

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-\_\_\_\_\_**

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



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

3 \*\*\*  
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5 **Section 3. Severability.** If any section, sentence, clause or phrase or the Ordinance  
6 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding  
7 shall in no way effect the validity of the remaining portion of this Ordinance.  
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  
11 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and  
12 the word "ordinance" may be changed to "section", "article" or such other appropriate word or  
13 phrase in 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 a certified copy of this Ordinance to the Secretary of State for the  
17 State of Florida.  
18

19 **Section 6. Effective.** This Ordinance shall become effective upon filing with the  
20 Secretary of State.  
21

22 Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

23 Filed with the Secretary of State \_\_\_\_\_, 2013.

24  
25 BOARD OF COUNTY COMMISSIONERS  
26 ATTEST: OF LAKE COUNTY, FLORIDA  
27

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29 \_\_\_\_\_  
30 Neil Kelly, Clerk of the  
31 Board of County Commissioners  
32 of Lake County, Florida  
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\_\_\_\_\_  
Leslie Campione, Chairman

34 Approved as to form and legality:

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\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney