ORDINANCE 2008-

ORDINANCE SUMMARY

The Lake County Comprehensive Plan requires that the landscape code be updated on a periodic basis. In 2007, The Board of County Commissioners requested that the Landscape and Tree Protection Regulations be updated. The changes indicated herein have involved several meetings with representatives of the County, City of Clermont, Cooperative Extension Service, Water Management Districts, Water Authority and the landscaping community.

LPA hearings: April 17, 2008 and April 30, 2008
Changes are shown as follows: ~~Strikethrough~~ for deletions, Underline for additions.
Notations showing "* * *" indicate that no changes are proposed between modified sections.

Rev. 04-25-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE APPENDIX E LAND DEVELOPMENT REGULATIONS; RENUMBERING AND AMENDING s. 3.11 RELATING TO NONCONFORMING DEVELOPMENT;DELETING SURPLUS NONCONFORMING PROVISIONS OF S. 6.13; ADDING DEFINITIONS TO CHAPTER II; REPEALING AND REWRITING IN ITS ENTIRETY s. 9.01 LANDSCAPING AND SITECLEARING STANDARDS; PROVIDING FOR PURPOSE, GENERAL REQUIREMENTS AND EXEMPTIONS; PROVIDING FOR WATERWISE AND FLORIDA FRIENDLY LANDSCAPING;PROVIDING GENERAL LANDSCAPING REQUIREMENTS; PROVIDING LANDSCAPE BUFFER REQUIREMENTS; PROVIDING INTERNAL LANDSCAPING FOR PARKING AREAS AND OTHER SITE AREAS; PROVIDING LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL AND DUPLEXES; PROVIDING FOR PROHIBITED PLANT SPECIES; REPEALING AND REWRITING IN ITS ENTIRETY s. 9.02 TREE PROTECTION; PROVIDING FOR TREE PROTECTION; PROVIDING FOR PROTECTED TREES; REQUIRING A TREE REMOVAL PERMIT; PROVIDING EXEMPTIONS TO TREE REMOVAL PERMIT REQUIREMENTS; PROVIDING CRITERIA FOR ISSUANCE OF TREE REMOVAL PERMITS; PROVIDING TREE REPLACEMENT REQUIREMENTS; PROVIDING FOR LOCATION OF TREE REPLACEMENT SITES; PROVIDING FOR VOLUNTARY PLANTING; PROVIDING REGULATIONS FOR HISTORIC TREES, SPECIMEN TREES, AND HERITAGE TREES; PROVIDING FOR TREE PROTECTION DURING CONSTRUCTION; AMENDING CHAPTER 14 ADMINISTRATION; AMENDING s 14.07.05 TO ADD LANDSCAPE REQUIREMENTS; AMENDING s 14.07.06 REGARDING ISSUANCE OF A CERTIFICATE OF OCCUPANCY; AMENDING s 14.08.00 REGARDING GUARANTEES AND SURETIES; AMENDING s 14.09.01 SITE PLAN SUBMITTAL REQUIREMENTS; AMENDING s 14.10.02 MASTER PARK

PLAN SUBMITTAL REQUIREMENTS; AMENDING s 14.14.01 DEVELOPMENT PERMITS; AMENDING s 14.14.04 TREE REMOVAL PERMITS; PROVIDING FOR SEVERABILITY; INCLUSION IN THE CODE; AND AN EFFECTIVE DATE.

WHEREAS, Chapter IX, Lake County Code, Appendix E, Land Development Regulations, entitled Development Design and Improvement Standards, sets forth the design and improvement standards for landscaping and tree protection; and

WHEREAS, Comprehensive Plan Policy 1-1.3 requires Land Development Regulations be adopted to minimize potential adverse impacts created by different land uses located adjacent to each other by requiring the provision of landscaping, buffering, or other appropriate screening techniques; and

WHEREAS, the Local Planning Agency considered this Ordinance on April 25, 2008 at a properly advertised public hearing; and

WHEREAS, the Board of County Commissioners (the "Board") desires to amend Chapter IX to update the design and improvement standards and best management practices to conserve water, improve water quality, provide habitat and enhance aesthetics; and

WHEREAS, the Board has determined that amending Chapter IX is in the best interests of the citizens of Lake County, Florida; and

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

SECTION ONE. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

SECTION TWO. **Repeal and Replace.** Section 3.11.00 consisting of sections 3.11.01 – 3.11.04 is hereby repealed and replaced and Section 1.08.00 is created to read as follows:

1.08.00 Nonconforming Development.

1.08.01 Defined. The following provisions apply to Nonconforming Development as defined in Chapter II.

1.08.02 Normal Maintenance. Normal maintenance and incidental repair of a lawful nonconformity shall be permitted provided that such maintenance and repair does not violate any other Section of these Regulations and is in full compliance with all building and technical codes adopted by Lake County.

1.08.03 Continuation of Nonconforming Development. Subject to the provisions below for terminating Nonconforming Development, such uses and development may, if otherwise lawful, remain in use in their nonconforming state.

1.08.04 Termination of Nonconforming Development.

A. Generally. Nonconforming development shall be brought into full compliance with the other requirements of these Regulations, in conjunction with the following activities:

1. Any expansion, change, enlargement, or alteration of a use or development in any way which increases its nonconformity. This shall not be construed to include normal maintenance and incidental repair (e.g., painting, providing for a new roof, rescreening an existing porch, etc), nor shall it include the modification or rebuilding of a nonconforming communication tower in order to accommodate co-location of additional communication antennas so long as the tower is of the same type which existed and there is no increase in height.

2. Reconstruction of the principal or accessory structure after the structure has been substantially destroyed by fire or other natural disaster. A structure is "substantially destroyed" if the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure before the fire or natural disaster. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market of all the structures. A nonconforming development may continue if, within two (2) years from the date that the principal structure was substantially destroyed, a Certificate of Occupancy is issued for the rebuilt principal structure.

3. Structural alteration, as defined in Chapter II.

4. Any change in the use of the property, whereby a change from one Use Classification identified in Subsection 3.01.03 to another Use Classification constitutes a change in the use of the property. This shall not be construed to include normal maintenance and incidental repair (e.g., painting, providing for a new roof, rescreening an existing porch, etc.).

5. The discontinuance of any nonagricultural use or development for twelve (12) consecutive months or the registration of a business tax receipt for which the expiration has exceeded one (1) year.

6. The discontinuance of any agricultural uses (not requiring a CUP) for fifteen (15) consecutive years.

7. The substantial improvement of any nonconforming development that does not comply with the drainage and flood hazard area requirements of the land development regulations.

B. Nonconforming Signs. In addition to the requirements above the following shall apply:

1. Nonconforming signs shall be brought into full compliance with the other requirements of these Regulations in conjunction with the following activities:

i. Any structural or mechanical extension or change which expands the nonconformity.

ii. Repair or rebuilding of a sign that has been destroyed or damaged to the extent of fifty (50) percent or more of its replacement value.

iii. Nonconforming status shall not be granted to any sign erected without the required permit issued by the County, State, or any Federal agency before or after the enactment of this Code, or to any preexisting signs which have been illegally installed, constructed, placed, or maintained.

2. Another nonconforming sign shall not replace a nonconforming permanent on-premise or off-premise sign with the exception of substitution or interchange of letters, painted boards, or dismountable material.

3. No permits shall be issued for electrical or mechanical work for a nonconforming sign unless there is a present safety hazard.

4. For the purpose of this section, existing ground signs shall be deemed to be conforming signs for the purpose of continued use.

5. If the provisions of Section 479.15(3)-(6), Florida Statutes, would apply to a sign, a hearing shall be held before the Board of County Commissioners for the purpose of determining whether the owner of the nonconforming sign is permitted to relocate the sign or whether the County will compensate the owner for its removal. The Board's determination shall be based upon the amount of just compensation due the owner, the current location of the sign, the proposed relocation site, and any other factors applicable to the removal of the sign.

C. Nonconforming Landscaping. For landscaping that is nonconforming to Section 9.01 and 9.02, ~~In addition to the requirements above~~ the following shall apply instead of (A) above:

1. ~~The~~ Any one of the following activities shall require the entire lot to be brought into full compliance with the Landscaping provisions of Sections 9.01 and 9.02:

~~i.Any additional structure or addition to an existing structure 4,000 cumulative square feet or greater.~~

~~ii.~~i. Any additional structure or addition to an existing structure of twenty-five percent (25%) or 1,000 square feet~~twenty-five percent (25%)~~, ~~or~~ whichever is greater. ~~cumulative increase to the impervious surface area of the structure(s).~~

~~iii.~~ii. Any cumulative increase in required parking of two (2) spaces, or vehicular use area of twenty-five percent (25%) ~~or greater~~.

~~iv.~~iii. Any substantial improvement.

2. If the increase in area of a new structure, an additional structure, parking area or vehicular use area is less than any of the requirements of subsection (1) above, only the new structure, addition, increased parking area or increased vehicular use area shall be buffered in accordance with the provisions of Section 9.01.

SECTION THREE. **Repealer.** Section 6.13.00 Nonconforming Uses and Development, consisting of Subsections 6.13.01-6.13.04 is hereby repealed in its entirety.

SECTION FOUR. **Amendment.** Chapter II, Lake County Code, Appendix E, Land Development Regulations, entitled Definitions, is hereby amended to add the following definitions:

* * *

Florida Green Book. The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Roads, May 2002 Edition.

* * *

Landscaping. Areas set aside from structures and parking which are developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

* * *

Plant List for Lake County. A listing of recommended canopy trees, ornamental trees, shrubs, groundcover and grasses for Lake County approved by the Board of County Commissioners. The publication shall also contain a listing of prohibited exotic, invasive plants and drought tolerant plants.

* * *

Remove or Removal. As used in Section 9.01 or 9.02 of these regulations, the cutting down, destruction, or damaging of a tree or Trees, or to cause the cutting down, destruction, or damaging of a tree or Trees.

* * *

SECTION FIVE. Repeal and Replace. Section 9.01.00, Lake County Code, Appendix E, Land Development Regulations, entitled Development Design and Improvement Standards, is hereby repealed and replaced in its entirety as follows.

9.01.00 LANDSCAPING ~~AND SITE CLEARING~~ STANDARDS.

9.01.01 Purpose. The purpose of this section is to provide minimum standards for landscaping, buffering and site clearing within the unincorporated area of Lake County. This section shall be implemented so as to promote the preservation of native plant species, to provide for aesthetic landscaping complements to proposed development and to encourage the use of plants that qualify as Florida Friendly Landscaping. The provisions of this section may be cited as the Landscape Code.

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 so long as the operation qualifies as a bona fide farm operation on land classified as agricultural pursuant to Section 193.461, Florida Statutes, or if such activity is regulated through implemented best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services or a water management district and adopted under Chapter 120, F.S. under a regional program; or if such activity is expressly regulated by the U.S. Army Corps of Engineers, or U.S. Environmental Protection Agency.

B. Emergency maintenance work performed for the protection of public health and welfare.

C. Any maintenance to an existing landscaped area made in accordance with approved plans.

9.01.03 *Waterwise and Florida Friendly Landscaping.*

A. *Landscaping.* All ground surface areas of any lot shall maintain landscaping to eliminate erosion, reduce the generation of dust particles and other windborne particles, provide aesthetic relief, and further the objectives of this section.

B. *Mandatory Waterwise and Florida Friendly Landscape Measures with Site Appropriate Plants.* All required landscaping shall be installed and maintained to meet the following purposes:

1. To conserve and use water efficiently.
2. To encourage creative landscape design.
3. To use Waterwise and Florida friendly landscaping.
4. To use native vegetation.
5. To re-establish native plant communities.
6. To recognize the need to protect groundwater as a natural resource.
7. To use site appropriate plants.
8. To reduce energy costs and maintenance.

C. *Water Efficiency.* All required landscaping shall be installed and maintained to be consistent with the water-efficient landscaping standards established herein. Landowners are additionally encouraged to follow Florida WaterStar and Florida Irrigation Society standards. The water-efficient standards are as follows:

1. *Soil Analysis.* The existing soils on the site shall be analyzed to help determine the appropriate plant types for the site.

2. *Use of mulch*. Organic mulches shall be used and maintained around all trees located in turf grass areas, in landscaped areas not planted or not appropriate for growing turf grass and in all planted areas. Due to slow growth rate, low renewability as a natural resource, and impacts to wetlands, cypress mulch shall be prohibited. Mulch shall be installed ~~a maximum of~~ two (2) to four (4) inches deep and kept off the root ball and a minimum of two (2) feet away from the foundation of any structure. Mulch shall be kept a minimum of one (1) foot from the base of a tree trunk.

3. *Limit irrigated lawn areas*. The use, type, and location of lawn area in the landscape shall be selected in a planned manner and not used as a fill-in material. Since most lawn varieties used in the landscape require supplemental watering more frequently than other types of landscape plants, turf shall be placed so that it can be irrigated separately. Bahiagrass, Zoysiagrass, or other drought tolerant turf shall be used. Non-drought tolerant grasses, ~~such as~~including St. Augustine grass, shall be prohibited for new construction. If lawn replacement in excess of fifty (50) percent of existing lawn areas is required then drought tolerant turf shall be used.

4. *Low water use plants*. Landscape plants shall be selected based on appropriateness to the site considering conditions such as soil type, moisture and sunlight using the principle of "right plant-right place," as described in "WaterStar Florida Landscaping" published by the St. Johns River Water Management District. The plants shall be grouped in accordance with their respective water needs. A list of low water use plants is contained in The Plant List for Lake County.

