

ORDINANCE NO. 2021-2202

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING CHAPTER 104, ENTITLED VEGETATION OF THE CITY CODE OF ORDINANCES; PROVIDING FOR REPEAL OF SECTION 40, TITLED *CREATION OF CITY TREE BOARD; APPOINTMENT OF MEMBERS; TERMS OF THE CITY CODE IN ITS ENTIRETY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake City, Florida is the governing body in and for the City of Lake City, Florida; and

WHEREAS, Section 1-10, Code of the City of Lake City, Florida (hereinafter the "Code"), provides that any alterations to the Code must be made by ordinance; and

WHEREAS, after deliberation the City Council finds that it is in the best interests of the citizens of the City of Lake City to amend Chapter 104, entitled Vegetation of the City Code of Ordinances and repealing Section 40, entitled *Creation of City Tree Board; Appointment of Members; Terms*.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. That Article II of Chapter 104 of the Code of the City of Lake City, Florida, is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

ARTICLE II. - TREE PROTECTION.

Sec. 104-31. - Short title.

This article shall be known and may be cited as the "Lake City Tree Ordinance".

Sec. 104-32. - Findings.

The city finds that:

- (1) The protection and preservation of trees on public and private property within the city is not only desirable for aesthetic value, but essential to present and future health, safety and welfare of its citizens;
- (2) Trees provide a setting with a variety of color, unsurpassed in shade and hue;
- (3) Trees absorb a high percentage of carbon dioxide and return oxygen, a vital ingredient to life;
- (4) Trees are a valuable property asset that can affect an area economically; and
- (5) A tree ordinance is necessary in order to promote community welfare through regulating, removal and destruction of trees prior to, during construction and during occupancy; and
- (6) This ordinance and its provisions shall not be construed as conflicting with section 163.045, F.S. (2019).

Sec. 104-33. - Purpose.

It is the policy of the city to save and protect trees growing within the city upon both public and private lands and the city hereby finds and declares that it is in the public interest to regulate the preservation, planting, cutting and removal of trees from either public or private lands. The city recognizes the preemption of the Florida legislature by the enactment of section 163.045, F.S. (2019).

Sec. 104-34. - Definitions.

As used in this article, the following words and terms shall have the following meaning, unless some other meaning is plainly indicated:

Administrator shall mean the administrator of the city's land development regulations designated by the city for administration and enforcement of the city's land development regulations.

~~*Board* shall mean the city tree board created, established and appointed by the council pursuant to this article.~~

Circumference shall mean the distance around the trunk surface of a tree.

City shall mean the City of Lake City, Florida.

City council shall mean the City Council of the City of Lake City, Florida.

~~*City landscape supervisor or landscape supervisor* shall mean the designated landscape supervisor duly appointed by the city and employed in~~

~~such capacity jointly with Columbia County in accordance with a joint participation agreement.~~

City manager shall mean the City Manager of the City of Lake City, Florida.

~~*City tree board* shall mean the board created, established, and appointed by the council pursuant to this article.~~

Drip line shall mean the ground area surrounding the trunk of a tree that is described by the vertical plane enclosing the outermost branches of the tree.

Land development regulation administrator shall mean and is the official designated by the city for the administration and enforcement of the city's land development regulations.

Notice. For the purpose of this article shall mean the written notification to land owners or occupants as agent of land owners, for the tree removal or pruning done on private property. Such notice may be accomplished by mail, hand-delivery, or posting on the property.

Notice of activity shall mean the written communication to the land development regulation administrator regarding the commencement of certain silviculture activities.

Nuisance trees shall mean those trees designated in this article as nuisance trees.

Owner shall mean any person or entity who has legal title to or the right to possession of land, including a lease or any other agreement, of any land subject to the provisions of this article.

Percentage canopy cover shall mean the tree canopy cover of an area represented as a percentage of the total area.

Predesign meeting shall mean a required on-site meeting to be attended by the land development regulation administrator, or his or her designated representative(s), ~~the city landscape supervisor,~~ and the applicant(s) for site and/or development plans for the purpose of complying with all the requirements contained in section 104-~~53~~50 (1)—(3) and section 104-~~57~~54.

Remove/removal shall mean actual removal and effective removal through killing, damaging or destroying any regulated tree. Each regulated tree that is removed or effectively destroyed shall constitute a separate violation.

Restoration plan shall mean a drawing that shows type, size, number and location of trees and other landscaping material that will be planted on a piece of property by an owner or developer to make up for trees that have been removed without or in violation of tree removal permits.

Root aeration system shall mean vertical pipe(s) and /or drain(s) installed at various intervals under tree canopy to allow for the exchange of air and gases.

This procedure is normally used when backfill is added to a location under tree canopy.

Silviculture shall mean the planting, care, cultivation and harvesting of forest trees.

Site development plan shall mean the proposed improvements scheme provided to the city in order to obtain a building permit.

Site work shall mean those construction activities that are done to the ground surface of a construction site for the construction of a structure or that are done in conjunction with the construction of a structure. Site work includes, but is not limited to: changing the grade of the ground surface; excavation; adding earth material fill; compaction; constructing parking lots and driveways; striping or painting directional arrows in parking and driveway areas; constructing sidewalks or walkways; erecting walls or fences; installing utility poles, or running the wires from pole to pole or from a pole to a structure; installing underground utilities, including electric, gas, phone, sewer or water lines; erecting signs; installing trash dumpster pads; and removing trees.

Topping shall mean the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree shall mean a woody plant that attains a height of at least 20 feet at maturity in a given locality and usually (not always) has but a single self-supporting stem or trunk.

Tree canopy cover shall mean the area of the property that contains coverage by any tree(s) and consists of the total crown spreads or drip lines of all existing trees on-site.

Tree location drawing shall mean a sketch drawing of a parcel of land showing the approximate location of all regulated trees when it has been determined as a result of the predesign meeting that regulated trees exist on the site. Such required sketch drawing shall be conducted at the applicant's expense.

Trees, champion shall mean those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. The current list of champion trees in Lake City is on file in the land development regulation department. A champion tree(s) may be removed only when the county forester has determined that such tree(s) is/are diseased or dying and there is/are no feasible way to save or preserve such tree(s).

Trees, heritage shall mean any tree(s) with a circumference as specified in this article, and as measured at a point four and one-half feet above ground level.

Tree, official shall mean those trees identified as the "official shade tree" and the "official flowering tree" as set forth in section 104-39 hereof.

Trees, park shall mean trees, shrubs, bushes, and all other woody vegetation in publicly named parks, and growing in all areas owned by the city and to which the public has free access as a park.

Tree plan shall mean the comprehensive tree plan presented annually to the city council by the ~~city tree board~~ administrator and accepted and approved by resolution of the council.

Trees, regulated shall mean and include all living champion trees regardless of size and all other living trees, except pines, which are two feet or more in circumference as measured at a point four and one-half feet above ground level. Regulated trees shall hereinafter be called "tree" or "trees".

Tree removal permit or *permit* shall mean the permit issued by the land development regulation administrator for the removal of any regulated tree.

Trees, replacement shall mean those species of trees listed in this article which may be replanted for any of the replanting requirements of this article.

Trees, street shall mean all trees, shrubs, bushes, and all other woody vegetation located and growing on public lands lying between the property lines on either side of all streets, avenues, alleys, or public ways within the city.

Sec. 104-35. - Scope.

The terms and provisions of this article shall apply to all real property lying within the incorporated limits of the city, including publicly owned lands, rights-of-way and easements, subject to certain exemptions specifically provided for in this article.

Sec. 104-36. - Unlawful activity.

It shall be unlawful for any person to cut or remove any regulated tree from any land within the city without first obtaining a permit to do so from the administrator, except as to the land and trees specifically exempt from the provisions of this article. No land in the city, upon which are located regulated trees, may be cleared, graded, or developed, and no building permit shall be granted for such land without the owner or developer of such land first applying to and receiving from the administrator a tree removal permit, except for the land exempt under the provisions of this article.

Sec. 104-37. - Exemptions.

- (a) All lots and parcels of land zoned for single-family residential use are exempt from the requirements of this article, except that no champion tree shall be cut or removed from any such lot or parcel of land without first obtaining a tree removal permit from the administrator.

- (b) During any period of emergency, such as hurricanes, windstorms, floods, freezes, or other natural disasters, the requirements of this article may be waived for a definitive period of time by the city manager with respect to cutting and removing trees in all areas damaged by such disasters.
- (c) Any tree determined to be in a hazardous or dangerous condition by the land development regulation administrator, ~~or the landscape supervisor~~ so as to endanger the health, safety, and welfare of persons and property and require immediate removal shall be exempt from the requirement of this article and may be cut and removed upon verbal authorization given by the city manager, or in his or her absence, either the assistant city manager, or the administrator, ~~or landscape supervisor~~. The International Association of Arboriculture publication "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas" shall be used as a guide and reference for determining the condition of a tree.
- (d) *Agricultural lands*. Lands zoned agricultural and qualify for agricultural tax exemption are exempt from the requirements of this article, subject to the following:
 - (1) A tree removal permit shall be required for the removal of heritage trees located within 50 feet of the property boundary line or within 400 feet of a public park.
 - (2) A notice of activity must be submitted to the administrator no less than seven days prior to any cutting and removal of trees or the clearing of the land.
- (e) *Forestry*. All bona fide commercial forestry operations are exempt from the requirements of this article where trees are grown for silvicultural purposes or for intended sale in the course of business. However, owners of commercial forestry operations must submit a notice of activity to the administrator prior to the commencement of any timber harvesting, mechanical site preparation, or land clearing.
- (f) The removal, trimming, pruning or alteration of any tree or vegetation growing within the area of any public or private utility easement or drainage easement or right-of-way is exempt from the provisions of this article, provided such work is done by or under the control of the operating utility company, governmental agency or entity responsible for the maintenance of said facility.
- (g) Nuisance trees are exempt from the terms and provisions of this article.

Sec. 104-38. - Notice of activity.

The notice of activity required by this article shall be filed with and on forms furnished by the administrator and shall include the following information:

- (1) Owner's name;
- (2) Parcel number;
- (3) Parcel acreage;
- (4) Acreage affected;
- (5) Type of activity;
- (6) Vendor name and address;
- (7) Estimated date of commencement of activity.

Sec. 104-39. - Official shade tree and flowering tree.

The official shade tree of the city shall be the Live Oak Tree (*Quercus Virginiana*) and the official flowering tree of the city shall be the Crape Myrtle (*Lagerstromia Indica*).

~~Sec. 104-40. - Creation of city tree board; appointment of members; terms.~~

~~There is hereby established and created the City of Lake City Tree Board, which shall consist of five members appointed by the council. All members of the tree board shall be residents of the city. Members of the board shall be appointed for terms of three years each, except that the term of two of said members appointed to the first board shall be for one year, and the term of two such members of the first board shall be for two years each. Members shall hold office until their successors have been appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The appointment of members to the board shall be made by resolution adopted by the council. Members of the board shall serve without compensation. The landscape supervisor shall serve as an ex-officio member of the board.~~

Sec. 104-4140. - Duties; responsibilities of the ~~city tree board~~ Administrator.

It shall be the responsibility of the ~~board~~ administrator to study, investigate, counsel, develop and update annually and administer a plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in public parks, within the unpaved area of street and road rights-of-way, and all other public areas. Such plan will be presented annually to the city council prior to August 1st of each year, and, upon acceptance and approval by a duly adopted resolution of the council, shall constitute the official comprehensive tree plan for the city and may be implemented and developed by

the ~~board~~ administrator under the direction and assistance of the city manager and city staff. The ~~board administrator~~, when requested by the council, shall consider, investigate, make findings of fact, report and make recommendations upon any matter or question coming within the scope of ~~its~~ their duties.

~~Sec. 104-42. — Operation; review by the city council.~~

~~The board shall choose from among its members its own officers, make its own rules and regulations, and keep a journal of its actions. A majority of the members shall be a quorum for the transaction of business. The city council shall have the right to review the conduct, acts, and decisions of the board. Any citizen of the city or any owner of property within the city may file a written objection to any decision of the board to implement and develop any aspect of the tree plan to the city manager, who may hear the matter and within ten days make a final ruling on the objection.~~

~~Sec. 104-43. — Interference with city tree board.~~

~~It shall be unlawful for any person to prevent, delay, or interfere with the board, or any of its agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or regulated tree or trees on private grounds, as authorized in this article.~~

~~Sec. 104-44~~41. - Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all public streets, alleys, avenues, lanes, squares, parks and any other public grounds, as may be necessary to insure public safety or to preserve or exchange the symmetry and beauty of such public grounds. The ~~board~~ city may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric, water and gas lines, or other public improvements, or is affected with any injurious fungus, insect or pest.

~~Sec. 104-45~~42. - Trees in areas of utilities.

Notwithstanding anything to the contrary in any of the provisions of this article, no tree shall be planted where it could, at mature height, conflict with overhead utilities. Large trees shall be planted no closer than a horizontal distance of 30 feet from the nearest overhead conductor. Medium trees shall be offset at least 20 feet from the nearest overhead conductor. Small trees shall require no offset, provided the distance between the overhead conductor and grade is greater than 20 feet. Plantings near underground facilities shall be offset a minimum of five feet from the buried conductor.

Sec. 104-4643. - Spacing of street trees.

The species of street trees to be planted, the spacing of street trees, the distance from curbs/sidewalks, the distance from street corners/fireplugs, and required offset from overhead facilities shall comply with and be governed by the following:

OFFICIAL STREET TREES OF THE CITY OF LAKE CITY

Tree Species to be Planted; Spacing of Street Trees; Distance from Curbs/Sidewalks; Distance from Street Corner/Fireplugs; Required Offset from Overhead Utilities.

Small Trees	Spacing Between Trees:	Distance From Curbs & Sidewalks	Distance From Street Corners & Fireplugs	Required Offset From Overhead Utilities
Dahoon Holly, Hop Hornbread, American Hornbread, Chicksaw Plus, Weeping Yaupon Holly, Ligustrum Tree, Crape Myrtle	30 feet	2 feet	No closer than 20' of any corner, measured from the point nearest intersecting curbs or curblines; no closer than 10' of any fireplug	No offset required, provided the vertical clearance between the overhead conductor and grade is greater than 20 feet

Medium trees	Spacing between trees:	Distance from curbs & sidewalks	Distance from street corners & fireplugs	Required offset from overhead utilities
Florida Maple, Winged Elm, Savannah Holly, Eagleston Holly, Cabbage Palm, Redbud, American Holly, Loblolly Bay, East Palatka Holly, Drake Elm, Bradford Pear, Chinese Pistache	40 feet	3 feet**	No closer than 20' of any corner, measured from the point nearest intersecting curbs or curblines; no closer than 10' of any fireplug	Requires horizontal offset of at least 20 feet from the nearest overhead conductor

Large trees	Spacing between trees:	Distance from curbs & sidewalks	Distance from street corners & fireplugs	Required offset from overhead utilities
Bald Cypress, Winged Elm, Hackberry, Live Oak, Shumard Oak, Green Ash, Tulip Poplar, Southern Magnolia, Canary Island Date Palm, Allee Elm	50 feet*	4 feet**	No closer than 20' of any corner, measured from the point nearest intersecting curbs or curb lines; no closer than 10' of any fireplug	Requires horizontal offset of at least 30 feet from the nearest overhead conductor

* Except in special plantings designed or approved by a landscape architect of the ~~landscape supervisor~~ administrator.

** Requires chemically treated "bio-barrier" that is placed around the tree in a treated "pit" or alongside the hard scape.

Adjacent property owner(s), may on land(s) owned by the adjacent property owner(s), plant any street tree(s), providing that the selection, location and plating of said street tree(s) is/are in compliance with all of the requirements as specified herein.

Sec. 104-4744. - Tree topping; pruning corner clearance; right of city to prune on private property.

It shall be unlawful, as a normal practice, for any person, firm, or city department, to cut, remove, or top any street or park tree or other regulated tree(s) on public property. However, trees severely damaged by storms or other causes, or trees under utility wires which need to be cut, removed, topped, or pruned for safety purposes, where other pruning practices are impractical, may be exempt from the provisions of this article by the administrator or city manager. Every owner of any tree overhanging any street right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or signs at intersections of streets.

Sec. 104-4845. - Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased tree(s) on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The owner of the land upon which such dead or diseased trees are standing or located shall be notified in writing by the administrator to remove such trees and the removal shall be done by said owners at the owners expense within 30 days after the date of service of such notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owner(s) of the property.

Sec. 104-~~49~~46. - Pruning or removal of trees by public agencies and utilities.

All public agencies and utilities shall comply with the permitting requirements of this article prior to commencing any pruning or removal of any regulated tree(s). All public utilities, governmental agencies and their subcontractors shall comply with the National Arborist Association Standards for Pruning of Shade Trees when pruning regulated trees on public or private property. Unless waived in writing by owner, notice shall be provided to landowners at least one week in advance of removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public are not subject to this section.

Sec. 104-~~50~~47. - Application for and tree removal permit process.

- (a) Any person wishing to obtain a tree removal permit shall make application to the administrator on forms provided by the city. No permits will be issued for the removal of champion trees, except as provided for in section 104-34.
- (b) The administrator ~~and the landscape supervisor~~, utilizing such technical assistance as may be required, shall review all applications for tree removal and determine from among other considerations what effect the removal will have upon the drainage, topography, natural resources, ecology of the area, public safety and welfare, aesthetic value, and the reasonable use of the site for development and shall consider these factors in granting or denying said permit application.
- (c) The city may grant the tree removal permit if it finds one or more of the following conditions are met:
 - (1) That the tree is an immediate safety hazard, either to persons who reasonably may be physically harmed by the tree, or to domestic animals, buildings, or other construction, or motor, bicycle, or pedestrian traffic.
 - (2) That the tree is infected with an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to other trees not so infected.
 - (3) That the tree, by its location, prevents reasonable use or development of the site, and that no other reasonable or economical alternatives to such use or development is possible.
 - (4) That the tree, by the normal growth of its branches or roots, is causing progressive damage to buildings, structures, or other more desirable trees and that no reasonable correction or prevention is available other than the tree's removal.

- (d) As an additional condition of the granting of a permit, the applicant may be required to enter into a restoration plan to replace the removed trees with other trees, shrubs, or plants to be planted elsewhere on the site. As part of a restoration plan, replacement trees may be required, if reasonably practicable and economically feasible, on a more than one-for-one basis if the replacement trees are smaller than the tree or trees being removed. Replacement trees may be selected from trees, which include, but not limited to, the following named species:

Live Oak

Laurel Oak

Shumard Oak

Magnolia

Allee Elm

Drake Elm

American Holly or similar cultivars

Sweet Gum

Red Maple

Florida Maple

Winged Elm

Green Ash

Foster's Holly or similar cultivars

- (e) The administrator shall, within seven working days of the filing of an application for a tree removal permit (except for site plan and development plan approvals) attempt to verify the information contained in the application and shall either approve or deny the application as to each regulated tree proposed to be removed or relocated.

Sec. 104-~~5148~~. - Replacement trees.

It is the intent of this article that when a permit authorizes a regulated tree to be cut and removed, and subject to other provisions and limitations of this article, that the removed regulated trees must be replaced, if reasonably practicable, with replacement trees on the site on a two-for-one ratio. Replacement trees must be a minimum of six inches in circumference as

measured at a height of four and one-half feet above ground level, and selected from among the species of replacement trees listed in section 104-~~5047~~.

Sec. 104-~~5249~~. - Tree categories; protection standards.

It is the intent and purpose of this article, among other objectives, to ensure to the extent reasonably possible, the survival of existing trees on-sites being developed or altered. Recognizing the impossibility of protecting all trees, the owner or developer of a site, with the approval of the administrator ~~and the landscape supervisor~~, shall designate those trees to be preserved and the level of protection to be afforded them based on the following categories:

- (1) *Category I trees*. Those trees identified during the predesign on-site meeting as being healthy heritage trees which are required to be retained in accordance with the approved site plan. Trees so designated will be protected from construction activities within the full drip-line of the tree. All champion trees will be protected to Category I standards.
- (2) *Category II trees*. Those trees identified during the predesign meeting which are desirable to keep, but due to location and development activities, cannot be protected to the level of Category I trees. Construction activities will be kept at a minimum of ten feet from the trunk of Category II trees. Alternative construction techniques such as previous pavements, jacking and boring, bridging over large roots and root aeration systems may be used to protect these trees.
- (3) *Category III trees*. Those trees which due to number or location, cannot receive the level of protection afforded Category I and Category II trees, yet add to the landscape and may survive development activities.

Sec. 104-~~5350~~. - Applications for site plans, development plans.

Site plans and development plans shall include consideration of tree preservation and the approval of either a site plan or development plan shall constitute the issuance of a tree permit consistent with the approved plan.

- (1) Applicants for site plans and development plans shall be required to have a predesign, on-site meeting with the administrator, or his or her designee, ~~and the landscape supervisor~~, to locate any champion or heritage tree(s) and other regulated trees, and to discuss protection methods for regulated trees, including champion and heritage trees to be retained or relocated. The applicant will mark and reasonably locate upon the site plan drawings all champion, heritage, and other regulated trees deemed appropriate by the ~~landscape supervisor~~ administrator.

- (2) If it is determined at the predesign, on-site meeting that there are regulated trees on the site, such regulated trees must be reasonably located upon a drawing to be attached to and be a part of the site plan and development plan. The applicant shall also provide the percentage canopy cover for the site which shall be calculated and determined by acceptable methods approved by the administrator ~~and the landscape supervisor~~. The applicant will be required to save and protect all champion trees. In the event that no regulated trees are found, it shall be so noted on the site plan and a tree location drawing shall not be required. When a tree location drawing is required, the drawing shall conform to the following:
- a. Trees are to be identified by both common and scientific names.
 - b. Trees shown on the tree drawing will be identified as to which trees will be saved, relocated or removed.
 - c. The tree drawing is to be at the same scale as the site plan.
 - d. The tree drawing may be presented as a separate drawing within the site plan; however, the trees must be included on one sheet of the site plan that shows the location of the proposed building(s) driveways, parking and parking access areas, water retention areas, existing contours and finished elevations, overhead power lines, underground utilities, and any other proposed improvements that could potentially have a negative impact on existing trees.
- (3) Site plan and development plan approval requires, if reasonably practicable, the retention of a minimum percentage canopy cover of 15 percent of the existing tree canopy cover of the applicable site, for all zoning districts, except single-family residential zoning districts. The city may approve the application with less than the 15 percent tree canopy cover if one or more of the conditions listed in section ~~104-5047~~ are met.
- (4) If the applicant is unable to meet the minimum 15 percent tree canopy cover requirement with existing trees, or if the site is void of any tree canopy, the applicant shall submit to the city a landscaping plan to provide for and require the site to be landscaped by either planting trees, or shrubs, or plants on the site. Such landscaping plan shall be approved by the ~~landscape supervisor~~ administrator prior to the issuance of a certificate of occupancy.

Sec. ~~104-5451~~. - Final inspection of site; conformance with approved site plan.

If upon final inspection of the project, the city building inspector determines that the owner or developer has failed to comply with the approved

site plan, no certificate of occupancy shall be issued until all of the requirements of the site plan and this article have been complied with and accomplished by the owner.

Sec. 104-~~55~~52. - Expansion of existing commercial locations.

Prior to beginning any construction activities as part of an expansion of an existing business or commercial establishment, owners of such existing establishments shall comply with all of the requirements of this article.

Sec. 104-~~56~~53. - Violations.

Removal of any regulated tree or any other site work that is not done according to an approved site plan is a violation of this article. When such violations occur prior to the final inspection of the project, the administrator will immediately issue a site stop work order. Upon the issuance of such stop order, all site work will cease until a restoration plan is submitted by the applicant and approved by the administrator ~~and the landscape supervisor~~. The site stop work order will remain in effect until the approved restoration plan has been implemented and completed. The owner, developer, subcontractor or agent shall have 30 days to present a restoration plan. If no restoration plan is presented within 30 days, the owner, developer, subcontractor or agent shall be served with a violation citation by the administrator and shall be subject to all of the penalties provided for violations of this article. No certificate of occupancy shall be issued until all trees and other vegetation shown on the approved restoration plan have been planted and grades restored.

Sec. 104-~~57~~54. - Failure to maintain trees.

It shall be the property owner's responsibility to adequately maintain the trees shown on an approved site plan, to ensure their healthy survival. Neglecting or abusing trees is a violation of this article.

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Sec. 104-~~58~~55. - Heritage trees.

The following trees are hereby designated as heritage trees:

HERITAGE TREES OF LAKE CITY

Species	Circumference
Bald Cypress (<i>Taxodium Distichum</i>)	7 ft; 10 inch;
Cedar (<i>Juniperus Silicicola</i>)- (Southern Red Cedar), J. Virginia- (Eastern Red Cedar),	5 ft; 5 inch;
Heritage Oaks: <i>Quercus Alba</i> -(White Oak), <i>Quercus Austrina</i> - (Bluff Oak), <i>Quercus Geminata</i> - (Sand Oak), <i>Quercus Prinus</i> - (Swamp Chestnut or Basket Oak), <i>Quercus Virginiana</i> - (Live Oak),	7 ft; 10 inch;
Hickory <i>Carya Illinoensis</i> - (Pecan), <i>Carya Tomentosa</i> - (Mockernut), <i>Cayra Glabra</i> - (Pignut Hickory)	7 ft; 10 inch;
Loblolly Bay (<i>Gordonia Lasianthus</i>)	5 ft; 5 inch;
Magnolia (<i>Magnolia Grandiflora</i> - (Southern Magnolia), <i>Magnolia Virginiana</i> - (Sweet Bay Magnolia),	7 ft; 10 inch;
Maples (<i>Acer Rubrum</i> -(Red Maple), (<i>Acer Bartatum</i> - (Florida Maple)	5 ft; 5 inch;
Tupelo (<i>Nyssa Sylvatica</i>)	7 ft; 10 inch;
White Ash (<i>Fraxinus Americana</i>)	7 ft; 10 inch;

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Sec. 104-~~59~~56. - Nuisance trees.

The following trees are hereby designated as nuisance trees and are exempt from all requirements of this article:

NUISANCE TREES OF LAKE CITY

COMMON NAME	BOTANICAL NAME
Australian Pine	Casuarina spp
Black Locust	Robinnia pseudoacacia
Brazilian Pepper	Schinus spp
Chinaberry	Melia azedarach
Chinese Tallow Tree	Sapium sebiferum
Honeylocust, common	Gleditsia triancanthes
Melaleuca	Melaleuca quinquenervia
Mulberry	Broussonetia spp

Sec. 104-~~60~~57. - List of references.

For purposes of this article, the following are provided as lists of references:

- (1) The Florida Division of Forestry Tree Protection Manual for Builders and Developers shall serve as the primary reference, whenever there is a question regarding tree protection standards.
- (2) Excepting the authorities provided for in section 163.045, F.S. (2019), ~~The~~ American National Standards Institute Standard A3-1995 shall be the reference for all public utilities, government agencies and their subcontractors when pruning trees on public or private property.
- (3) Silviculture Best Management Practices Manual shall be the references used for the conducting of all commercial forestry operations.

