

Summary of Ordinance

This Ordinance amends Section 9.02.00, Lake County Code, Land Development Regulations, entitled *Tree Protection*, to clarify the requirements of tree removal associated with a development project and the approval and protection of non-prohibited trees designated as Heritage Trees and Specimen Trees.

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 NO. 2026-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 9.02.00, LAKE COUNTY CODE, LAND DEVELOPMENT REGULATIONS, ENTITLED *TREE PROTECTION*; CLARIFYING TREE REMOVAL REQUIREMENTS ASSOCIATED WITH A DEVELOPMENT PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lake County, Florida (Board) 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, on April 24, 2012, the Board adopted Ordinance No. 2012-27 establishing fair and consistent standards for development as it relates to required landscaping and tree protection; and

WHEREAS, on January 15, 2019, the Board adopted Ordinance No. 2019-01 which streamlined the landscaping regulations as it pertained to tree removal requirements; and

WHEREAS, on April 23, 2019, the Board adopted Emergency Ordinance No. 2019-27 to protect the environment by ensuring that trees are not unnecessarily removed for utility projects, and that steps have been taken to mitigate damage to the environment; and

WHEREAS, on November 19, 2019, the Board adopted Ordinance No. 2019-61 which allowed property owners to remove trees from their residential properties that have been certified as dangerous by a certified arborist or licensed landscape architect without obtaining a permit; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

2026___; Ordinance Amending 9.02.00, Lake County Code, Land Development Regulations, entitled *Tree Protection*

1 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
2 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
3 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
4

5 **Section 2. Amendment.** Section 9.02.00, Lake County Code, Land Development
6 Regulations, entitled *Tree Protection*, is hereby amended to read as follows:
7

8 **9.02.00 Tree Protection.**

9 A.9.02.01 Purpose. The purpose of this Section is:

10 ~~±A.~~ To encourage the proliferation of trees and palms.

11 ~~±B.~~ To establish rules and regulations governing the protection and replacement of trees and
12 palms within unincorporated Lake County; and

13 ~~±C.~~ To recognize the importance of trees and palms and their meaningful contribution to a
14 healthy, beautiful, and safer community attributable to their carbon dioxide absorption,
15 oxygen production, dust filtration, wind and noise reduction, soil erosion prevention,
16 lakeshore erosion protection, wildlife habitat, surface drainage improvement,
17 beautification and aesthetic enhancement of improved and vacant lands and the general
18 promotion of the health, safety, welfare and well-being of the community.

19
20 ~~9.02.012~~ **Protected Trees.**

21 A. Designation of Protected Trees. The following trees and palms are designated protected
22 trees:

- 23 1. All trees and palms native to Florida or Florida Friendly, three (3) inches or larger
24 in diameter at breast height.
- 25 2. Sand Pine and Xeric Oak Scrub community trees two (2) inches diameter or larger
26 at breast height.
- 27 3. Wetland trees of any size.
- 28 4. Specimen and Heritage trees.

29 B. Exemptions to Protected Trees. Prohibited trees, invasive trees, citrus or non-native fruit
30 trees of any species Shall not be considered a protected tree.

31
32 ~~9.02.023~~ **Tree Removal Permit Required.**

33 A. It Shall be unlawful and a violation of this Section to clear, kill, or remove a protected tree
34 or palm by any method without first obtaining a tree removal permit unless exempted under
35 Section 9.02.046.

36 ~~When a development order is issued for a site plan, subdivision or master park plan, a separate~~
37 ~~tree removal permit Shall not be required if the trees to be removed are identified and mitigated~~
38 ~~on the approved landscape plan. Approval of a preliminary plat does not authorize approval for~~
39 ~~the removal of trees or other vegetation.~~

1 **B.** Any tree removal, not specifically exempted herein, Shall require replacement trees in
2 compliance with this Section and Shall specify the schedule when trees will be removed
3 and when such replacement trees will be planted.

4 ~~When the removal of trees is associated with a development project, the removal of trees~~
5 ~~authorized pursuant to the Lake County Tree Removal Permit shall not commence until one (1)~~
6 ~~of the following has been approved or issued:~~

- 7 ~~A. Subdivision construction plan;~~
- 8 ~~B. Final master site plan;~~
- 9 ~~C. Master park plan; (only applicable within parks);~~
- 10 ~~D. Building permit; or~~
- 11 ~~E. Lot grading/site alteration plan.~~

12
13 **9.02.034 Violations.** Each tree damaged or destroyed without a permit required under Section
14 9.01 or Section 9.02 Shall be considered a separate violation punishable pursuant to Chapter 8,
15 Lake County Code. Determinations of the number of cleared trees Shall be based on best available
16 data that may include surveys of adjacent property or aerial photographs taken prior to clearing.

- 17
18 A. If a ~~s~~Specimen ~~t~~Tree or a ~~h~~Heritage ~~t~~Tree is removed without a tree removal permit, each
19 tree Shall be replaced at a ratio of 2.5:1 of the mitigation requirement. If three (3) or more
20 protected trees are removed without a tree removal permit, each tree Shall be replaced at a
21 ratio of 2:1 for mitigation. Any other tree removal without a tree removal permit Shall be
22 replaced in accordance with the replacement requirements stated for a permitted removal.
- 23 B. If a protected tree is removed without a permit, a restoration plan Shall be prepared and
24 submitted within thirty (30) days for approval by the County Manager or designee. All
25 trees shown on the approved site restoration plan must be installed pursuant to Section
26 9.02.07 Location of Tree Replacement Sites.

27
28 **9.02.05 Removal of Trees Associated with Development Project.**

- 29
30 ~~A. When a landscape plan (1) identifies the trees to be removed and (2) shows the required~~
31 ~~mitigation is approved as part of a site plan, preliminary plat, or master park plan, a separate~~
32 ~~tree removal permit shall be required. Heritage Trees shall be governed by subsection B~~
33 ~~below.~~
- 34 ~~B. Removal of Heritage Trees is prohibited unless it poses a danger to persons or property.~~
35 ~~The development must be designed around existing Heritage Trees unless a waiver has~~
36 ~~been granted by the Board of County Commissioners as part of a conditional zoning or~~
37 ~~amendment thereto, or a variance has been granted by the Board of Adjustment, or its~~
38 ~~successor. If a property owner or developer seeks a waiver or a variance to remove Heritage~~
39 ~~Trees, a detailed landscape plan is required showing the size and location of the trees to be~~
40 ~~removed and identifying the reasons why the development cannot be designed around the~~
41 ~~trees.~~

1 C. For any development that has an approved zoning ordinance but has not yet been submitted
2 for site plan, preliminary plat, or master park plan approval as of March 1, 2026, the
3 developer shall be required to (1) design around the Heritage Trees or (2) obtain a variance
4 to remove the Heritage Trees. Reliance upon a conceptual plan incorporated into a zoning
5 ordinance shall not exempt the development from compliance with regulations governing
6 Heritage Trees. Tree removal permits shall additionally be required.

7
8 **9.02.046 Exemptions to Tree Removal Permit Requirements.** Neither a tree removal permit
9 nor mitigation will be required under the following circumstances:

- 10 A. Excluding the number of trees required in Section 9.01.08(A), any tree located on a single
11 family residential lot, two (2) acres or less in size that also contains a residential dwelling.
12 All other trees that are not required for any landscape requirement, provided such removal
13 does not exceed a combined cumulative caliper of thirty (30) inches of Protected Trees
14 within any one (1) three-year period;
- 15 B. Trees located within new or existing recorded or prescriptive public road or drainage rights-
16 of-way and easements that are to be removed as part of a Board of County Commissioners
17 approved project. However, all protected trees removed under this exemption Shall be
18 avoided or relocated whenever feasible.
- 19 C. For trees located on nonresidential property, any tree determined to be in a hazardous or
20 dangerous condition so as to endanger the public health, safety or welfare and requires
21 immediate removal. Authorization may be given by the County Manager or designee
22 pursuant to the following procedures:
- 23 1. Photo documentation of the hazardous tree(s) by property owner is required prior
24 to removal and Shall be submitted to the County Manager or designee.
- 25 2. If the tree, due to immediate danger, is removed prior to obtaining written
26 authorization, a letter and photo documentation demonstrating the immediate
27 danger Shall be submitted to the County Manager or designee within fifteen (15)
28 days of the removal.
- 29 3. The subsection expressly includes Heritage and Specimen Trees when such trees
30 endanger property or the public health, safety or welfare.
- 31 D. Trees located on residential property that present a danger to persons or property so long
32 as the property owner complies with the requirements set forth in Section 163.045, Florida
33 Statutes.
- 34 E. ~~Agriculture and Silviculture.~~ Bona fide farm operation on land classified as agricultural
35 pursuant to Section 193.461, Florida Statutes, as amended.
- 36 1. Silviculture operations on property zoned Agriculture, or legally existing
37 nonconforming agricultural uses, that have completed a Forestry Management Plan
38 and would qualify for classification as agricultural pursuant to Section 193.461,
39 Florida Statutes, as amended.
- 40 2. Silviculture activities regulated through best management practices, interim
41 measures, or regulations developed through the Florida Department of

1 Environmental Protection, Florida Department of Agriculture and Consumer
2 Services, or water management district.

3 3. The activity is expressly regulated and permitted by the U.S. Army Corps of
4 Engineers or U.S. Environmental Protection Agency.

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

9 G. Trees removed as part of a county public works' project including, but not limited to,
10 stormwater management, reservoirs, or other major utility improvements. A tree removal
11 permit shall be required for municipal public works' projects located in the unincorporated
12 county.

13
14 **9.02.057 Criteria for Issuance of Tree Removal Permit.**

15 A. Tree Removal Permit. A tree removal permit may be issued when one (1) or more of the
16 following circumstances exist:

17 1. Street opening. The location of a tree restricts the opening of a street or right-of-
18 way. Streets and rights-of-way Shall be located to minimize the loss of trees,
19 especially specimen and heritage trees;

20 2. Utilities and drainage. The location of the tree restricts the construction of utility
21 lines or drainage facilities. Utility lines and drainage facilities shall be located to
22 minimize the loss of trees, especially specimen and heritage trees. Utility providers
23 shall also coordinate with adjacent property owners and seek alternative easements
24 to the extent practicable so as to minimize the loss of trees;

25 3. Property access. The location of the tree prevents access to the property. Exit and
26 entry Shall be located to minimize the loss of trees, especially specimen and
27 heritage trees;

28 4. Property use. The location of the tree restricts use of the property consistent with
29 all other County and state codes, statutes, ordinances, and resolutions, and site
30 location modifications are not feasible or reasonable;

31 5. Hazards. The tree constitutes a potential hazard to life or property that cannot be
32 mitigated without removing the tree provided, however, that a permit shall not be
33 required if exempt under Section 9.02.046 of these regulations;

34 6. Poor tree health. The tree is dying or dead so that its restoration to sound condition
35 is not practical, or it has a disease which can be expected to be transmitted to other
36 trees and to endanger their health;

37 7. Thinning of trees. For non-bona fide silviculture operations, thinning of trees in
38 order to increase light and air circulation for the purpose of improving health
39 conditions, or to prevent disease, of a group of trees, the selective removal of up to
40 twenty-five (25) percent of the group of trees may be permitted. Thinning Shall
41 include any removal of trees from the lot and Shall not exceed the maximum
42 clearing allowed in this Section. Thinning Shall follow Best Management Practices

(BMPs) published by a government agency or the National Tree Care Industry Association.

8. The tree is located in the footprint of a Family Garden as defined in Section 3.01.02.B.3 of these regulations ~~to be sited pursuant to Chapter III, LDR.~~

B. Tree Removal Procedure. The tree removal permit, when issued, Shall specifically identify which trees Shall be permitted to be removed. Each tree permitted for removal Shall be physically marked with an "X" using brightly colored paint or surveyor's tape; or if a group of trees are permitted for removal, the outside perimeter trees of the group may be designated with brightly-colored rope or tape in lieu of each tree. Such permit Shall automatically expire twelve (12) months after issuance. Trees not removed during the life of the permit may not be removed without the issuance of a new permit based upon a new application.

C. Removal not required. Tree removal permits merely authorize the removal of trees specified therein. Nothing in this Section Shall be construed to require the removal of protected trees by the permittee.

9.02.068 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 9.02.046 or removed pursuant to Section 9.02.057.A.7. shall not require replacement unless needed for minimum tree requirement.

2. Trees located within the proposed footprint and ten (10) 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:

~~1a.~~ Trees shall only be removed after the building permit for the new dwelling unit, duplex or residential addition has been obtained; and

~~2b.~~ 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.

~~3c.~~ 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.

1 G. Palm trees. Palm trees Shall not account for more than twenty (20) percent of the required
2 replacement trees.

3 H. Replacement size. Replacement trees Shall conform to the size and planting requirements
4 of the Landscape Code. Ornamental trees may not exceed twenty-five (25) percent of the
5 total caliper replacement inches required.

6
7 **9.02.079 Location of Tree Replacement Sites.**

8 A. Replacement trees Shall be mitigated on the lot, if possible.

9 B. If replacement trees cannot be placed on the lot, they Shall be located in common areas of
10 the development such as: open space areas, areas adjacent to stormwater management
11 facilities, landscape buffer areas, or entrances of the development in which the site is
12 located, if possible.

13 C. If replacement cannot be made on the lot or in a common area of the development, the
14 owner or applicant may place the mitigation trees on a designated conservation or park
15 property within Lake County pursuant to the following conditions:

16 1. The recipient property Shall be suitable for the replacement trees and approved in
17 writing by the County.

18 2. The request to utilize this option Shall be submitted to the County Manager or
19 designee in writing and Shall include an — explanation why the trees cannot be
20 replaced on site;

21 3. The size of the mitigated trees shall be determined by the County based on the needs
22 and ability to provide maintenance to the site. The Applicant shall be responsible
23 for providing the total caliper inches required for mitigation under this section.

24 4. If replacement cannot be made on the lot or in a common area of the development,
25 the owner or applicant may contribute to a County Tree Mitigation Fund to be used
26 for tree planting in public spaces. The fee per tree shall be established annually by
27 the County Manager or designee, based on the average cost of a 2.5 inch-caliper
28 canopy tree plus the cost of installation in Lake County.

29
30 **9.02.0810 Voluntary Planting.** This Section Shall not be interpreted to restrict, regulate, or limit
31 the voluntary planting of any protected tree in Lake County. Any size tree may be voluntarily
32 planted. The provisions of this Section govern only the planting of trees that are required to be
33 planted or retained.

34
35 **9.02.0911 Specimen Trees.**

36 A. Purpose. It is the purpose of this Subsection to acknowledge the existence of certain trees
37 within the County that are rare or unique due to factors such as age, size, or type, and to
38 protect such trees through their designation as specimen trees. ~~Designation of specimen
39 trees by the Board Shall be in accordance with the standards and procedures in this
40 Subsection.~~

1 B. Standards. At least one (1) of the following standards Shall apply ~~in order~~ for a tree to be
2 ~~designated protected as a sSpecimen tTree~~:

- 3 1. Size. Trees with a thirty (30) inch caliper or greater, singly or with a combined
4 trunk, measured at fifty-four (54) inches from the surface of the ground shall be
5 ~~sSpecimen tTrees~~ unless otherwise classified in this chapter.
- 6 2. Age. Trees that are determined to be at least one hundred (100) years old or to be
7 at approximately half-life maturity and are in good health.
- 8 3. Form. Trees that are determined to have a unique form or shape, due to geography,
9 climate, environmental or natural growth habitat conditions, and are in good health.
- 10 4. Ecological Value. Trees that are determined to have an ecological value to the
11 County in terms of soil or water conservation and management, wildlife habitat, or
12 endemic native flora habitat, and are in good health.
- 13 5. Rarity. Trees that are determined to be non-indigenous, rare, or unique to the
14 County, and are in good health.

15 C. Prohibited Trees are excluded from designation as a Specimen Tree.

16 D. Approval and Protection. Any non-prohibited tree satisfying one (1) or more of the size
17 criteria in this subsection, as specified above, Shall be protected as a Specimen Tree.

18 ~~1. Any non-prohibited tree satisfying one (1) or more of the size criteria in this~~
19 ~~subsection, as specified above, Shall be recognized as a specimen tree by the~~
20 ~~County Manager or designee.~~

21
22 **9.02.1012 Heritage Trees.**

23 A. Purpose. It is the purpose of this Subsection to acknowledge the existence of certain trees
24 within the County that are significant or unique due to factors such as age, size, historic
25 significance or type and to protect such trees through their designation as heritage trees.
26 ~~Designation of heritage trees by the Board Shall be in accordance with the standards and~~
27 ~~procedures in this Subsection.~~

28 B. Designation Standards. At least one (1) of the following standards Shall apply ~~in order~~ for
29 a tree to be designated a ~~hHeritage tTree~~:

- 30 1. Size. Trees with a forty-inch caliper or greater, singly or with a combined trunk,
31 measured at fifty-four (54) inches from the surface of the ground.
- 32 2. Age. Trees that are determined to be at least one hundred (100) years old or to be
33 at approximate half-life maturity and are in good health.
- 34 3. Form. Trees that are determined to have a unique form or shape, due to geography,
35 climate, environmental or natural growth habitat conditions, and are in good health.
- 36 4. Ecological Value. Trees that are determined to have an ecological value to the
37 County in terms of soil or water conservation and management, wildlife habitat, or
38 endemic native flora habitat, and are in good health.
- 39 5. Rarity. Trees that are determined to be non-indigenous, rare, or unique to the
40 County, and are in good health.

6. Historical Significance. Trees that have been designated as having historical significance by the Lake County Historical Society or the Board of County Commissioners.

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

~~D. Application Procedures.~~

~~1. Applications may be initiated by owners of the Property or developers as part of their development plan.~~

~~2. Applications on forms provided by the County Manager or designee shall be completed and submitted to the County Manager or designee.~~

~~3. The County Manager or designee may request assistance from the Lake County Forester, State Division of Forestry, in determining compliance with any of the designation standards. If the tree poses a potential hazard to persons or property it shall not be designated.~~

~~4. The Board of County Commissioners may adopt a resolution recognizing the designation.~~

ED. Recognition of Heritage Trees. Any non-prohibited trees with forty-inch caliper or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground shall be recognized as a hHeritage tTree without application. An applicant shall identify the location, number and size of all hHeritage tTrees on any required tree survey submitted to the County for site plan, subdivision construction plan or platfinal master park plan review. In addition, the County may identify hHeritage tTrees that are found to meet this criterion.

FE. Approval and Protection. Any non-prohibited tree satisfying one (1) or more of the criteria in this subsection, as specified above, shall be protected as a Heritage Tree. Removal of Heritage Trees is prohibited unless it poses a danger to persons or property. All development must be designed around Heritage Trees unless a waiver has been granted by the Board of County Commissioners as part of a conditional zoning or amendment thereto, or a variance has been granted by the Board of Adjustment, or its successor.

~~1. Any non-prohibited tree satisfying one (1) or more of the size criteria for a heritage tree as specified above shall be recognized and recorded as a heritage tree by the County Manager or designee, without approval by the Board of County Commissioners. The Board of County Commissioners may adopt a resolution recognizing the designation.~~

~~2. Removal of a heritage tree shall be prohibited, unless it poses a danger to persons or property. A variance may also be granted by the Board of Adjustment. The property owner shall protect any tree designated as a heritage tree to ensure its long-term health.~~

Section 3. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court of competent jurisdiction, then said holding shall in no way affect the validity of the

1 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners’
2 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
3 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
4 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
5 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
6 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
7 other person, property or circumstances.
8

9 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
10 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
11 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
12 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
13 order to accomplish such intentions.
14

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

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

21
22 Enacted this _____ day of _____, 2026.
23

24 Filed with the Secretary of State _____, 2026.
25

26
27 **BOARD OF COUNTY COMMISSIONERS**
28 **OF LAKE COUNTY, FLORIDA**
29

30
31 ATTEST:

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

36 _____
37 Leslie Campione, Chairman

38 This ____ day of _____, 2026.
39

40
41 Approved as to form and legality:
42

Melanie Marsh, County Attorney