5. *Efficient and well designed irrigation.* No more than sixty percent (60%) of the pervious area of any single family, or duplex, residential lot shall be irrigated with an installed irrigation system. The irrigation system shall be designed to correlate to the water use plant zones established in the landscape design. The following criteria for irrigating the site shall be used in the design of the system. Golf course fairways and greens, public active recreation fields, greenhouses, landscape nurseries, retail nurseries and agricultural production systems are exempt from meeting these requirements. Landscape production and retail centers shall comply with the watering restrictions for any landscape that is required under these regulations that is not related to the production or selling of landscape material on site.

   i. *High Water Use Zones* have plant material that is associated with moist soils and requires supplemental water in addition to natural rainfall to survive. Generally, watering in this zone shall not exceed twice a week or as determined by the appropriate Water Management

District. Watering shall not exceed three-quarter (3/4) of an inch of water per application. The High Water Use Zone plant material shall be limited to less than twenty (20) percent of the total landscaped area of the site. This high water use zone includes turf areas and annual beds.

ii. *Moderate Water Use Zones* have plant material that can survive on natural rainfall with supplemental water during seasonal dry periods. Forty (40) percent maximum of the landscape area shall be of the moderate water use zone. Generally, watering in this zone shall not exceed once per week with a maximum of three-quarter (3/4) of an inch of water per application.

iii. *Low Water Use Zones* have plant material that can survive on natural rainfall with low supplemental water. Forty (40) percent minimum of the landscape area shall be of the Low Water Use Zone. Generally, watering in this zone shall not exceed once every two (2) weeks with a maximum of three-quarter (3/4) of an inch of water per application. This zone is also characterized by low flow irrigation heads or micro-irrigation systems.

iv. *Rain & Soil-Moisture Sensors*. Functioning ~~R~~rain and soil-moisture sensor devices shall be required on all automatic irrigation systems to avoid irrigation during periods of sufficient rainfall.

v. *Irrigation Overthrow*. The irrigation system shall be designed to minimize irrigation overthrow onto impervious surfaces and to avoid any ponding effects.

vi. *Temporary Irrigation.* Minimum size canopy trees requiring irrigation prior to becoming established shall use tree bubblers or micro-irrigation on a separate zone. Hand watering or a temporary irrigation system may be allowed to ensure the plants become established. Temporary irrigation lines shall be covered by mulch or buried.

9.01.04 General Landscaping Requirements.

~~1.~~A) Plant Materials. All required landscaping shall meet the following general requirements:

~~a.~~1) *Quality*. All required plant materials shall be installed and maintained in conformance with the provisions of this Section and shall conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee (97T-05, second edition, February 1998), which is hereby adopted and included by reference herein. A copy of such publication is available from the County Manager or designee. All plant material shall be planted in suitable soil to permit its survival. Any plant materials not contained in The Plant List for Lake County and not prohibited by Section 9.01.08 must be shown to~~-~~ be suitable for planting~~ in Lake County~~.

~~b.~~2) *Native Plants.* A minimum of fifty (50) percent of the required trees and shrubs shall be native species suitable for the site. On June 1, 2010, this requirement shall increase to seventy-five (75) percent. Landscaping not required by this section is not subject to this provision.

~~c.~~3) *Canopy Trees.* All required canopy trees shall be a minimum of two and one-half (2.5) caliper inches and in a thirty (30) gallon container or greater. Equivalent ball and burlap trees may be used but container trees shall be preferred. The minimum height of trees is eight (8) feet and the minimum spread is four (4) feet. Trees that are not required by this section are not subject to this provision. New tree calipers shall be measured six (6) inches above grade for trees that are under four (4) inches caliper and measured twelve (12) inches above grade for trees larger than four (4)

inches tree caliper. Existing tree calipers are measured at Diameter at Breast Height (DBH) or fifty-four (54) inches height from grade. Additional Tree Credits for new Canopy Trees planted:

i) Minimum 4-inch caliper x 12-foot Height x 5-foot Spread = 2 Canopy Tree Credits
ii) Minimum 6-inch caliper x 14-foot Height x 6-foot Spread = 3 Canopy Tree Credits

Canopy trees shall be provided with a minimum one-hundred (100) square foot pervious planting area around the trunk with a minimum diameter of eight (8) feet. Large maturing canopy trees will need more planting area typically. Each planting area shall be landscaped with a mulch ring, groundcover, or other landscape material, in addition to the required tree.

~~Canopy trees shall generally not be spaced greater than every fifty (50) feet.~~ Clustering may be utilized if needed for design intent. Special precautions shall be taken to not locate canopy trees under or near utility easements.

~~d.~~4) *Ornamental trees.* Ornamental trees may be used in place of canopy trees in situations where height restrictions or root zone intrusion issues are shown to be a concern, such as under power lines at a ratio of two (2) ornamental trees to replace each canopy tree. All required ornamental trees shall be a minimum of two (2) caliper inches and in a thirty (30) gallon container or greater. Equivalent ball and burlap trees may be used but container trees shall be preferred. The minimum height of trees is eight (8) feet and the minimum spread is four (4) feet. Trees that are not required by this section are not subject to this provision. New tree calipers shall be measured six (6) inches above grade for trees that are under four (4) inches caliper and measured twelve (12) inches above grade for trees that are larger than four (4) inches tree caliper. Existing tree calipers are measured at Diameter at Breast Height (DBH) or fifty-four (54) inches height from grade. For multi-trunk trees, trunks shall have an average cumulative caliper of two (2) inches. Credits for new Ornamental trees planted:

i) Minimum 3-inch caliper x 10-foot Height x 5-foot Spread = 2 Tree Credits
ii) Minimum 4-inch caliper x 14-foot Height x 6-foot Spread = 3 Tree Credits

~~Ornamental trees shall be spaced a minimum of twelve (12) feet apart and canopy trees a minimum of twenty (20) feet apart.~~ Adequate spacing shall be maintained to protect and allow for the growth of the root systems ~~and canopy~~ of each tree. Special precautions shall be taken to not locate ornamental trees under or near utility easements.

Required ornamental trees shall have a maximum spacing of fifty (50) feet. However, clustering may be utilized if needed for design intent. Spacing of tree groupings shall not exceed 150-feet.

~~e.~~5) *Palms*. Palms may be used in place of ornamental or canopy trees to meet the minimum tree requirements. In no case shall the total number of palms of all species combined account for more than twenty (20) percent of the required canopy trees nor more than twenty (20) percent of the required ornamental trees. The minimum size of palms is four (4) feet of clear trunk for tree form palms. Two (2) palm trees count as one (1) canopy or ornamental tree unless it is a large specimen palm tree such as Medjool or Date Palms which may be counted as one (1) palm tree to one (1) canopy or ornamental tree.

~~f.~~6) *Shrubs*. Shrubs shall be used for all visual screens that are required pursuant to the provisions of this Section and shall be planted on minimum centers no greater than forty-eight (48) inches. The minimum installed height of shrubs shall be two (2) feet in height by eighteen (18) inches spread. Their spread shall be appropriate for their size and species. The following standard applies:

i) In Type A, B, or C landscape buffer, shrubs shall be a minimum of two (2) feet in height at the time of planting and in a minimum of a three (3) gallon container. Shrubs planted to fulfill the requirements of the Type A, B, or C Buffer shall be able to obtain a height of three (3) feet within twelve (12) months of planting under normal growing conditions.

ii) In Type D and E landscape buffer, shrubs shall be a minimum of three (3) feet tall at the time of planting and in a minimum of a five (5) gallon container. Small or shrub-form palms shall be a minimum of three (3) feet from the ground surface to the apical bud. Shrubs planted to fulfill the requirement of a Type D and E buffer shall be able to obtain a height of four (4) feet in twelve (12) months, under normal growing conditions.

~~g.~~7) *Ground Covers.* Groundcovers shall be used when required pursuant to the provisions of this Section and shall be planted on minimum centers no greater than thirty-six (36) inches. The minimum installed size of groundcovers shall be one (1) gallon. Their spread shall be appropriate for their size and species. Required groundcovers shall be planted to provide complete coverage planted to industry standards.

~~h.~~8) *Lawn Grass.* Required grass areas may be sodded, plugged, sprigged, or seeded and shall provide complete coverage planted to industry standards within 180 days. Complete coverage shall mean that, once established, not more than ten (10) square feet cumulative of bare ground per one-quarter (1/4) acre of grass area are exposed. Nothing herein shall be construed to prevent the conversion of lawn grass areas to Florida Friendly landscapes. Solid sod shall be used on slopes greater than fifteen (15) percent.

~~i.~~9) *Site Appropriateness.* All landscape material shall be suited to soil and climate conditions of the site in order to conserve water.

~~j.~~10) *Synthetic Lawns and Plants*. Synthetic or artificial turf, trees and plants shall be prohibited from use in lieu of required live plantings.

~~k.~~11) *Architectural Planters*. The use of permanent or moveable architectural planters may be permitted. The planters shall be adequately sized for palms, ornamental trees and shrubs, shall not cause the roots to bind and shall permit water to drain through the base of the planter. Required canopy trees are prohibited from being planted in moveable planters.

~~l.~~12) *Existing Trees*. Existing trees may be used to meet tree requirements in accordance with the following criteria:

i) The tree shall be in very good health and free of pests, disease, or injury.

ii) The tree shall meet the requirements above for canopy, ornamental and palms.

iii) The tree shall not be a prohibited species.

iv) To count for buffering or interior landscape requirements; the tree shall be located within the appropriate corresponding area.

v) Tree credits given for existing qualifying canopy trees as follows:

Existing Tree Size based on DBH	Number of Trees Credited for required landscape (not used for replacement trees)
2"-6.99"	1 Canopy Tree Credits
7"-12.99"	2 Canopy Tree Credits
13"or greater	3 Canopy Tree Credits

vi) Ornamental trees meeting a minimum cumulative caliper shall be credited as one (1) existing ornamental tree = 1 replacement [Minimum two inch (2") Caliper x eight (8) feet height x four (4) feet spread].

13) *Plant Substitutions to approved plans*. Changes to the landscape section of the approved site plan shall require an amendment to the site plan, unless:

i) The change affects five (5) percent or less of any plant species; or~~.~~

ii) A buffer is moved less than twenty (20) feet.

Any change authorized by this subsection shall require written notification by the applicant to the County Manager, or designee, including ~~amended~~ plans indicating the change.

~~2.~~B) **Diversity**. In order to guard against disease susceptibility, all required landscaping shall meet the following requirements:

~~a.~~1) Trees:

i) When ten (10) or more canopy trees are required, a minimum of two (2) species shall be used with a maximum of sixty-five (65) percent for any one species.

ii) When thirty (30) or more canopy trees are required, a minimum three (3) species shall be used with a maximum of seventy-five (75) percent for any one species.

iii) When fifty (50) or more canopy trees are required, a minimum four (4) species shall be used with a maximum of eighty-five (85) percent for any one species.

~~b.~~2) Shrubs:

i) For plans requiring 350-699 shrubs, a minimum of two (2) different species shall be used with a maximum of seventy (70) percent for any one species.

ii) For plans requiring 700-999 shrubs, a minimum of three (3) different species shall be used with a maximum of eighty (80) percent for any one species.

iii) For plans requiring 1,000 shrubs or more, a minimum of four (4) different species shall be used with a maximum of eighty-five (85) percent for any one species.

~~3.~~C) **Installation.** All landscaping shall be installed according to "Selecting and Planting Trees and Shrubs," published by the University of Florida/Florida Cooperative Extension Service (Institute of Food and Agricultural Sciences, Circular 858, October 2003) or to "~~WaterStar~~ Waterwise Florida ~~Landscaping~~Landscapes" published by the St. Johns River Water Management District which describes the principles of "right plant, right place." These publications are hereby adopted and

included by reference herein. The natural growth habit of a tree shall be considered in advance of conflicts which might arise (i.e. view, signage, lighting and similar conflicts). Plantings in close proximity to roadways and intersections shall meet the site distance requirements of the Florida Green Book.

~~4.~~D) **Irrigation.** All installed irrigation systems shall be designed to provide irrigation appropriate to meet the needs of the landscape area to be served. An irrigation plan shall be required for other than single family lots. In evaluating irrigation plans, the primary consideration shall be water conservation. Irrigation systems shall be designed to provide the minimum irrigation necessary to ensure the survival of the plant material and shall be designed to avoid runoff and promote optimal percolation.

~~a.~~1) Temporary irrigation is the preferred method of irrigation and installed irrigation shall be discouraged.

~~b.~~2) The irrigation system shall be in compliance with the Florida Building Code and Section 373.62, Florida Statutes, for rain sensor shut-off devices. The use of ~~M~~micro-irrigation ~~may~~ shall be encouraged ~~be utilized~~ to conserve water resources, provided it is in compliance with the Florida Building Code. All irrigation systems shall use zones, automatic timers, back-flow preventers, soil-moisture sensors and rain sensors. Landscaped areas less than five (5) feet in width shall incorporate micro-irrigation, if irrigated.

~~c.~~3) Irrigation shall be limited as required by the applicable Water Management District.

~~d.~~4) To conserve potable water, reclaimed water, storm water ponds and cistern collection ~~may~~ shall be ~~utilized~~ encouraged for irrigation water if the water quality will meet the needs of the landscape. Developments seeking to use water from retention ponds or natural lakes shall comply with all requirements of the appropriate Water Management District.

~~5.~~E) **Maintenance**. All landscaping shall be maintained so as to present a neat, healthy, and orderly appearance free of refuse and debris. Use of high amounts of fertilizer and pesticides is discouraged.

~~6.~~F) **Pruning**. All pruning shall be in accordance with Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance, ANSI 300 of the National Tree Care Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Excessive pruning (hat racking, topping, etc.) is prohibited.

~~7.~~G) **Notification**. In any residential plat where landscaping is proposed on individual lots, the final plat and restrictive covenants shall contain a provision that notifies prospective lot purchasers of the landscape maintenance requirements.

~~8.~~H) **Re-vegetation Required.** Revegetation shall be required within six (6) months of expiration of any development order ~~where~~ if natural vegetation was disturbed ~~and~~ if the landscaping has not been completed ~~and inspected~~ in accordance with the landscape plan.

9.01.05 Landscape Buffer Requirements

A. **General Buffer Requirements.** Any approved development order, other than for a single-family or duplex lot, shall provide for the following buffers.

1. *Buffering from adjacent Properties.* Landscape buffering shall be required at the time of development as specified in the table below.

   i. If no buffer exists on the adjoining property or if the existing buffer fails to meet the requirements of the table below, buffering shall be required. In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by Lake County or a municipality in Lake County.

   ii. If a buffer exists on the adjoining property that meets the requirements of the table below no additional buffering shall be required. In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by Lake County or a municipality in Lake County.

   iii. Commercial parcels within a master planned commercial center, or mixed use Planned Unit Development (PUD), may utilize the buffer installed on adjacent parcels within the same development if such buffers were required by a development order issued by Lake County. ~~Individually developed commercial sites, not part of a master planned commercial center, shall install full buffers.~~

   iv. Single-Family residential subdivisions of less than ten (10) lots and a density of less than one (1) dwelling unit per net acre shall be exempt from this buffer requirement.

2. *Buffering from Public Roadways.* Any parcel adjacent to a public right-of-way shall have a landscape buffer along its right-of-way that reflects the landscape requirements of the zoning district across the road/street or a Type A landscape buffer, whichever is greater. A Type C Landscape Buffer is required for parcels along SR 50, US 27, US 192 and US 441. Single family lots in the A, AR, and RA Zoning Districts not within a platted subdivision shall be exempt from this requirement, unless required by another provision of the Landscape Code.

3. *Internal Roadway Buffering*. Any development order shall require:

   i. All single family and multi-family development shall provide internal tree lined roads. Street trees shall be selected from the canopy tree list, as listed in the Plant List for Lake County, at an average spacing of fifty (50) feet on center spacing along both sides of roads. The canopy trees required for residential lots may also be used as required street trees as long as they are no more than twenty (20) feet away from the right-of-way line unless prohibited by an easement.

   ii. Canopy trees shall be planted a minimum of ten (10) feet and maximum of twenty (20) feet outside the right-of-way (R.O.W.) with an alternating pattern on each side of the road. When the proposed development is only on one side of the road then street trees shall be required for that side of the road. Developers may plant trees in the right-of-way or within ten (10) feet of the right of way, with a Right Of Way Utilization Permit. Any tree planted within the R.O.W. shall comply with the Florida Green Book. Canopy trees shall be planted a minimum of an eight (8) foot distance from public sidewalks.

   iii. The following zoning districts shall be exempt from providing street trees: A, RA, AR, R-1 [for lots less than one (1) acre], RV, and RMRP.

4. *Access Roads adjacent to Subdivisions.* A Type A landscape buffer shall be installed between any internal subdivision road and the property line of the adjacent subdivision or lot(s). The buffer shall be installed within seventy-five (75) feet of the adjacent property line.

Figure A – Typical Street Tree Section

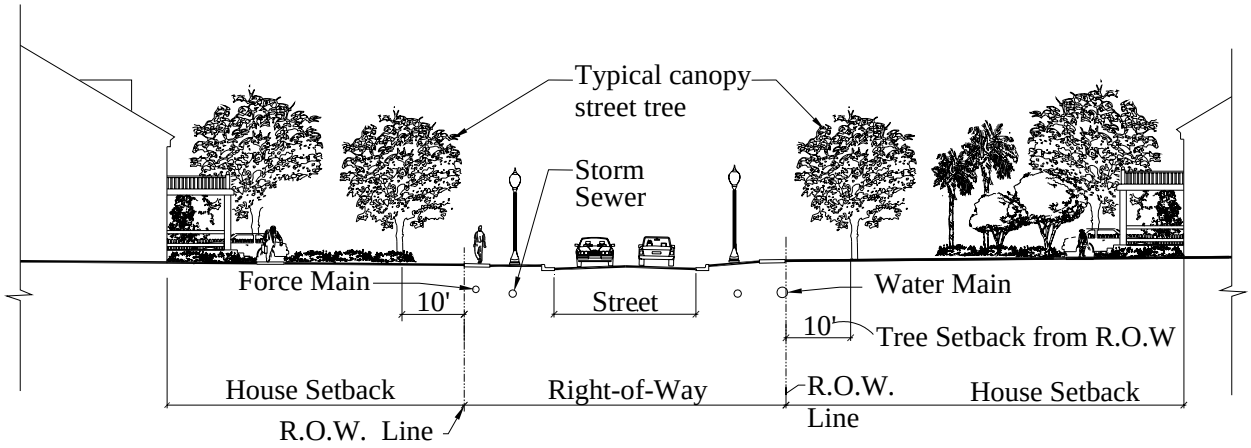
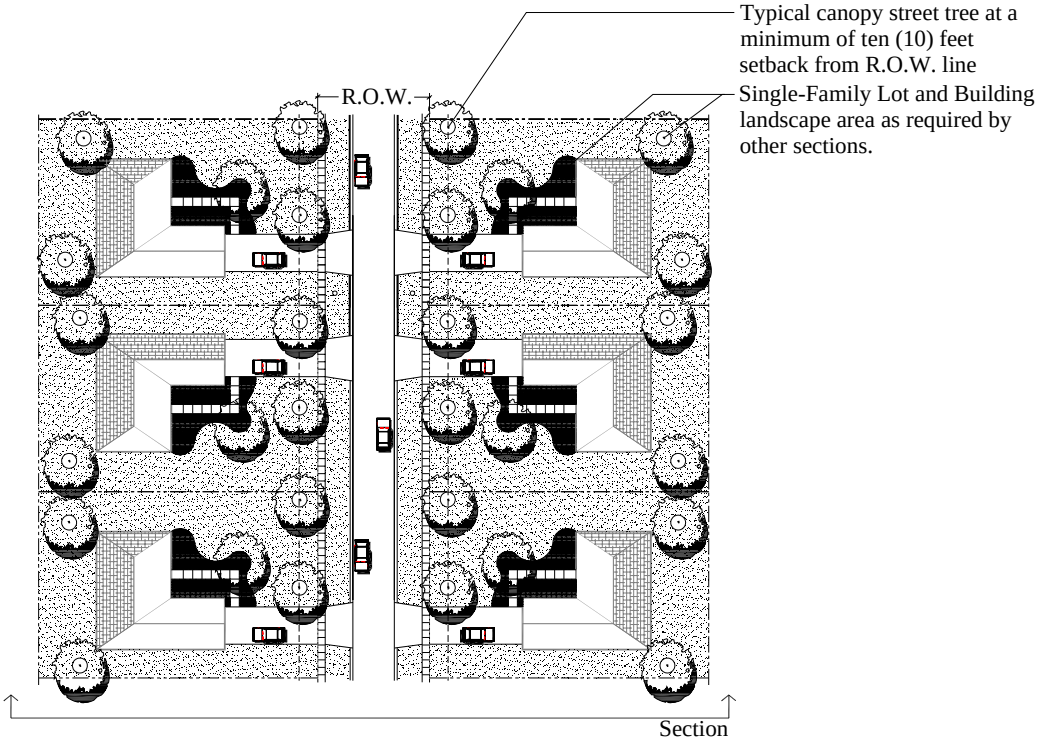


Figure B – Typical Street Tree Plan



B. Landscape Buffers. The table below provides the required buffer and specific requirements.

Table2 Landscape Buffers between Zoning Districts.

	A	RA	AR	R1	R2	R3	R4	R5	R6	R7	RP	RMRP	RM	C1	C2	CP	LM	HM	MP	CFD	RV	PUD
A	*	*	*	*	*	*	*	*	*	*	A	A	A	C	C	C	D	D	D	A	B	B
RA	*	*	*	A	A	A	A	A	A	A	A	A	A	C	C	C	D	E	D	A	B	B
AR	*	*	*	A	A	A	A	A	A	A	A	A	A	C	C	C	D	E	D	A	B	B
R1	*	A	A	*	*	A	A	A	A	A	A	A	A	C	C	C	D	E	D	A	B	B
R2	*	A	A	*	*	*	*	*	A	A	A	A	A	C	C	C	D	E	E	A	B	B
R3	*	A	A	A	*	*	*	*	*	*	A	A	A	C	C	C	D	E	E	A	B	B
R4	*	A	A	A	*	*	*	*	*	*	A	A	A	C	C	C	D	E	E	A	B	B
R5	*	A	A	A	*	*	*	*	*	*	A	A	A	B	B	B	D	E	E	A	B	B
R6	*	A	A	A	A	*	*	*	*	*	A	A	A	B	B	B	D	E	E	A	B	B
R7	*	A	A	A	A	*	*	*	*	*	A	A	A	B	B	B	D	E	E	A	B	B
RP	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	D	E	E	A	A	B
RMRP	A	A	A	A	A	A	A	A	A	A	A	*	A	B	B	B	D	E	E	A	A	B
RM	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	D	E	E	A	B	B
C1	C	C	C	C	C	C	C	B	B	B	B	B	C	A	A	A	B	E	E	B	B	B
C2	C	C	C	C	C	C	C	B	B	B	B	B	C	A	A	A	B	D	C	B	B	B
CP	C	C	C	C	C	C	C	B	B	B	B	B	C	A	A	A	B	E	C	B	B	B
LM	D	D	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B	B	C	D	B
HM	D	D	D	E	E	E	E	E	E	E	E	E	E	E	D	E	B	B	B	C	D	B
MP	D	D	D	D	E	E	E	E	E	E	E	E	E	C	C	B	B	B	B	C	D	B
CFD	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	C	C	C	B	B	B
RV	B	B	B	B	B	B	B	B	B	B	A	A	B	B	B	B	D	D	D	B	B	B
PUD	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B

*Indicates that no landscape buffer is required.

Table 3 Land Use Buffer Area Requirements

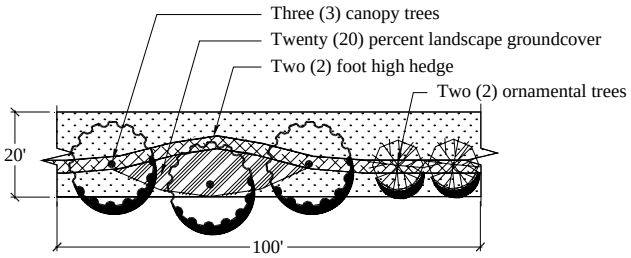
Buffer area Type	**Width Options** **(All options available unless restricted)**[2]	**Landscape Requirements** **(per 100 linear feet)**[1]
A	20 Feet	• Three (3) canopy trees; • Two (2) ornamental trees; • Two (2) foot high hedge; and • 20% of landscape groundcover other than turf.
	15 Feet	• Four (4) canopy trees; • Three (3) ornamental trees; • Two (2) foot high hedge; and • 20% of landscape groundcover other than turf.

B	20 Feet	• Four (4) canopy trees; • Three (3) ornamental trees; • Two (2) foot high hedge; and • 20% of landscape groundcover other than turf.
	15 Feet	• Four (4) canopy trees; • Three (3) ornamental trees; • Two (2) foot high hedge; • Six (6) foot wall or fence; and • 20% of landscape groundcover other than turf.
C	50 Feet	• Five (5) canopy trees; • Four (4) ornamental trees; • Two rows of hedges two (2) feet high; and • 20% of landscape groundcover other than turf.
	25 Feet	• Five (5) canopy trees; • Four (4) ornamental trees; • Two rows of hedges two (2) feet high; • Six (6) foot high wall, fence; or berm or combination thereof; and • 20% of landscape groundcover other than turf.
	15 Feet	• Five (5) canopy trees; • Four (4) ornamental trees; • Two rows of hedges two (2) feet high; • Eight (8) foot wall or solid fence; and • 20% of landscape groundcover other than turf.
D	80 Feet	• Eight (8) canopy trees; • Seven (7) ornamental trees; • Two (2) rows of hedges three (3) feet high; • Four (4) foot high berm; and • 20% of landscape groundcover other than turf.

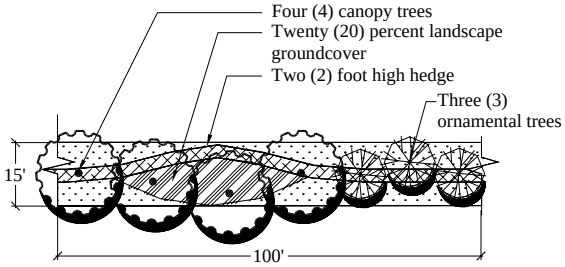
	40 Feet	• Eight (8) canopy trees; • Seven (7) ornamental trees; • Two (2) rows of hedges three (3) feet high; ~~20% of landscape groundcover other than turf~~; ~~and~~ • Six (6) foot wall or berm or a combination thereof; and • 20% of landscape groundcover other than turf.
E	50 Feet	• Ten (10) canopy trees; • Eight (8) ornamental trees; • Two (2) rows of hedges four (4) feet high; • Four (4) foot high berm; ~~20% of landscape groundcover other than turf; and~~ • Six (6) foot high wall on top of the berm; and • 20% of landscape groundcover other than turf.

[1] Commercial and office uses are not required to have a wall along frontage roads.

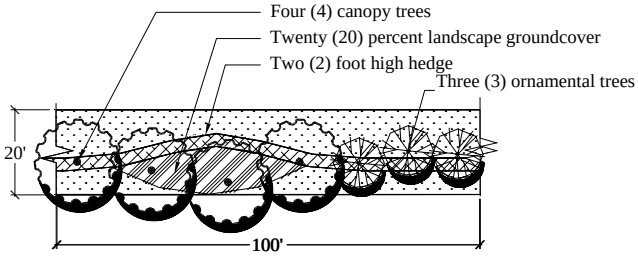
Figure 4 - Landscape Buffer Plan Views
Note: Below landscape buffer layouts are schematic and designer may adjust layouts as long as minimum requirements are provided.



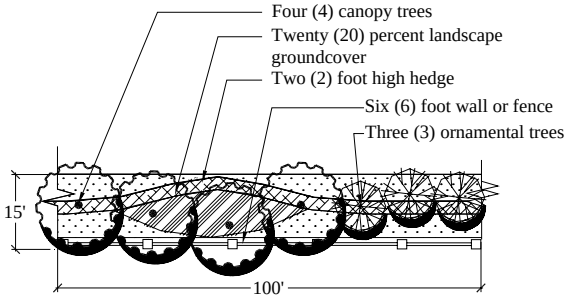
Landscape Buffer A
Twenty-feet (20) width option



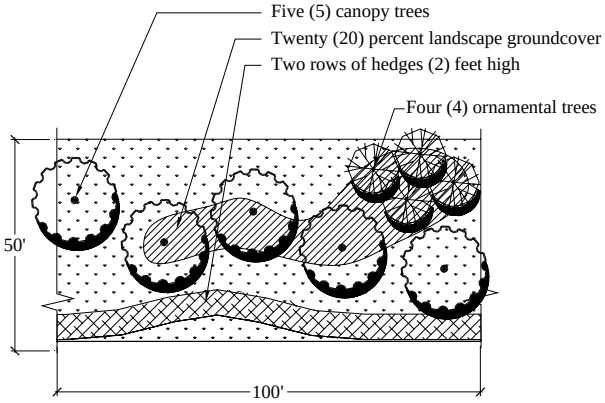
Landscape Buffer A
Fifteen-feet (15) width option



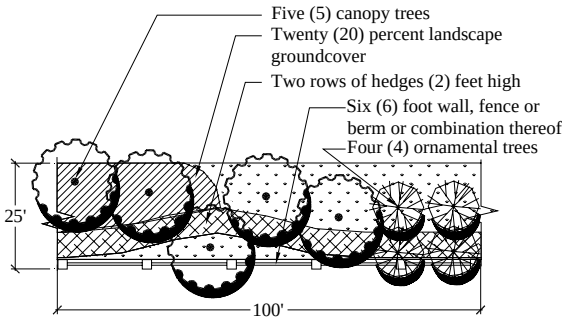
Landscape Buffer B
Twenty-feet (20) width option



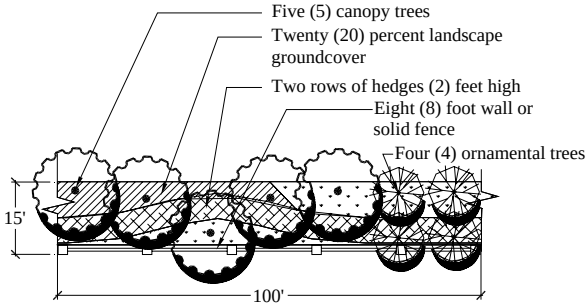
Landscape Buffer B
Fifteen-feet (15) width option



Landscape Buffer C
Fifty (50) feet width option

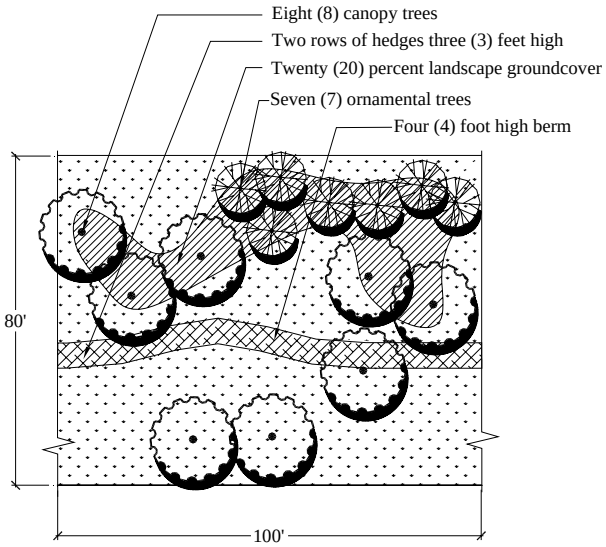


Landscape Buffer C
Twenty-five (25) feet width option

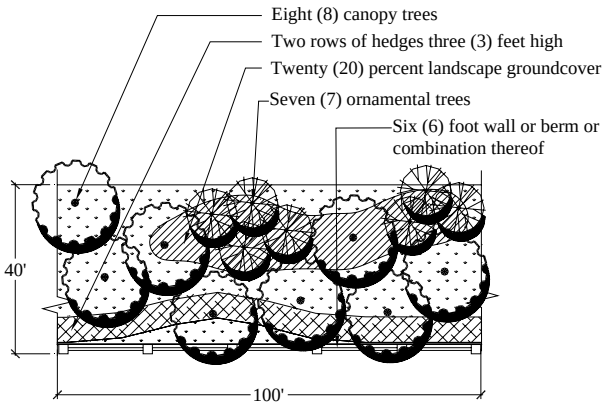


Landscape Buffer C
Fifteen-feet (15) width option

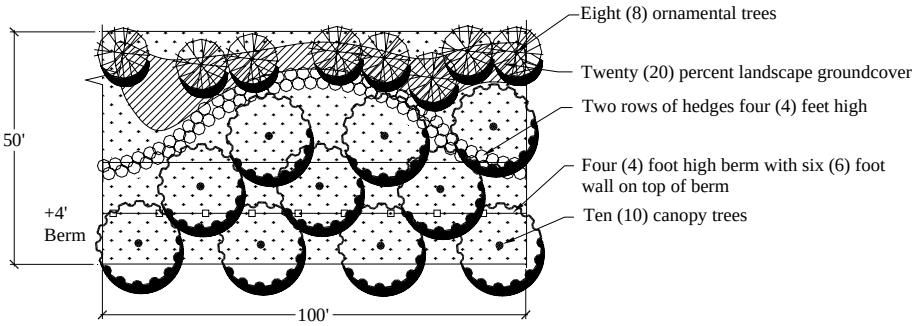
1



Landscape Buffer D
Eighty (80) feet width option



Landscape Buffer D
Forty (40) feet width option



Landscape Buffer E
Fifty (50) feet width option

C. **Supplemental Requirements for Subdivisions and Site Plans.** The following requirements supplement the tables above and shall be used to install and maintain the required buffer.

1. Separately platted or phased developments will require a landscape buffer pursuant to the landscape buffer requirements between internal plats or phases.

2. Allowed wall types mean solid walls and include Exterior Insulation Finish Systems (EIFS) with stucco, stucco, brick, finished or textured block and poured-in-place concrete wall with a finished surface. Required walls shall be solid and surfaces shall be finished. Solid fences where required shall be opaque. One-sided wood fences shall be installed with wood posts to the inside of the property that is installing the fence. Chain link and barb-wire fencing may not be used to meet the screening requirement.

3. Additional requirements:

   a. Seventy-five (75) percent of the required landscape buffer shall be located on the right-of-way side of any required fencing, walls or any other screening structures. In addition, at least one row of required screening shrubs shall be located on the right-of-way side of any screen, wall or other screening structures.

b. Any wall, fence or other screening structure built along a public right-of-way for property which requires a landscape plan shall consist of harmonious screening material that has a consistent and uniform texture, color and pattern along all major roadways.

4. All pervious areas shall have ten (10) Canopy trees per acre minimum. Some parts of the site may be left as open space but the total number of trees shall average ten (10) canopy trees per acre for pervious areas. Other landscape requirements may be used to meet this requirement such as required landscape buffering and retention pond landscaping. Permanent water bodies, wetlands and wet retention ponds shall be excluded in calculating the amount of pervious area requiring ten (10) canopy trees per acre.

5. Subdivisions greater than ten (10) lots, shall place the required landscape buffers in a separate tract or easement that shall be maintained by a homeowners association.

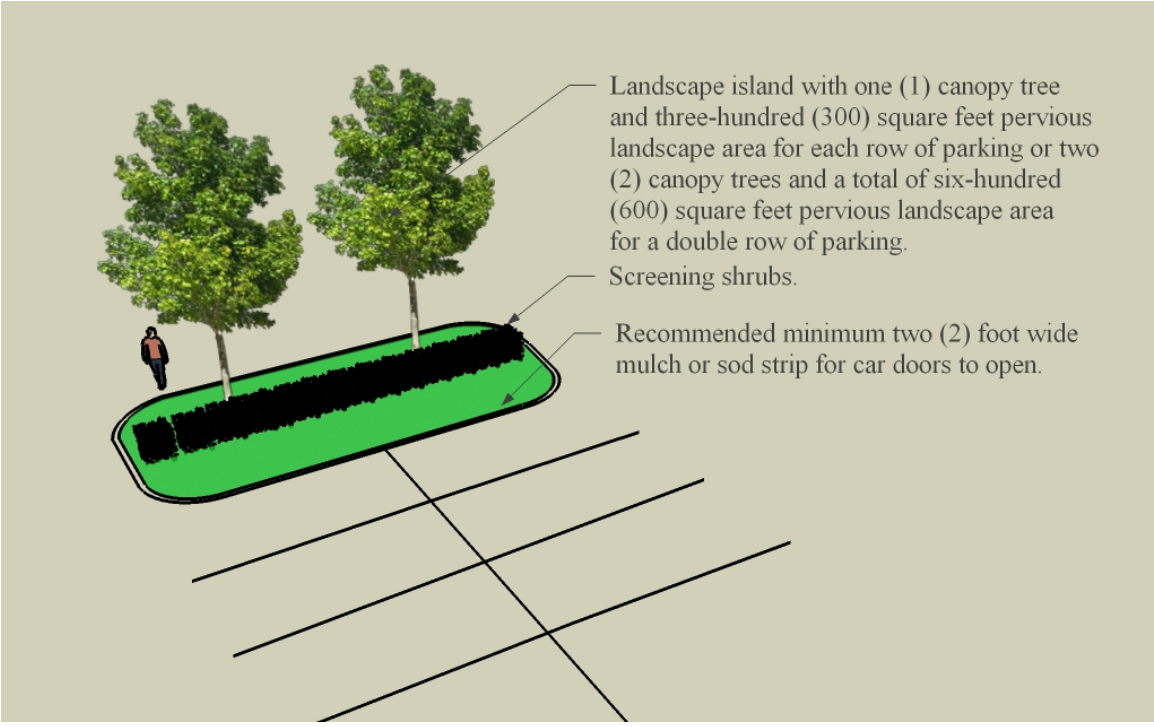
6. Landscape materials within buffers along rights-of-way shall be designed to display variety, color, form, and texture, by ~~utilizing~~ emphasizing native and drought tolerant plants. Such variety and color may be accomplished by using a combination of shrubs, and ornamentals from the Plant List for Lake County. The placement of landscape materials within landscape buffers shall have a rational relationship to the existing patterns and densities of adjoining areas which have been designed or preserved. Arrangements shall replicate natural conditions and shall not be linear unless dimensional limitations necessitate such an arrangement or linear arrangement are part of a formal landscape directly related to the architecture of the building(s) or are part of a formal street tree landscape ~~as described above~~.

Section 9.01.06 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, except parking garages, 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. A minimum of fifty percent (50%) 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 and twenty (120) feet, whichever is more restrictive. One 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 (2) 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*

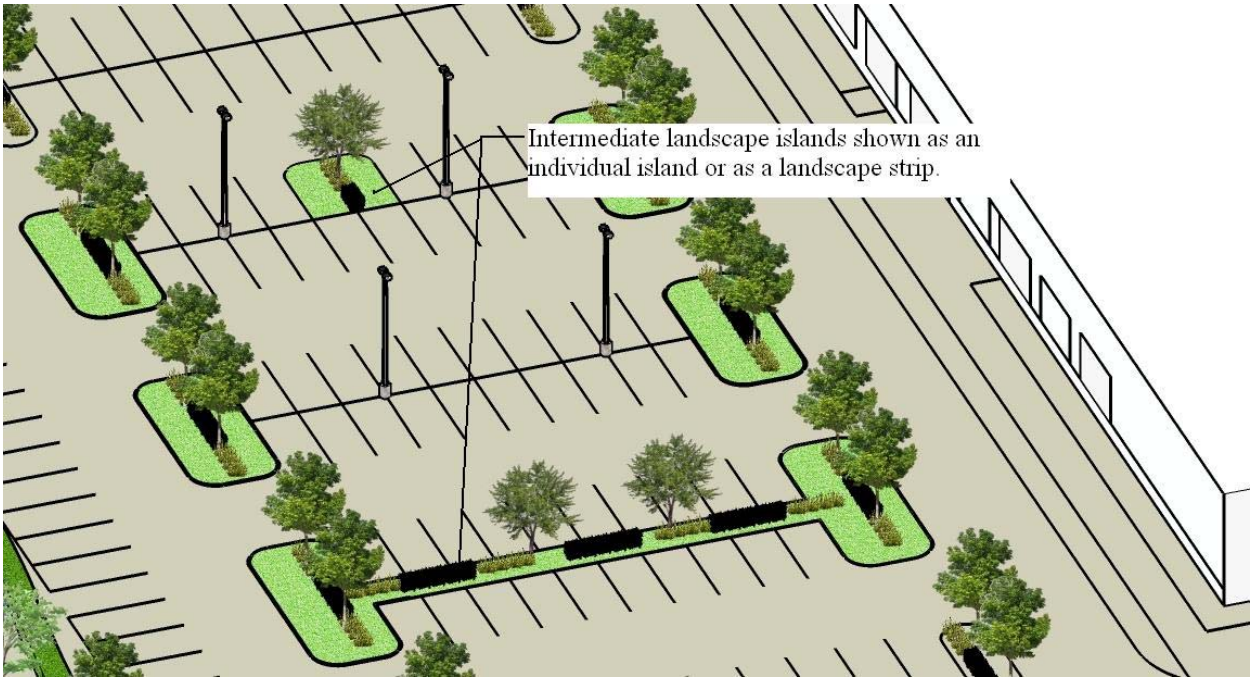
Figure C – Interior Parking areas
Single and Double-Row Terminal Landscape Island – Perspective View



2. *Double-Row Terminal Landscape Islands.* A double-row parking bay with head-to-head parking shall not contain more than twenty (20) contiguous parking spaces in a 2 rows x 10 spaces configuration or extend more than one-hundred and twenty (120) feet, whichever is more restrictive. One double-row terminal landscape island, with a minimum pervious area of six hundred (600) square feet and a minimum width of twelve (12) feet, shall be provided at each end of a double-row parking bay. Each double-row terminal landscape island shall contain at least two (2) canopy trees. Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.

3. *Intermediate Landscape Islands*. Intermediate landscape islands shall be provided for any parking lot with eighty (80) or more parking spaces, and an additional intermediate landscape island shall be provided for every additional twenty (20) parking spaces in excess of eighty (80). Each intermediate landscape island shall have a minimum pervious area of three hundred (300) square feet and a minimum width of twelve (12) feet, and each intermediate landscape island shall contain at least one (1) canopy tree. Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances. Alternatively a minimum seven (7) foot wide landscape strip may be provided between head-to-head parking, which may count as the required intermediate landscape island for every three hundred square feet (300) of pervious area provided. If a landscape strip is used, ornamental landscape trees and shrubs shall be planted within the landscape strip on minimum thirty (30) foot centers. Please see below *Figure D – Intermediate Landscape Islands*.

Figure D – Interior Parking areas - Intermediate Landscape Islands

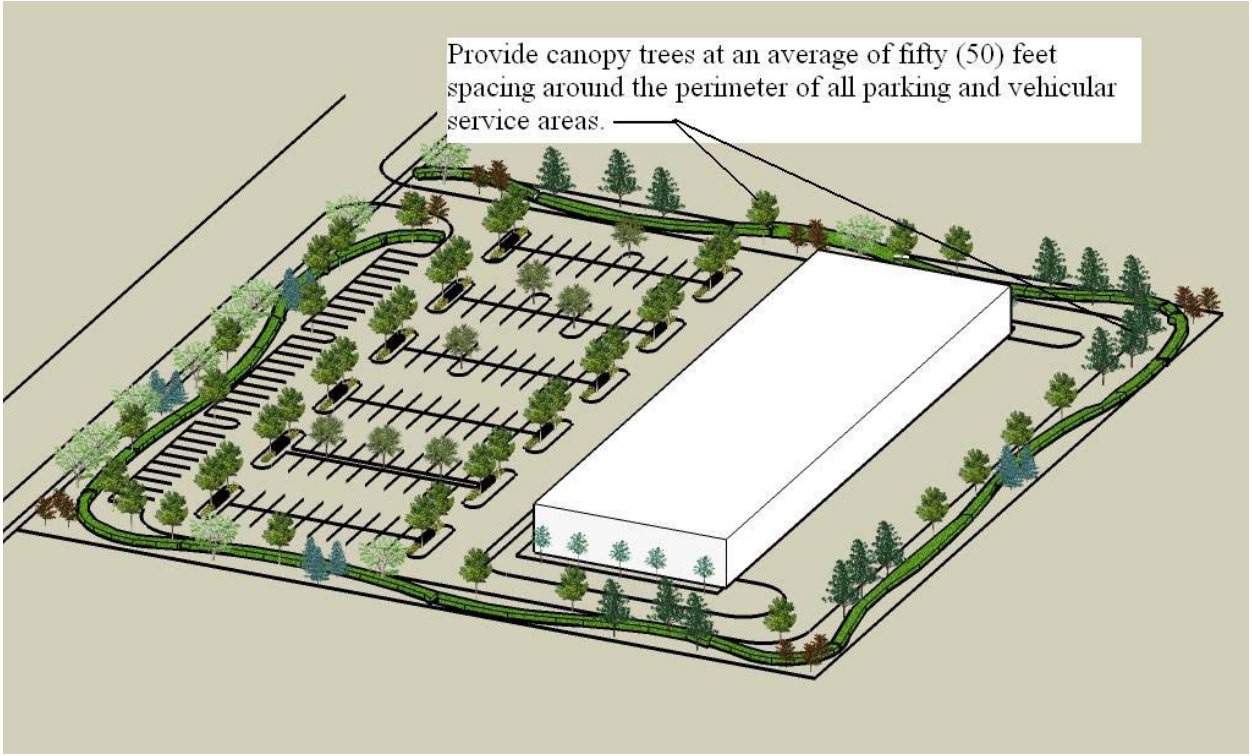


4. *Limited Off-Street Paved Parking areas*. Interior portions of o~~O~~ff-~~S~~street parking facilities, which are not specifically designed as parking spaces or maneuvering areas, shall not be paved for vehicle use.

5. *Parking Lot Trees and Substitutions*. All trees in the parking lots shall be c~~C~~anopy t~~T~~rees, unless otherwise provided. A maximum of twenty (20) percent of the required canopy trees in the parking lots may be substituted with palm trees. Palm trees used as substitutions in parking lots shall be planted at a 2:1 ratio (Cabbage Palms, *Washingtonia* Palms and Windmill Palms) in relation to canopy trees with the exception of Canary Island Palms, Date Palms and *Paurotis* Palms which may be planted at a 1:1 ratio.

6. *Perimeter Trees and Spacing*. Canopy trees shall be planted an average of fifty (50) foot centers around the total perimeter of the parking lot and all vehicular service areas. Clustering may be utilized but spacing shall not exceed one-hundred and fifty (150) foot spacing. The canopy trees shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement. Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet from the edge of paving or vehicular service area as shown in *Figure E – Perimeter Trees and Spacing*.

Figure E – Interior Parking areas – Perimeter Trees and Spacing



B. *Building Landscapes*, *other than industrial*.

1. Buildings shall have landscape areas planted with trees, shrubs or groundcovers, other than sod, around the building as follows:

~~i)*Minimum planting based on size of building*. For purposes of this section, the first floor footprint shall include the area of the first floor of all principal and accessory structures. The following uses shall require a landscaped area within twenty-five (25) feet of the building based upon the first floor footprint as provided below.~~

~~a)Residential development = Thirty-five (35) percent of the first floor footprint.~~

~~b)Commercial = Twenty-five (25) percent of the first floor footprint.~~

~~c)Office = Thirty (30) percent of the first floor footprint~~

~~d)Mixed Use Buildings = Twenty-five (25) percent of the first floor footprint.~~

~~ii)*Minimum tree requirement*. One (1) canopy tree or three (3) ornamental trees shall be required for every three hundred and fifty (350) square feet of the minimum planting area in (i) above. Trees installed for any other requirement of this section may be credited towards this requirement.~~

i) Building Perimeter landscaping. A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40) percent of the total building perimeter and within twenty-five (25) feet of the building walls. ~~This area may be used to fulfill the requirements above.~~

ii) *Minimum planting requirement*. One (1) canopy tree, or three (3) ornamental trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) square feet of planting area in (i) above. Trees installed for any other requirement of this section may be credited towards this requirement if in the required location.

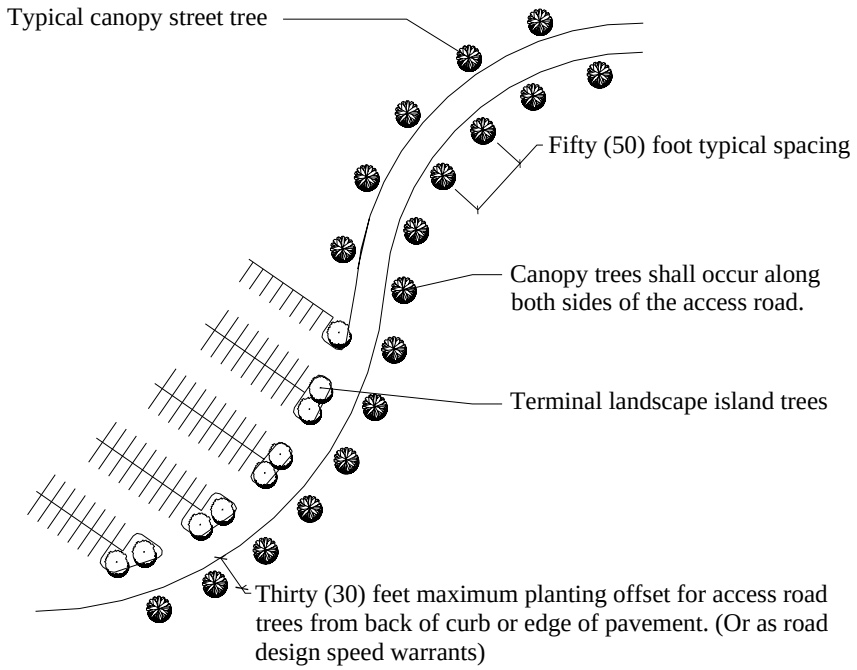
~~iii)~~

C. *Pervious Parking*. Parking spaces provided in excess of the minimum required shall be constructed of pervious materials, including grassed parking areas. Additional pervious parking may be provided, if not otherwise prohibited by other provisions of the Lake County Code, in the following areas:

1. Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
2. Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.

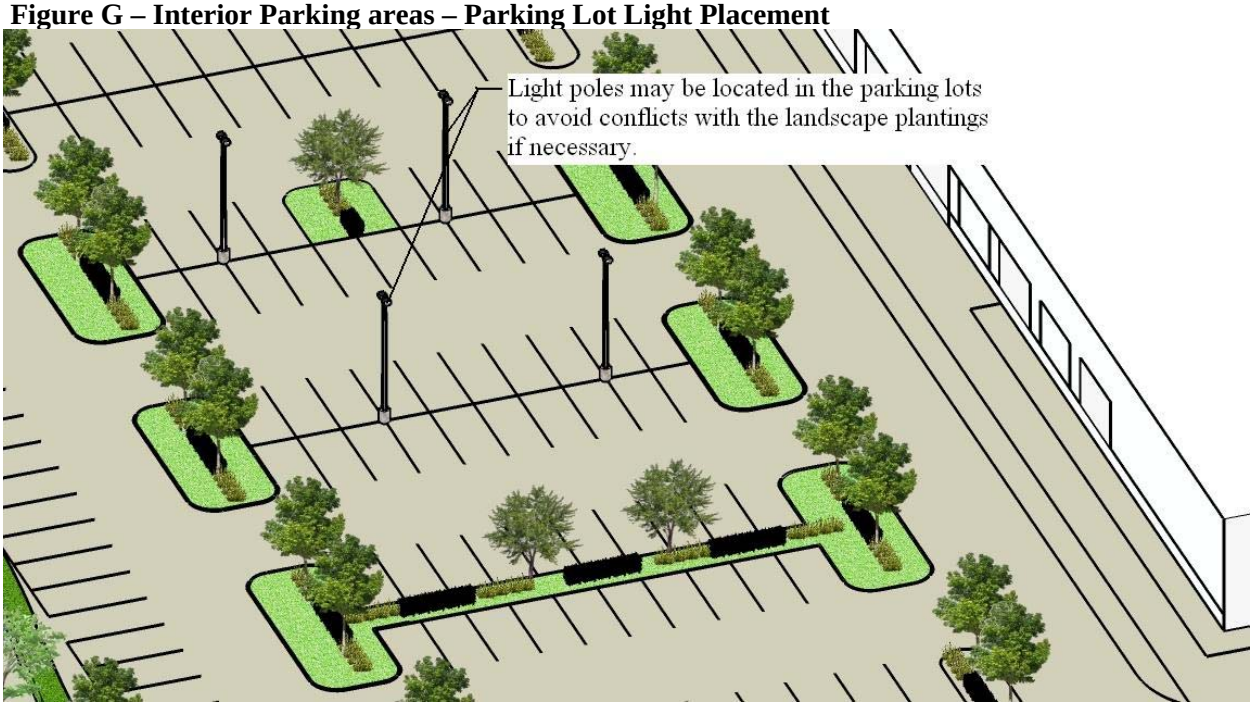
D. *Internal Access Roads*. Developments with internal access roads shall be required to plant one (1) canopy tree on each side of the road approximately every fifty (50) feet. Access roads immediately in front of commercial structures and other buildings do not have to meet the access road tree requirement but do have to meet other parking landscape requirements. Parking lot island canopy trees may be used to meet this requirement if they fall within thirty (30) feet from the edge of the pavement along the internal access road. *Figure F – Internal Access Roads*.

Figure F – Interior Parking areas – Internal Access Roads



E. *Accommodations for Lighting and Other Features.* Islands shall be enlarged beyond the minimum requirements if necessary to accommodate light poles, fire hydrants, or other necessary features. Light poles may be located within the parking area rather than in landscape islands if necessary to ensure that the lighting placement does not conflict with the location or normal growth of landscape island trees. *Figure G – Parking Lot Light Placement* below.

Figure G – Interior Parking areas – Parking Lot Light Placement



F. *Rain Gardens.* Parking lot islands are encouraged to use curb breaks and create swale or depression areas to allow for the percolation of rainwater and parking storm water. Attention shall be given to the selection, placement and durability of landscape material within rain garden areas to ensure their long-term viability. Any proposed rain garden areas must comply with all storm water requirements. Smaller rain gardens that serve as landscape islands shall adhere to all canopy and understory requirements for landscape islands. *Figure H – Rain Garden Photo* below

Figure H – Interior Parking areas – Rain Garden Photo Example

G. *Guardhouses.* An area greater than or equal to fifty (50) percent of the footprint of any guardhouse shall be landscaped immediately adjacent to the guardhouse to create an aesthetic landscape. When the guardhouse is located within the roadway median, the required landscaping shall also be planted in the median. Clear zones and clear sight lines must be maintained for any landscape within the road right of way. The clear zone shall consist of an area between two (2) feet and eight-and-one-half (8-1/2) feet height from the road elevation. The landscape area shall consist of shrubs, perennials and trees. Sod or other ornamental landscaping may be utilized in the remaining area around the guardhouse as long as fifty (50) percent of the guardhouse square footage area has been landscaped as described. *Figure G Vehicular Gates and Associated Security Walls*.

