

1 **Ordinance Summary**

2 **Exemption to Tree Replacement Requirements**

3 This ordinance proposes to amend the Lake County Land Development Regulations (LDR),
4 Chapter IX, entitled, "Development Design and Improvement Standards", Section 9.02.06,
5 entitled, "Replacement Requirements", to allow the area within the footprint of a new dwelling
6 unit, duplex, residential addition, septic tank/drainfield, driveway area and ten (10) feet around
7 the perimeters to be exempt from the tree replacement requirements, unless needed to meet
8 the minimum tree requirement, and provided that there is no alternative location on the lot that
9 would allow the proposed development to meet all setback requirements as constructed.

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11 Changes are shown as follows: Underline for additions to existing Code sections. Renumbering
12 and/or relettering were added as needed.

13
14 **ORDINANCE NO. 2013-53**

15
16 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
17 **FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE,**
18 **APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER IX,**
19 **ENTITLED "DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS", SECTION**
20 **9.02.06, ENTITLED "REPLACEMENT REQUIREMENTS", BY ALLOWING THE AREA**
21 **WITHIN THE FOOTPRINT OF A NEW DWELLING UNIT, DUPLEX, RESIDENTIAL**
22 **ADDITION, SEPTIC TANK/DRAINFIELD, DRIVEWAY AREA AND TEN (10) FEET AROUND**
23 **THE PERIMETERS TO BE EXEMPT FROM THE TREE REPLACEMENT REQUIREMENTS**
24 **UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
25 **INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE;**
26 **AND PROVIDING FOR AN EFFECTIVE DATE.**

27
28 **WHEREAS**, the Lake County Land Development Regulations contains regulations on
29 tree removal and mitigation requirements; and

30 **WHEREAS**, the Land Development Regulations currently require a tree removal permit
31 and mitigation for trees removed for construction of a new dwelling unit, duplex, addition to an
32 existing residence, and construction of the accompanying driveway, septic tank and drainfield;
33 and

34 **WHEREAS**, the cost of tree mitigation for the footprint of the dwelling unit, duplex,
35 residential addition, driveway, septic tank and drainfield areas may make the construction of the
36 home or addition economically unfeasible, in those situations where there is no other alternative
37 location on the lot where all setback requirements can be met; and

38 **WHEREAS**, the minimum required landscaping for new residential construction must still
39 be met, even with an exemption for tree replacement requirements for the footprint of the
40 residential construction, driveway, septic tank/drainfield, and perimeters for qualifying
41 properties, as proposed herein; and

42 **WHEREAS**, on August 7, 2013, the Planning & Zoning Board, in its capacity as the
43 Local Planning Agency, considered this ordinance and recommended approval at a properly
44 advertised public hearing; and

45 **WHEREAS**, the Board of County Commissioners (the "Board") desires to amend
46 Chapter IX, Land Development Regulations, to amend regulations pertaining to tree
47 replacement requirements as proposed herein; and

48

76. Replacement trees may be used to meet the landscape requirements set out in Section 9.01.

Section 3. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

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

Section 5. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 6. Effective. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this 24th day of September, 2013.

Filed with the Secretary of State October 3, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

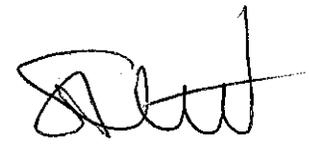


Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida



Leslie Campione, Chairman

Approved as to form and legality:



Sanford A. Minkoff
County Attorney

Vincent, Courtney

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Friday, October 04, 2013 9:52 AM
To: County Ordinance Submittals
Cc: County Ordinances
Subject: RE: Lake County Ordinance 2013-53
Attachments: Lake.doc



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From: County Ordinance Submittals [<mailto:COS@lakecountyclerk.org>]
Sent: Thursday, October 03, 2013 12:41 PM
To: County Ordinances
Cc: County Ordinance Submittals
Subject: Lake County Ordinance 2013-53

Sender Full Name:	Courtney Vincent
Sender Phone number:	352-343-9827
County Name:	Lake County
Ordinance Number:	2013-53

Courtney T. Vincent

Board Support - Senior Secretary
Office of Neil Kelly, Lake County Clerk of the Courts
315 W. Main Street
Tavares, Florida 32778
(352) 343-9827
cvincent@lakecountyclerk.org

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 3, 2013

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Courtney T. Vincent, Senior Secretary

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of the electronic copy of Lake County Ordinance Nos. 2013-53, which was filed in this office on October 3, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure