spacing. The canopy trees
4 Shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement.
5 Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet
6 from the edge of paving or vehicular service area as shown in Figure E — Perimeter Trees
7 and Spacing.

8 **Figure E — Interior Parking areas — Perimeter Trees and Spacing**



- 9
10 B. Building Landscapes, other than industrial. Buildings Shall have landscape areas planted with
11 trees, shrubs or groundcovers, other than sod, around the building as follows:

12 1. Building perimeter landscape area shall be provided between all buildings and the public right-
13 of-way and along the primary façade.

14
15 2. Landscape area shall be equal to the full linear length of the building base oriented towards
16 the public right-of-way and have a minimum depth of 8 feet.

17
18 3. At least fifty percent (50%) of the required landscape area shall consist of landscape capable
19 of achieving a maximum of thirty inch (30") in height, with one (1) canopy tree planted for
20 each twenty-five (25) feet of linear building façade, or one (1) understory tree or palm tree
21 planted for each fifteen (15) feet of linear building façade.

22 ~~1. Building Perimeter landscaped area.~~

23 ~~a. Shall be a minimum of three (3) feet wide;~~

24 ~~b. Shall be around a minimum of forty (40) percent of the building perimeter; and~~

25 ~~c. Shall be located within twenty five (25) feet of the building walls.~~

26 ~~2. Minimum planting requirement for each one hundred (100) feet.~~

27 ~~a. Three (3) ornamental trees or one (1) canopy tree; and~~

28 ~~b. Twenty eight (28) shrubs.~~

29 ~~c. Trees installed for any other requirement of this section may be credited towards this~~
30 ~~requirement if in the required location.~~

31 ~~Example: A Building with a perimeter of 150 feet would require 60 feet of perimeter~~
32 ~~landscaping (40% × 150 feet). The planting requirement would be:~~

~~Ornamental Trees: $0.60 (60 \text{ feet}/100 \text{ feet}) \times 3 \text{ Ornamental Trees} = 2 \text{ Ornamental Trees}$ (1.8 rounded to nearest whole number) OR one (1) canopy tree.~~

~~Shrubs: $0.60 (60 \text{ feet}/100 \text{ feet}) \times 28 \text{ shrubs} = 17 \text{ Shrubs}$ (16.8 rounded to nearest whole number).~~

9.01.08 Landscape Requirements for Individual Single-Family Residential and Duplex Lots. No Certificate of Occupancy Shall be issued unless in compliance with this section. The requirements of this Section Shall be noted on the development permit and/or plot plan unless otherwise required by other provisions in the Lake County Code or any other development order.

A. Canopy tree requirements. Each single-family or duplex lot Shall provide canopy trees as follows:

1. A minimum of two (2) canopy trees for lots six thousand (6,000) square feet or less.
2. A minimum of three (3) canopy trees for lots between six thousand one (6,001) and ten thousand (10,000) square feet.
3. A minimum of four (4) canopy trees for lots between ten thousand one (10,001) square feet to fifteen thousand (15,000) square feet.
4. A minimum of five (5) canopy trees for lots between fifteen thousand one (15,001) square feet to forty-three thousand five hundred sixty (43,560) square feet (1 acre).
5. A minimum of eight (8) canopy trees for lots between one (1) acre and less than two (2) acres.
6. A minimum of eleven (11) canopy trees for lots between two (2) acres and less than three (3) acres.
7. A minimum of fifteen (15) canopy trees for lots between three (3) acres and less than five (5) acres.
8. A minimum of twenty-five (25) trees for lots five (5) acres or greater.

Existing trees meeting the quality and size requirements within required buffers immediately adjacent to the lot may be credited towards this requirement.

B. Street trees within lots. One (1) or more of the required trees Shall be planted at a minimum of ten (10) feet and maximum of twenty (20) feet outside of the right-of-way for lots less than or equal to one-half (½) acre. More canopy trees may need to be planted along the road right-of-way to satisfy other requirements of the code.

C. Preservation of existing trees. Existing trees that are classified as protected trees in Section 9.02.01 (A) and greater than ~~three (3) eight (8)~~ inches in diameter Shall be preserved unless within the areas required for access, infrastructure, building footprint or within a ~~thirty (30) fifteen (15)~~ foot offset of the footprint for the residence. Stem wall construction Shall be used where necessary to achieve this requirement. The following exceptions may be allowed to this requirement:

1. Trees in fire prone areas, such as pine forests, or in rural communities with a density of less than two (2) dwelling units per acre, may remove trees with the appropriate permit, a distance of up to thirty (30) feet from a building upon written authorization by the Lake County Fire Chief or designee.
2. Existing fire-prone vegetation may also be removed up to thirty (30) feet from the structure's wall with permission granted by the Lake County Fire Chief or designee. The minimum landscaping required by this section Shall be provided.

- 1 C. Master park plan; (only applicable within parks);
- 2 D. Building permit; or
- 3 E. Lot grading/site alteration plan.

4 **9.02.03 Violations.** Each tree damaged or destroyed without a permit required under Section 9.01 or
5 Section 9.02 Shall be considered a separate violation punishable pursuant to Chapter 8, Lake County Code.
6 Determinations of the number of cleared trees Shall be based on best available data that may include surveys
7 of adjacent property or aerial photographs taken prior to clearing.

- 8 A. If a non-exempt specimen tree or a heritage tree is removed without a tree removal permit, each
9 tree Shall be replaced at a ratio of 2.5:1 of the mitigation requirement. ~~If three (3) or more~~
10 ~~protected trees are removed without a tree removal permit, each tree Shall be replaced at a ratio~~
11 ~~of 2:1 for mitigation.~~ Any other tree removal without a tree removal permit Shall be replaced in
12 accordance with the replacement requirements stated for a permitted removal.
- 13 B. If a non-exempt protected tree is removed without a permit, a restoration plan Shall be prepared
14 and submitted within thirty (30) days for approval by the County Manager or designee. All trees
15 shown on the approved site restoration plan must be installed pursuant to Section 9.02.07 Location
16 of Tree Replacement Sites.

17 **9.02.04 Exemptions to Tree Removal Permit Requirements.** The following protected trees and
18 palms may be removed without a tree removal permit and required mitigation:

- 19 A. Excluding the number of trees required in Section 9.01.08(A), any tree located on a single family
20 residential lot, five (5) acres or less in size that also contains an occupied residential dwelling.
21 All pine tree and palm trees are exempt from needing a tree removal permit, except for natural
22 longleaf pines (Pinus palustris). All other trees that are not required for any landscape
23 requirement, provided such removal does not to exceed a combined cumulative caliper of thirty
24 (30) inches of Protected Trees within any one (1) three-year period;
- 25 B. Trees located within new or existing recorded or prescriptive public road or drainage rights-of-
26 way and easements that are to be removed as part of a Board of County Commissioners approved
27 project. However, all protected trees removed under this exemption Shall be avoided or relocated
28 whenever feasible.
- 29 C. Any tree determined to be in a hazardous or dangerous condition so as to endanger the public
30 health, safety or welfare and requires immediate removal. Authorization may be given by the
31 County Manager or designee pursuant to the following procedures:
 - 32 1. Photo documentation of the hazardous tree(s) by property owner is required prior to removal
33 and Shall be submitted to the County Manager or designee.
 - 34 2. If the tree, due to immediate danger, is removed prior to obtaining written authorization, a
35 letter and photo documentation demonstrating the immediate danger Shall be submitted to
36 the County Manager or designee within fifteen (15) days of the removal.
 - 37 3. The subsection expressly includes Heritage and Specimen Trees when such trees endanger
38 property or the public health, safety or welfare.
- 39 D. Agriculture and Silviculture. Bona fide farm operation on land classified as agricultural pursuant
40 to Section 193.461, Florida Statutes, as amended.
 - 41 1. Silviculture operations on property zoned Agriculture, or legally existing nonconforming
42 agricultural uses, that have completed a Forestry Management Plan and would qualify for
43 classification as agricultural pursuant to Section 193.461, Florida Statutes, as amended.

2. Silviculture activities regulated through best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, or water management district.
3. The activity is expressly regulated and permitted by the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency.

E. Trees that have died through natural causes or diseased trees Shall not require replacement or relocation. Trees killed or toppled by Acts of God such as lightning, hurricanes and tornadoes Shall not be required to be replaced or mitigated unless the tree(s) are required as part of a Development Order issued by Lake County.

F. Trees removed for any County or Municipality Public Works approved development including but not limited to stormwater management, reservoirs, or other major utility projects.

9.02.06 Replacement Requirements. When a tree removal permit is issued, the County Manager, or designee, Shall require the replacement of removed trees and palms as a condition of the issuance of a permit, as follows:

- A. Protected and Specimen Trees. Fifty (50) percent of the total number of caliper inches measured at diameter breast height (DBH) for Native and Florida-Friendly trees.
- B. Heritage Trees. One-hundred (100) percent of the total caliper inches of a Heritage Tree.
- C. Replacement trees.

1. Trees removed which are exempt under Section 9.02.04 or removed pursuant to Section 9.02.05.A.7. shall not require replacement unless needed for minimum tree requirement.

2. Trees located within the proposed footprint and ~~ten (10)~~ **thirty (30)** feet around the perimeter of the footprint of a new dwelling unit, duplex, residential addition, septic tank/drainfield or driveway area, shall not require replacement unless needed to meet the minimum tree requirement, provided the following condition is met:

a) There is not sufficient area on the lot to locate the new dwelling unit, duplex, residential addition, septic tank/drainfield or driveway, meeting all setbacks, without removing the trees. The following standards shall apply:

1. Trees shall only be removed after the building permit for the new dwelling unit, duplex or residential addition has been obtained; and
2. If an approved building inspection is not completed on the dwelling unit, duplex or residential addition within six (6) months of obtaining the building permit, replacement of the trees removed shall be required.
3. More than one (1) tree may be used to replace a tree or trees that are removed, but the minimum caliper of the replacement canopy trees Shall be no less than two-and-one-half (2½) inches and two (2) inches for replacement ornamental trees.
4. Minimum of seventy-five (75) percent of the replacement trees Shall be canopy trees.
5. Twenty-five (25) percent maximum of the replacement trees may be ornamental trees.

~~6. Palm trees and pine trees may be used but Shall not exceed four (4) inches credit per tree given as replacement regardless of their installed size.~~

1 ~~D~~esignation of heritage trees by the County Manager or designee Board Shall be in accordance
2 with the standards and procedures in this Subsection.

3 B. Designation Standards. At least one (1) of the following standards Shall apply in order for a tree
4 to be designated a heritage tree:

- 5 1. Size. Trees with a forty-inch caliper or greater, singly or with a combined trunk, measured
6 at fifty-four (54) inches from the surface of the ground.
- 7 2. Age. Trees that are determined to be at least one hundred (100) years old or to be at
8 approximate half-life maturity and are in good health.
- 9 3. Form. Trees that are determined to have a unique form or shape, due to geography, climate,
10 environmental or natural growth habitat conditions, and are in good health.
- 11 4. Ecological Value. Trees that are determined to have an ecological value to the County in
12 terms of soil or water conservation and management, wildlife habitat, or endemic native flora
13 habitat, and are in good health.
- 14 5. Rarity. Trees that are determined to be non-indigenous, rare, or unique to the County, and
15 are in good health.
- 16 6. Historical Significance. Trees that have been designated as having historical significance by
17 the Lake County Historical Society ~~or the Board of County Commissioners~~.

18 C. Prohibited Trees are excluded from designation as a Heritage Tree.

19 D. Application Procedures.

- 20 1. Applications may be initiated by owners of the Property or developers as part of their
21 development plan.
- 22 2. Applications on forms provided by the County Manager or designee Shall be completed and
23 submitted to the County Manager or designee.
- 24 3. The County Manager or designee may request assistance from the Lake County Forester,
25 State Division of Forestry, in determining compliance with any of the designation standards.
26 If the tree poses a potential hazard to persons or property it shall not be designated.
- 27 4. The Board of County Commissioners may adopt a resolution recognizing the designation.

28 E. Recognition of Heritage Trees. Any non-prohibited trees with forty-inch caliper or greater, singly
29 or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground Shall
30 be recognized as a heritage tree without application. An applicant Shall identify the location,
31 number and size of all heritage trees on any required tree survey submitted to the County for site
32 plan or plat review. In addition, the County may identify heritage trees that are found to meet this
33 criterion.

34 F. Approval and Protection.

- 35 1. Any non-prohibited tree satisfying one (1) or more of the size criteria for a heritage tree as
36 specified above Shall be recognized and recorded as a heritage tree by the County Manager
37 or designee, without approval by the Board of County Commissioners. The Board of County
38 Commissioners may adopt a resolution recognizing the designation.
- 39 2. Removal of a heritage tree Shall be prohibited, unless it poses a danger to persons or
40 property. A variance may also be granted by the Board of Adjustment. The property owner
41 Shall protect any tree designated as a heritage tree to ensure its long-term health.

42

1 **Section 3. Inclusion in Code.** It is the intent of the Board of County Commissioners that the
2 provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections
3 of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”,
4 “article”, or such other appropriate word or phrase in order to accomplish such intentions.
5

6 **Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is
7 for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall
8 not affect the remaining portions of this Ordinance; and it shall be construed to have been the
9 Commissioners’ intent to pass this Ordinance without such unconstitutional, invalid or inoperative part
10 therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and
11 held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof
12 shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set
13 of circumstances, such holding shall not affect the applicability thereof to any other person, property or
14 circumstances.
15

16 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby directed
17 forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in
18 accordance with Section 125.66, Florida Statutes.
19

20 **Section 6. Effective Date.** This ordinance shall become effective as provided for by law.
21

22 ENACTED this day of _____ day of _____, 2018.
23

24 FILED with the Secretary of State the ____ day of _____, 2018.
25

26
27 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

28
29
30
31 _____
32 Gary J. Cooney, Clerk
33 Board of County Commissioners of
34 Lake County, Florida
35

Timothy I. Sullivan, Chairman

This ____ day of _____, 2018.
36

37 Approved as to form and legality:
38
39

40 _____
41 Melanie Marsh, County Attorney