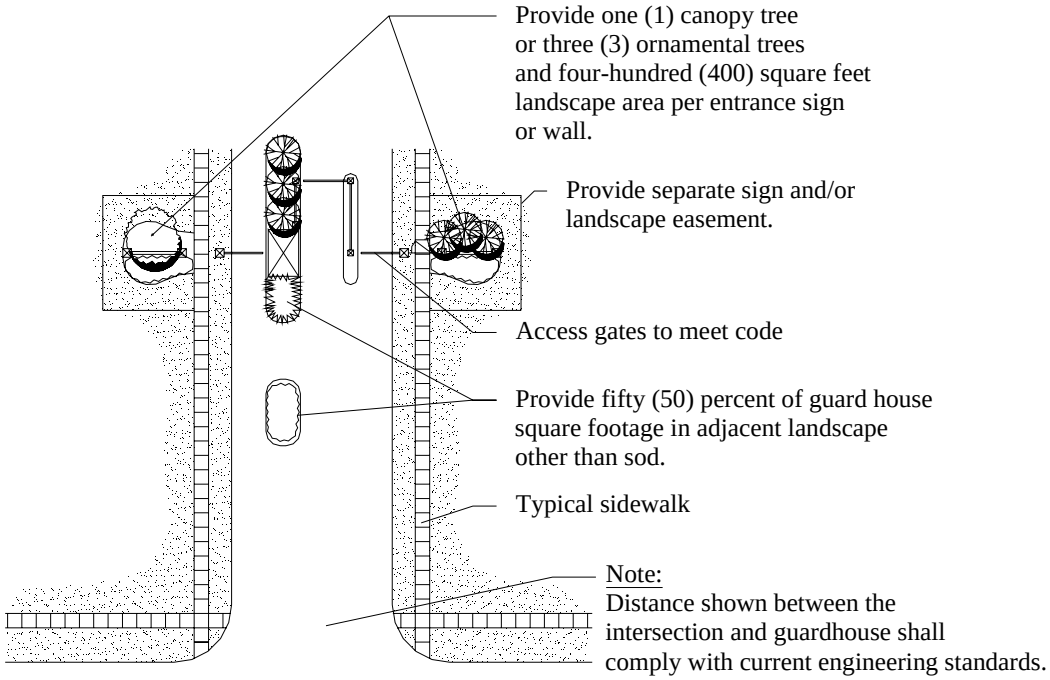
H. *Vehicular Gates and Associated Security Walls.* Landscaping shall be required on the entrance side of gates and walls as follows (see Figure G):

1. A minimum of four-hundred (400) square feet of landscape area shall be provided on each side of an entrance road, eight-hundred (800) square feet, total to a neighborhood or commercial area.

2. Within each entrance area of four-hundred (400) square feet, one (1) canopy tree or three (3) ornamental trees shall be provided.

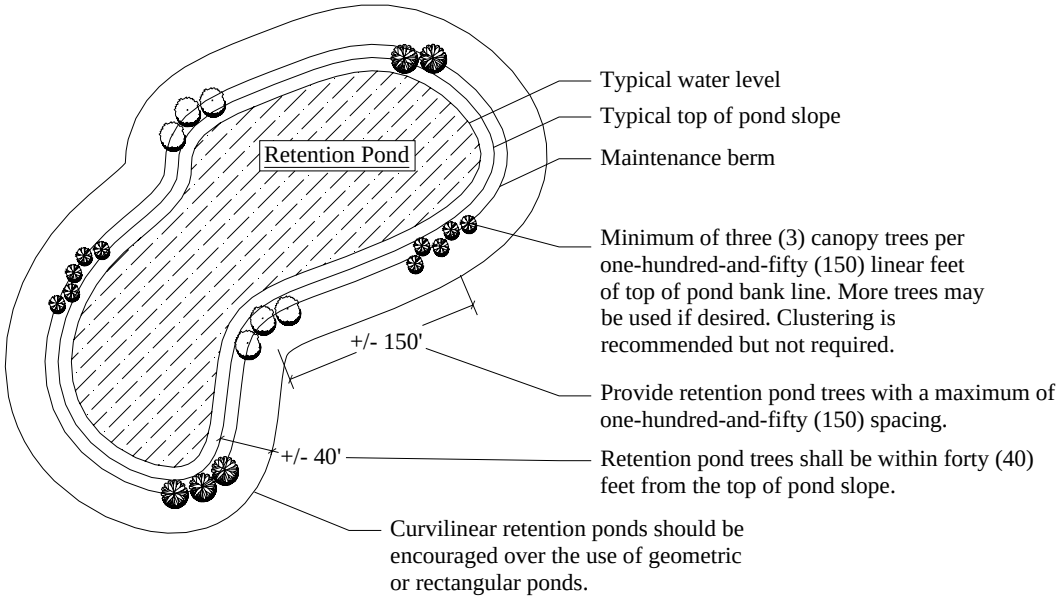
3. The landscape area shall have shrubs, perennials, vines or other ornamental plantings other than sod. When a utility easement or other restrictive condition restricts the use of trees, then the tree portion of this requirement may be waived or limited by the County Manager or designee.

Figure I – Vehicular Gates and Associated Security Walls



I. *Retention Ponds Landscaping.* Three (3) canopy trees for every 150 linear feet of retention pond bank shall be required as measured at the top of pond bank. Trees shall be planted within forty (40) feet from the top of bank line. A minimum of three (3) canopy trees shall be required at retention ponds. (see *Figure J Retention Ponds)*.

Figure J – Retention Ponds (Landscaping)



J. *Screening of Heating/Ventilation/Air Conditioning Units.* Where heating/ventilation/air conditioning units are located on the ground surface area, they shall be screened from view. A combination of a fence and a berm or shrubs shall be required.

Section 9.01.07 Landscape Requirements for Individual Single-Family Residential and Duplex~~es~~ Lots. No development permit, or Certificate of Occupancy, shall be issued unless in compliance with this section. The requirements of this section may be noted on a site or landscape plan, however this section, shall not require the submittal of a Single Family Residential Landscape Plan unless 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 6,000 square feet or less.

2. A minimum of three (3) canopy trees for lots between 6,001 and 10,000 square feet.

3. A minimum of four (4) canopy trees for lots between 10,001 square feet to 15,000 square feet.

4. A minimum of five (5) canopy trees for lots between 15,001 square feet to 43,560 square feet (1 Acre).

5. A minimum of eight (8) canopy trees for lots between one (1) acre and 2 acres.

6. A minimum of eleven (11) canopy trees for lots between two (2) acres and three (3) acres.

7. A minimum of fifteen (15) canopy trees for lots between three (3) acres and five (5) acres.

8. A minimum of twenty-five (25) trees for lots five (5) acres or greater.

9. 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 (1/2) acre.

B. *Other landscaping requirements.* Any principal dwelling unit shall have landscape areas planted with trees, shrubs or groundcovers, other than sod, around the perimeter of the building as follows.

1. Minimum planting based on size of building. For purposes of this section, the first floor footprint shall include the area of the first floor of all principal and accessory structures. All buildings shall require a landscaped area ~~within twenty-five (25) feet of the building~~on the lot of thirty-five (35) percent of the ~~first floor~~building footprint.

2. Lots within the A, AR, and RA Zoning Districts shall be exempt from this requirement.

C. *Preservation of existing trees.* Existing trees greater than three (3) inches in diameter shall be preserved unless within the building footprint for the residence, infrastructure or areas required for access. Stem wall construction shall be used where necessary to achieve this requirement.

D. *Damage by structures*. Structures shall be located to avoid removing or damaging protected trees to the maximum extent possible.

9.01.08 Prohibited Plant Species. The control and elimination of invasive, non-native plant species helps protect the natural vegetative communities existing within Lake County.

A. *Planting*. Prohibited plant species shall not be planted or counted toward minimum tree or vegetation requirements.

B. *Removal*. Removal of prohibited plant species shall be completed as a requirement for approval of the final Permit inspection and prior to issuance of a certificate of occupancy. Prohibited vegetation shall not be removed from wetlands or natural water bodies that are regulated or protected by the Water Management Districts or other regulatory agency without an approval for invasive exotic plant removal.

C. *Prohibited Plants*. Prohibited vegetation shall be listed in the Plant List for Lake County based on the following sources:

1. Florida Exotic Pest Plant Council *Category I & II ~~Prohibited~~ List of Invasive Plant~~s~~ Species*.
2. Center for Aquatic and Invasive Plants, University of Florida, IFAS.

SECTION SIX. Repeal and Replace. Section 9.02.00, Lake County Code, Appendix E, Land Development Regulations, entitled Protected Trees, is hereby repealed in its entirety and replaced as follows.

Section 9.02.00 Tree Protection.

A. *Purpose***.** The purpose of this Section is:

1. To encourage the proliferation of trees and palms as well as their replacement.

2. To establish rules and regulations governing the protection of trees and palms within unincorporated Lake County; and

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

9.02.01 Protected Trees.

A. *Designation of Protected Trees*. The following trees are designated protected trees:

1. All trees and palms native to Florida or Florida Friendly, including, but not limited to those identified within *The Plant List for Lake County*, three (3) inches or larger in diameter at breast height.

2. Sand Pine and Xeric Oak Scrub community trees more than two (2) inch diameter at breast height.

3. Wetland trees of any size.

4. Historic, Specimen, and Heritage trees.

B. Prohibited trees, invasive trees, citrus or non-native fruit trees of any species shall not be considered a protected tree.

9.02.02 Tree Removal Permit. It shall be unlawful and a violation of this Section to clear, kill or remove a protected tree or palm by any method without first obtaining a tree removal permit. When a development order is issued for a site plan, subdivision or master park plan, a separate tree removal permit shall not be required if the trees to be removed are identified, and mitigated, on the approved landscape plan. Approval of a preliminary plat does not authorize approval for the removal of trees or other vegetation. Removal of historical, specimen or heritage trees as defined in this section requires approval by the Lake County Board of County Commissioners. Any tree removal permit shall require replacement trees in compliance with this section.

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

9.02.~~03~~ 04 Exemptions to Tree Removal Permit Requirements. The following trees and palms may be removed without a tree removal permit:

A. Trees located within new or existing recorded or prescriptive public road or drainage rights-of-way and easements that are to be removed as part of a Board approved project. However, all protected trees that are removed under this exemption shall be relocated or replaced pursuant to replacement requirements contained herein.

B. If any tree is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare and requires immediate removal, authorization may be given by the County Manager or designee pursuant to the following procedures:

1. Photo documentation of the hazardous tree(s) by property owner is required prior to removal and shall be submitted to the County Manager or designee.

2. Replacement requirements herein required apply to any tree or group of trees removed.

3. If the tree, due to immediate danger, is removed prior to obtaining written authorization, a letter and photo documentation demonstrating the immediate danger, shall be submitted to the County Manager or designee within fifteen (15) days of the removal.

C. Agriculture and Silviculture so long as the operation qualifies as a bona fide farm operation on land classified as agricultural pursuant to Section 193.461, Florida Statutes, if such activity is regulated through implemented best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services or a water management district and adopted under Chapter 120, F.S. under a regional program; or if such activity is expressly regulated by the U.S. Army Corps of Engineers, or U.S. Environmental Protection Agency.

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

1. Subdivision construction plan;

2. Final master site plan;

3. Master park plan; (only applicable within parks);

4. Building permit; or

5. Lot grading / site alteration plan.

9.02.~~04~~ 05 Criteria for Issuance of Tree Removal Permit.

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

1) *Street opening*. The location of a tree restricts the opening of a street or right-of-way. Streets and rights-of-way shall be located to minimize the loss of trees, especially historic, specimen and heritage trees;

2) *Utilities and drainage*. The location of the tree restricts the construction of utility lines or drainage facilities. Utility lines and drainage facilities shall be located to minimize the loss of trees, especially historic, specimen and heritage trees;

3) *Property access*. The location of the tree prevents access to the property. Exit and entry shall be located to minimize the loss of trees, especially specimen, historic and heritage trees;

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

5) *Hazards*. The tree constitutes a potential hazard to life or property that cannot be mitigated without removing the tree;

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

7) *Thinning of trees*. For non-bona fide silviculture operations, thinning of trees in order to increase light and air circulation for the purpose of improving health conditions, or to prevent disease, of a group of trees, the selective removal of up to twenty-five (25) percent of the group of trees may be permitted. Thinning shall include any removal of trees from the lot and shall not exceed the maximum clearing allowed in this section. Thinning shall follow Best Management Practices (BMP's) published by a government agency or the National Tree Care Industry Association.

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 such trees by the permittee.

9.02.~~05~~ 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 Trees.* Thirty-three (33) percent of the total number of caliper inches measured at diameter breast height (DBH) for qualifying trees.

B. *Specimen Trees.* Fifty (50) percent of the total caliper inches of specimen trees.

C. *Historic and Heritage Trees.* One-hundred (100) percent of the total caliper inches of Heritage and Historic Trees.

D. *Regulations regarding replacement trees*.

1. 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 (2.5) inches and two (2) inches for replacement ornamental trees.

2. Minimum of seventy-five (75) percent of the replacement trees shall be canopy trees.

3. Twenty-five (25) percent maximum of the replacement trees may be ornamental trees.

4. 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.

E. **Tree Sampling for Large Sites.** Sites over fifty (50) acres may identify and sample trees to be removed as follows:

1. The locations of all historic, specimen and heritage trees protected or proposed for removal shall be located.

2. Other protected trees shall be surveyed as follows:

i. The first fifty (50) contiguous acres shall be surveyed by accounting for all protected trees to be removed.

ii. The remaining acreage may be surveyed using sample plots. The sample plots shall be a minimum area of twenty (20) percent of the remaining part of the site to be developed and twenty (20) percent of each vegetative community within the

remaining part of the site to be developed. Each of the sample survey plots shall be a minimum of one-hundred feet by one-hundred feet (100 x 100) in size and shall conform to current forestry practices.

iii. All protected trees three (3) inch DBH caliper or greater, unless the trees are part of a wetland, sand pine or xeric oak scrub community in which case trees two (2) inches DBH and larger shall be counted.

3. The tree survey shall be conducted by a qualified professional, landscape architect, arborist or forester.

E. *Landscape credit.* The replacement trees may be used to meet the requirements of the landscape standards set out in Section 9.01. All replacement trees shall be provided even if the total number exceeds the landscape requirement.

F. *Replacement maintenance.* The replacement trees shall be maintained in good condition in perpetuity and the property owner shall guarantee survival.

G. *Restriction on use of palm trees.* Palm trees shall not account for more than twenty (20) percent of the required replacement trees.

H. *Replacement size.* ~~A r~~Replacement trees shall conform to the size and planting requirements of the Landscape Code. Ornamental trees may not exceed twenty-five (25) percent of the total caliper replacement inches required.

9.02.~~06~~ 07 Location of Tree Replacement Sites.

A. Replacement trees shall be mitigated onsite, if possible.

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

C. If replacement cannot be made onsite, or in a common area, the owner or applicant may replace the required trees on a designated conservation or park property within Lake County. The recipient property shall be acceptable to the County and shall be suitable for the replacement trees. Mitigated replacement trees shall not count toward meeting minimum landscaping requirements of the recipient site for development purposes. The request to utilize this option shall be submitted to the County Manager or designee in writing and shall include the following justifications and information:

1. Explanation why the trees cannot be replaced on site;

2. A legal description and a copy of the property record information from the Lake County Property Appraiser for the proposed recipient site;

3. If the property is not County owned, an Affidavit from the owner of the recipient site agreeing to the terms of accepting the mitigated trees as listed above. A conservation easement or similar legally-binding instrument approved by the County shall be required to ensure that mitigation trees planted at the recipient site will be protected and maintained in perpetuity; and

4. Agreement by the applicant that the applicant shall be responsible for paying for all the costs for installation and maintenance of the tree(s), including planting and necessary irrigation.

9.02.~~07~~ 08 Voluntary Planting. This Section shall not be interpreted to restrict, regulate, or limit the voluntary planting of any protected tree in Lake County. Any size tree may be voluntarily planted. The provisions of this Section govern only the planting of trees that are required to be planted or retained under this Section.

9.02.~~08~~ 09 Historic Trees.

A. *Purpose.* It is the purpose of this Subsection to acknowledge the existence of certain trees that portray a notable historical association or significance to Lake County, and to protect such trees through their designation as historic trees and by requiring compliance with the protection measures set out in Section 9.01. Designation of historic trees by the Lake County Board of County Commissioners shall be in accordance with the standards and procedures in this Subsection.

B. *Application procedures.* Applications may be initiated by:

1. Owners of the property, developers as part of their development plan, or the County Manager or designee as part of a tree removal permit application, a development plan or a County tree protection planning program.

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

3. Completed applications shall be provided to the Lake County Historical Society with a request for review and written recommendation for approval or denial.

C. *Historical Society Recommendation*. The Lake County Historical Society or the State Historic Preservation Officer of Florida or their designee may recommend approval of the designation of a historic tree for a tree that is considered to have a notable historical interest and value to the County due to its historical association or significance. The Lake County Historic Society or the State Historic Preservation Officer of Florida or their designee may recommend denial or approval; provided, however, that recommendation, or the lack of any recommendation, does not preclude the County from denying or approving an application.

D. *Designation Procedure and Protection.*

1. Upon review and approval by the County Manager or designee, the application shall be scheduled for a public hearing before the Board of County Commissioners.

2. The Lake County Board of County Commissioners shall approve or deny the request. Approval by the Board shall be in the form of a resolution.

3. A tree designated as a historic tree shall be protected by the property owner to ensure its long-term health, unless an exemption is granted by the Board of County Commissioners.

9.02.~~09~~ 10 Specimen Trees.

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

B. *Designation Standards.* At least one (1) of the following standards shall apply in order for a tree to be designated a specimen tree:

1. *Size.* Trees with a thirty (30) inch caliper or greater, or a circumference of eight (8) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground.

2. *Age.* Trees that are determined to be at least one hundred (100) years old, or to be at approximate half-life maturity and are in good health.

3. *Form.* Trees that are determined to have a unique form or shape, due to geography, climate, environmental or natural growth habitat conditions, and are in good health.

4. *Ecological Value.* Trees that are determined to have an ecological value to the County in terms of soil or water conservation and management, wildlife habitat, or endemic native flora habitat, and are in good health.

5. *Rarity.* Trees that are determined to be non-indigenous, rare, or unique to the County, and are in good health.

6. *Prohibited Trees* are excluded from designation as a Specimen Tree.

C. *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.

D. *Mandatory Recognition of Specimen Trees* Any non-prohibited trees with thirty inch (30) caliper or greater, or a circumference of eight (8) feet 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 specimen tree without application. The applicant shall identify the location, number and size of all specimen trees on the required tree survey submitted to the County for site plan or plat review. In addition, the County may identify specimen trees that are found to meet this criterion.

E. *Approval and Protection.*

1. Any non-prohibited tree satisfying one or more of the size criteria in subsection (D) above shall be recognized and recorded as a specimen tree by the County Manager or designee, without approval by the Board of County Commissioners.

2. Upon review and approval by the County Manager or designee, any tree that has been submitted for consideration as a specimen tree and does not automatically qualify because of size shall be scheduled for a public hearing before the Board of County Commissioners.

3. The Board shall approve or deny the request. Approval by the Board shall be in the form of a resolution.
4. The property owner shall be encouraged to protect any tree designated as a specimen tree to ensure its long-term health.

9.02.11 Heritage Trees.

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

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

1. *Size.* Trees with a forty (40) inch caliper or greater, or a circumference of ten (10) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground.

2. *Age.* Trees that are determined to be at least one hundred (100) years old, or to be at approximate half-life maturity and are in good health.

3. *Form.* Trees that are determined to have a unique form or shape, due to geography, climate, environmental or natural growth habitat conditions, and are in good health.

4. *Ecological Value.* Trees that are determined to have an ecological value to the County in terms of soil or water conservation and management, wildlife habitat, or endemic native flora habitat, and are in good health.

5. *Rarity.* Trees that are determined to be non-indigenous, rare, or unique to the County, and are in good health.

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

C. *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.

D. *Mandatory Recognition of Heritage Trees* Any non-prohibited trees with forty (40) inch caliper or greater, or a circumference of ten (10) feet 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 heritage tree without application. The applicant shall identify the location, number and size of all heritage trees on the required tree survey submitted to the County for site plan or plat review. In addition, the County may identify heritage trees that are found to meet this criterion.

E. *Approval and Protection.* Any non-prohibited tree satisfying one 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.

1. Upon review and approval by the County Manager or designee, any tree that has been submitted for consideration as a heritage tree and does not automatically qualify because of size shall be scheduled for a public hearing before the Board of County Commissioners. The Board shall approve or deny the request. Approval by the Board shall be in the form of a resolution.

2. Removal of heritage trees shall be prohibited. The property owner shall protect any tree designated as a heritage tree to ensure its long-term health. Any variance to this provision shall require approval of the Board of Adjustment.

9.02.12 Tree Protection Standards During Construction.

A. *Tree Protection Standards.* The protection measures described in this Subsection are based on those in the Tree City USA Bulletins published by The National Arbor Day Foundation: How to Save Trees During Construction (No. 8, 1998), A Systematic Approach to Building with Trees (No. 20, 1998), and How to Protect Trees During Underground Work (No. 35, 1998). These publications are hereby adopted and included by reference herein. Copies of such publications are available from the County Manager or designee. These publications shall be used to supplement the required protection measures. They also provide information on the economic value of trees to developments and their incorporation into designs as well as guidelines on professional tree care, tree planting and tree transplanting.

B. *Drip line protection.* Solvents, materials, construction machinery or temporary soil deposits shall not be placed within the drip line of any protected tree. This includes soil that is placed in the drip-line permanently for the purpose of a grade change, unless the grade is changed as allowed with these land development regulations.

C. *Protection from injury*. In order to protect against mechanical injuries to roots, trunks and branches, and injuries by chemical poisoning, grade changes, excavations, paving, and attachments or wires, the applicable protection measures set out below shall be implemented prior to commencement of any construction.

1. A protective barrier (See Figure L – *Tree Protection Barricades*) shall be placed around all protected trees prior to any land preparation or construction of structures or other improvements in accordance with this section.

2. Posts shall be placed at points not closer than at the natural drip-line of the tree unless the structure or improvement has been permitted by the County Manager or designee to be erected within the drip-line of the tree with a wide canopy. The structure or improvement may be placed within the drip-line of the tree only if the tree has been root pruned, as supervised by a licensed landscape architect or arborist certified by the International Society of Arboriculture. For palm trees, the posts shall be placed at points not closer than six (6) feet from the trunk.

3. The posts shall be connected with clearly visible plastic tape or ribbon, or rope

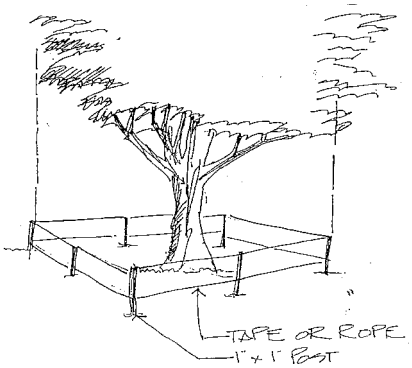


Figure L – Tree Protection Barricades
(Properly constructed tree barricade protects the entire natural drip line area)

4. With the exception of identification ribbons, no attachments, wires, signs, nails, or permits shall be fastened to a protected tree other than supportive wires if applicable which shall be attached in compliance with the guidelines set forth in the Tree City USA Bulletins published by The National Arbor Day Foundation: How to Save Trees During Construction (No. 8, 1998), A Systematic Approach to Building with Trees (No. 20, 1998), and How to Protect Trees During Underground Work (No. 35, 1998).

5. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery (such as, aerators and mowers) or manual labor. No grubbing, root rakes or similar activities are permitted.

6. In lieu of constructing the barriers required in this section, large areas containing protected trees where no land preparation or other development activities of any kind will occur may be designated on a tree removal application. The designated area shall be protected by placing stakes a maximum of twenty-five (25) feet apart along the outside perimeter of the area and tying clearly visible plastic tape or ribbon, or rope, from stake to stake. The perimeter line shall be outside of the drip line of any protected tree within the designated area.

7. Protective barriers and perimeter lines shall remain in place until all construction activity is terminated, except for landscaping.

D. *Avoiding tree injury due to root impacts*. Because construction within the drip line, such as changes in grade and installation of underground utilities, commonly cause extensive root damage or death of a tree, construction shall not be permitted within the drip line unless protective measures are taken and supervised by a licensed landscape architect or arborist certified by the International Society of Arboriculture to ensure the health of the tree.

E. *Avoiding injuries due to paving within the drip line*. When approved by the County Manager or designee, paving may be placed within the drip line, so long as no damage is inflicted to the tree by grade change, compaction of soil, or any other cause.

SECTION SEVEN. Creation. Section 14.00.12, Lake County Code, Appendix E, Land Development Regulations, entitled Generally, is hereby created to read as follows:

14.00.12 Administration. The County Manager or designee shall administer the provisions of the Land Development Regulations and if necessary shall conduct periodic inspections to ensure ongoing compliance with development orders.

SECTION EIGHT. Deletion. Section 14.07.04(A)(4)(b), Lake County Code, Appendix E, Land Development Regulations, entitled Preliminary Plat, is hereby deleted in its entirety

SECTION NINE. Creation. Section 14.07.05 (A)(2)(j), Lake County Code, Appendix E, Lake County Land Development Regulations, entitled Construction Requirements, is hereby created to read as follows:

(j). Landscape plan. The plan shall be prepared by a landscape architect if the plan proposes development of more than ten (10) dwelling units or any commercial, industrial, or community facility project. The plan shall include the following:

(a) A detailed plan, illustrating the automatic irrigation system shall be provided to meet the requirements of Section 9.01. Water Use Zones shall be graphically shown and their areas quantified in square feet or acres in relative percentages on the landscape plan;
(b) Designation by common and botanical (scientific) name, including applicable cultivar name, size, and location of plant material to be installed or preserved in a natural state in accordance with the requirements of this Section;
(c) Landscaping on adjacent property intended to count towards any landscaping requirement;
(d) Location of all required buffers, showing width and number of required trees, shrubs, and landscape features;
(e) Location of preserved trees, or clusters of trees, intended to count for landscape credits with the species and Diameter at Breast Height Caliper called out or a certification by a Landscape Architect or Arborist stating that a group of trees will meet the minimum size for required trees;
(f) A tree removal permit application for any protected trees proposed to be removed.

SECTION TEN. Amendment. Section 14.07.05(D)(10), Lake County Code, Appendix E, Lake County Land Development Regulations, entitled Construction Requirements, is hereby amended to read as follows:

10. As-Built/Record Drawings. A complete set of as-built plans shall be submitted to the County for review. These plans shall indicate any and all deviations from the original construction plans such as invert elevations, grade changes, utility locations, ditches, etc. Each individual sheet shall be clearly stamped "As-Built" and shall be signed, sealed and dated by the engineer of record and by the landscape architect of record. However, a digital

drawing exchange file (.dxf) may be submitted with a letter signed and sealed by the engineer of record or the landscape architect of record. The letter shall describe the changes from the original plans and shall include a red lined set of plans. The certification of the engineer of record and the landscape architect of record may be submitted on separate documents or drawings.

SECTION ELEVEN. **Amendment.** Section 14.07.06, Lake County Code, Appendix E, Lake County Land Development Regulations, entitled Completion of Infrastructure, is hereby amended to read as follows:

* * *

C. Upon approval of the final plat, the County Manager or designee shall record the final plat with the Clerk of the Circuit Court prior to the selling of any lot or building site by the applicant/developer. A certificate of occupancy Shall not be granted by the County until construction of all infrastructure improvements are completed and approved and/or accepted by the County unless the County has agreed through a developer's agreement to issue at an earlier date.

* * *

SECTION TWELVE. Amendment. Section 14.07.07(A)(4), entitled Final Plat Requirements, Chapter XIV, Lake County Code, Appendix E, Land Development Regulations, is amended to read as follows:

* * *

4. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, stormwater systems, water and wastewater systems, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature shall require the establishment of restrictive covenants and such covenants shall be submitted with the final plat for recordation. Additionally, in any residential plat where landscaping is proposed on individual lots, the following statement shall be included on the plat: Individual lot purchasers shall be required to comply with all landscape maintenance requirements as set forth in Section 9.01, Land Development Regulations.

SECTION THIRTEEN. Amendment. Section 14.08.00, entitled Guarantees and Sureties, Chapter XIV, entitled Administration of the Lake County Code, Appendix E, Land Development Regulations, is hereby amended to read as follows:

14.08.00 Guarantees and Sureties.

A. Applicability.

1. Development Orders approved by Lake County often contain requirements for the construction of infrastructure, the installation of landscaping, or other required improvements to be constructed by a developer in connection with the approved development. In some instances, it is preferable to delay the construction of infrastructure, the installation of landscaping, or the construction of other required improvements. The purpose of this section is to provide a mechanism for such delay, while at the same time providing a guarantee to Lake County that such infrastructure, landscaping, or other improvements will be provided.

~~2.Nothing in this Section Shall be construed as relieving a developer of any requirement relating to concurrency in the Comprehensive Plan or Chapter V, Land Development Regulations.~~

~~3.~~2. Nothing in this Section Shall be construed as relieving a developer of any requirement relating to concurrency in the Comprehensive Plan or Chapter V, Land Development Regulations.

B. Developer's Agreements Required Where a Plat is Recorded Prior to Completion of Infrastructure. The approval of any final plat prior to the completion of the infrastructure, Shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, wetlands mitigation, uplands mitigation, landscape requirements and replacement trees Shall be satisfactorily constructed according to the approved construction plans. The following information Shall be provided:

1. Agreement that all improvements, whether required by these regulations or constructed at the developer's option shall be constructed in accordance with the standards and provisions of these regulations.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed two (2) years from the recording of the plat ~~or thirty (30) percent occupancy of the development, whichever comes first.~~.
3. The projected total cost for each improvement. Cost for construction shall be determined by either an estimate prepared and provided by the applicant's engineer or a copy of the executed construction contract.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement to ensure performance.
6. Provision of the amount and type of security provided to ensure performance.

C. Developer's Agreements Required to Delay Construction of Sidewalks. In the case of a single family residential subdivision where sidewalks, other than common area sidewalks, are required, a Developer may elect to delay construction of the sidewalks which would be in front of the single family residences. The approval of this delay shall be subject to the developer providing assurance that such sidewalks will be satisfactorily constructed according to the approved construction plans. The following information shall be provided:

1. Agreement that the sidewalks shall be constructed in accordance with the standards and provisions of these regulations.
2. The term of the agreement indicating that all sidewalks shall be satisfactorily constructed within the period stipulated. The term shall not exceed four (4) years from the recording of the final plat, with the condition that no single family dwelling shall be given a certificate of occupancy until and unless the required sidewalk is constructed along the entire frontage of such single family lot.
3. The projected total cost for such sidewalk. Cost for construction shall be determined by an estimate prepared and provided by the applicant's engineer.
4. Agreement that upon failure of the applicant to construct such sidewalks according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement to make the improvements.
5. Provision of the amount and type of security provided to ensure performance.

D. Developer's Agreements Required to Delay Installation of Required Landscaping.

1. In the case of a single family residential subdivision where landscaping, other than common area landscaping, is required, a Developer may elect to delay installation of the landscaping which would be on or in front of the single family lots. The approval of this delay shall be subject to the developer providing assurance that such landscaping will be satisfactorily installed according to the approved construction plans. The following information shall be provided:
   i. Agreement that the landscaping shall be installed in accordance with the standards and provisions of these regulations.

ii. The term of the agreement indicating that such landscaping shall be satisfactorily constructed within the period stipulated. The term shall not exceed four (4) years from the date of recording of the plat, except that landscaping required on a lot other than street trees or adjacent zoning district buffers may be delayed until such lot requests a certificate of occupancy.

iii. The projected total cost for such landscaping. Cost for landscaping shall be determined by an estimate prepared and provided by the applicant's landscape architect.

iv. Agreement that upon failure of the applicant to install such landscaping according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement to make the improvements.

v. Provision of the amount and type of security provided to ensure performance.

2. In the case of a site plan approval for a commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites, where such site plan includes the approval of parcels or multiple building sites, where landscaping will be required for each building site, a developer may elect to delay installation of the landscaping which would be on each individual building site until a site plan and building permit are issued for such site. A developer will not be allowed to delay any adjacent property buffering, public roadway buffering, or buffering which will be provided on any common area. The approval of this delay shall be subject to the developer providing assurance that such landscaping will be satisfactorily installed according to the approved construction plans. The following information shall be provided:

i. Agreement that the landscaping shall be installed in accordance with the standards and provisions of these regulations.

ii. The term of the agreement indicating that such landscaping shall be satisfactorily constructed at the time a site plan and building permit is issued for such site.

E. ~~C.~~ Amount and Type of Security.

1. Security requirements may be met by but are not limited to the following:
   i. Cash, certified check or cashiers check.
   ii. Irrevocable Letters of Credit.
   iii. Surety Bond.
2. The amount of security Shall be one hundred and ten (110) percent of the total construction costs for the required developer installed improvements, including, but not limited to storm and drainage facilities, streets and highways, water and sewer lines, wetlands mitigation, uplands mitigation and landscaping requirements.

F. ~~D.~~ Completion of Improvements. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the County Manager or designee. A recommendation for final acceptance shall be made upon receipt of a certification of project completion by the project engineer including sealed as-built plans and one (1) copy of all test results.

G. ~~E.~~ Maintenance of Improvements.

1. A maintenance agreement and security shall be provided by every developer for those projects dedicating property to the public to assure the County that all required improvements Shall be maintained by the developer according to the following requirements:
   i. The period of maintenance shall be a minimum of two (2) years or as otherwise set out in other parts of these regulations.
   ii. The maintenance period shall begin with the acceptance by the County of the construction of the improvements.
   iii. The security shall be in the amount of ten (10) percent of the entire construction contract amount which includes all costs of the improvements. Prior to the conclusion of the two (2) year maintenance period, the work will be inspected by the County. Deficiencies shall be

corrected by the developer/owner. Should the developer/owner fail to make corrections prior to the expiration of the maintenance bond, the County Shall make corrections utilizing funds from the bond.

iv. If the developer enters into an agreement for sidewalks as specified above, the developer shall provide a maintenance bond for sidewalk infrastructure at the time of the agreement. The bond shall be for a period not to exceed six (6) years from the date of the agreement or two (2) years from the date the last sidewalk is installed.

2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements. No development order shall be issued for a development for which an owner's association is required until the documents establishing such association have been reviewed and approved by the County Manager or designee.

SECTION FOURTEEN. Amendment. Section 14.09.01(B)(2)(i)(4), Lake County Code, Appendix E, Land Development Regulations, entitled Site Plans, is hereby amended to read as follows:

(4) All water courses, water bodies, floodplains, wetlands, important natural features, all protected trees and wildlife areas, U.S.D.A. Soil Conservation Service soil types, Florida Land Use Classification System (FLUCS) vegetative cover overlain on the concept plan, and pre-site survey for designated species when native habitat is being altered or cleared.

SECTION FIFTEEN. Amendment. Section 14.09.01(B)(2)(J)(10), Lake County Code, Appendix E, Land Development Regulations, entitled Site Plans, is hereby amended to read as follows:

(10). A Landscape plan. The plan shall be prepared by a landscape architect if the plan proposes development of more than 10 dwelling units or any commercial, industrial, or community facility project. The plan shall include the following:

(a) A detailed plan, illustrating the automatic irrigation system shall be provided to meet the requirements of Section 9.01. Water Use Zones shall be graphically shown and their areas quantified in square feet or acres in relative percentages on the landscape plan;
(b) Designation by common and botanical (scientific) name, including applicable cultivar name, size, and location of plant material to be installed or preserved in a natural state in accordance with the requirements of this Section;
(c) Landscaping on adjacent property intended to count towards any landscaping requirement;
(d) Location of all required buffers, showing width and number of required trees, shrubs, and landscape features;
(e) Location of preserved trees, or clusters of trees, intended to count for landscape credits with the species and Diameter at Breast Height Caliper called out or a certification by a Landscape Architect or Arborist stating that a group of trees will meet the minimum size for required trees;
(f) A tree removal permit application for any protected trees proposed to be removed.

* * *

SECTION SIXTEEN. **Creation.** Section 14.10.02(B)(9), Lake County Code, Appendix E, Land Development Regulations, entitled Master Park Plans, is hereby created to read as follows:

(9). Landscape plan. The plan shall be prepared by a landscape architect if the plan proposes development of more than 10 dwelling units or any commercial, industrial, or community facility project. The plan shall include the following:

(a) A detailed plan, illustrating the automatic irrigation system shall be provided to meet the requirements of Section 9.01. Water Use Zones shall be graphically shown and their areas quantified in square feet or acres in relative percentages on the landscape plan;
(b) Designation by common and botanical (scientific) name, including applicable cultivar name, size, and location of plant material to be installed or preserved in a natural state in accordance with the requirements of this Section;
(c) Landscaping on adjacent property intended to count towards any landscaping requirement;
(d) Location of all required buffers, showing width and number of required trees, shrubs, and landscape features;
(e) Location of preserved trees, or clusters of trees, intended to count for landscape credits with the species and Diameter at Breast Height Caliper called out or a certification by a Landscape Architect or Arborist stating that a group of trees will meet the minimum size for required trees;
(f) A tree removal permit application for any protected trees proposed to be removed.

* * *

SECTION SEVENTEEN. **Amendment.** Section 14.14.01 Lake County Code, Appendix E, Land Development Regulations, entitled Development Permits, is hereby amended to read as follows:

14.14.01 Application. Application for the following development permits shall be made to the County Manager or designee and may be acted upon without public hearing or notice. No portion of the permit fees will be refunded if the permit becomes void. Applications for development permits for single family and duplex dwelling units shall not require a landscape plan which is sealed by a licensed landscape architect; however, prior to the issuance of a development permit for a single family or duplex dwelling unit, the applicant shall submit information, including drawings if necessary, to demonstrate compliance with the requirements of the landscaping and lot clearing provisions of Chapter 9 of the Lake County Land Development Regulations.

SECTION EIGHTEEN. **Amendment.** Section 14.14.04, Lake County Code, Appendix E, Land Development Regulations, entitled Development Permits, is hereby amended to read as follows:

14.14.04 Tree Removal Permits.

A. Application for Permit. An application for tree removal Shall be filed on official forms provided by the County Manager or designee. The County Manager or designee Shall approve a tree removal permit if the application is in compliance with all requirements of these regulations. Completed applications Shall be returned to the department along with the following:

1. A tree inventory consisting of an aerial photograph no older than the most recent aerials available from the County Manager or designee or drawing at a scale of one (1) inch equals two hundred (200) feet or a scale that is legible for the area in which trees are being removed indicating:

   a. Property boundaries.

   b. The location of protected trees to be removed, Diameter Breast Height (DBH) caliper, and common name.

2. Reason for removal of trees.

3. Mitigation Plan indicating location, size and species of trees used for replacement.

* * *

SECTION NINETEEN. Amendment. Section 6.06.02(D)(3)(b), Lake County Code, Appendix E, Land Development Regulations, entitled Mining, is hereby amended to read as follows:

b. Vegetation types utilized for revegetation Shall consist of species of grasses, Shrubs, Trees and Aquatic and Wetlands vegetation native to the area and well-adapted to the soil conditions and terrain features prevalent on the Site being reclaimed. Nonnative species may be used upon approval by the County. However, in no instance Shall prohibited plant species listed in ~~Subsection 9.01.02.B~~ Section 9.01, or Hydrilla be planted.

SECTION TWENTY. Amendment. Section 6.15.04(C) Lake County Code, Appendix E, Land Development Regulations, entitled Resource Protection Standards, is hereby amended to read as follows:

C. Any riparian owner may physically or mechanically remove herbaceous aquatic plants and semi-woody herbaceous plants such as shrub species and willow, within an area delimited by up to fifty (50) percent or fifty (50) foot of shoreline, whichever is less, as measured along the shoreline and a sufficient length waterward along a line perpendicular to the riparian land owner's shoreline. The length waterward Shall be allowed so as to create a corridor to allow access for a boat or swimmer to reach open water, but Shall not exceed one hundred fifty (150) feet from the shoreline. All unvegetated areas Shall be cumulatively considered when determining the width of the exempted corridor. Vegetation which is removed Shall be properly disposed of and Shall not be left or allowed to accumulate along the shoreline or in the associated waterbody. However, the trees listed in Lake County Land Development Regulations, Section 9.01, Shall not be removed without complying with that Chapter.

SECTION TWENTY-ONE. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION TWENTY-TWO. Inclusion in the Code. It is the intention of the Board and it is hereby provided that the provisions of this ordinance shall be made a part of the Lake County Code; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION TWENTY-THREE. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2008.

Filed with the Secretary of State _____2008.

Effective _____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

_____
Neil Kelly, County Clerk of
of Lake County, Florida

_____
Welton G. Cadwell, Chairman
This _____day of _____, 2008.

Approved as to form and legality:

_____
Sanford A. Minkoff
County Attorney