- (4) "Champion Trees of Lake City" is the reference list of champion trees, which is updated annually, and kept in the City of Lake City Growth Management Department.
- (5) "Heritage Trees of Lake City" is a list of trees developed as part of the City of Lake City Tree Ordinance and shall be used as a reference for selecting "replacement trees".

Sec. 104-6158. - Penalty.

~~Any person violating the provisions of this article shall be, upon conviction or a plea of guilt, subject to a fine(s) as hereinafter set forth in this section:~~

~~*Nature of violation — Fine*~~

~~Removing or effectively removing through damaging any champion tree(s), per tree\$2,500.00~~

~~Removing or effectively removing through damaging any heritage tree(s), per tree500.00~~

~~Removing or effectively removing through damaging any other regulated tree, per tree500.00~~

~~Failure to secure a permit for the removal of any regulated tree, per tree500.00~~

~~Failure to comply with any and all other requirements of the lake city tree ordinance, per incident500.00~~

The provisions of this Article shall be enforced through the *Local Government Code Enforcement Boards Act*, chapter 162, F.S.

~~Violations of the provisions of this article or failure to comply with any of its requirements, including violations with respect to approved site plans and violations of cutting and removing any regulated trees without proper permits, shall constitute a misdemeanor of the second degree, as provided in F.S. ch. 775. Any person, firm or corporation who violates this tree ordinance, or fails to comply with any of its requirements, shall upon conviction of a misdemeanor of the second degree be fined or imprisoned, or both, as provided for in F.S. ch. 166, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be a separate offense. Each day, beginning two working days, that any violation continues after written notification from the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this article.~~

Sec. 104-~~62~~59. - Administration and enforcement.

The administrator shall administer and enforce the city tree ordinance directly, or through aides and assistants. In the performance of his or her duties, the administrator may request the assistance of any officer or agency of the city. ~~The administrator shall investigate promptly written complaints of violations filed with the administrator and report in writing his or her findings and actions to complainants and shall use his or her best endeavors to prevent violations or to detect and secure the correction of violations. If the administrator finds that a provision of the city tree ordinance is being violated, the administrator shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The administrator shall order the discontinuance of the act which violates the provisions of the city tree ordinance, or shall take any other lawful action authorized by the city tree ordinance necessary to insure compliance with or to prevent violations of the city tree ordinance.~~ It is the intent of the city tree ordinance that questions of interpretation and enforcement shall first be presented to the administrator and that such questions shall be presented to the city manager only on appeal from the decision of the administrator. An appeal from any decision of the administrator to the city manager shall be in writing and shall be filed with the city manager within 15 days from the date of the decision of the administrator. A person shall have the right to appeal to the city council any decision of the city manager, provided that such appeal shall be in writing and filed with the city clerk within 15 days from the date of the decision of the city manager. The decision of the city council with respect to any such appeal shall be final. The administrator shall maintain written records of official actions regarding the city tree ordinance administration, complaints and actions taken with regard to the city tree ordinance, and violations discovered by whatever means, with remedial action taken and disposition of all cases, all of which shall be public records.

Sec. 104-~~63~~60. - Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Sec. 104-~~64~~61. - Provisions held invalid by any court.

If any section, subsection, sentence, clause, phrase of this article, or the particular application thereof shall be held invalid by any court, administrative agency, or any other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause, or phrase under application shall not be affected hereby.

Section 3. Should any section, subsection, sentence, clause, phrase or other provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and the sections may be renumbered in order to accomplish such intentions.

Section 5. This ordinance shall take effect immediately upon its adoption.

PASSED upon first reading the ____ day of _____ 2021.

NOTICE PUBLISHED on the ____ day of _____ 2021.

PASSED AND ADOPTED on second and final reading the ____ day of _____ 2021.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney