

ORDINANCE NO. 1169

AN ORDINANCE REQUIRING PERMITS FOR REMOVAL OF REGULATED "LIVE OAK TREES" LOCATED IN THE CITY OF LIVE OAK; ESTABLISHING METHODS OF DETERMINING TREES SUBJECT TO THIS ORDINANCE; PROVIDING PROCEDURES FOR OBTAINING PERMITS FOR REMOVAL OF TREES; ESTABLISHING CRITERIA TO BE CONSIDERED IN ALLOWING OR DENYING PERMITS; ESTABLISHING APPLICATION FEES FOR TREE REMOVAL PERMITS; DEFINING HERITAGE AND CHAMPION TREES AND THE TERMS AND CONDITIONS UNDER WHICH SUCH TREES MAY BE REMOVED AND PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE.

Section I. 1 Permits for "Live Oak Tree" Removal

- (a) Removal or relocation permits. Except as provided below, no champion or heritage "Live Oak Trees" as defined in this ordinance may be removed or relocated without a removal permit as provided for hereafter. Champion and heritage "Live Oak Trees" shall hereinafter be called "regulated trees."
- (b) Regulated trees which appear to cause structural damage from roots, absorption of large amounts of water causing soil expansion and contractions, or other structural problems to buildings or underground facilities may be removed, relocated, or replaced with the approval of the planning and zoning board for projects requiring planning and zoning board approval or the city administrator or a designee for other projects.
- (c) Removal or relocation of regulated trees subject to planning and zoning board approval. Tree removal, relocation, or replacement in conjunction with developments requiring planning and zoning board approval shall be processed in accordance with section I.1(g). A separate tree removal permit for such trees shall not be required. Failure to obtain a permit before removing or relocating a regulated tree shall be subject to the measures for enforcement and replacement specified in section II of this Code.
- (d) Removal or relocation of regulated trees not subject to planning and zoning board approval or in excluded areas. Any person desiring to remove or relocate a regulated tree, shall file with the city administrator or a designee an application for a permit therefor. The application shall address the same standards for approval as specified in subsection f, below.
- (e) Permit procedure. The city administrator or a designee shall, within five (5) working days of the filing of such applications, attempt to verify the information contained in the application and submit to the city council at the next meeting for approval or denial as to each regulated tree proposed to be removed or relocated.

- (f) Permit approval considerations. Removal or relocation of regulated trees shall be approved by the city administrator or a designee upon a finding that the trees pose a safety hazard; have been weakened by disease, age, storm, fire, or other injury; or prevent the reasonable development of the site, including the installation of solar energy equipment. Regulated trees shall not be removed, damaged or relocated for the purpose of locating utility lines and connections unless no reasonably practical alternative as determined by the city administrator or a designee is available.
- (g) Removal or relocation approval by the planning and zoning board. When tree removal or relocation is contemplated in conjunction with any development requiring approval of a site plan or subdivision plat by the planning and zoning board at the same time a site plan or plat is approved or denied, based upon the same standards for approval as specified in subsection (f), above. All of the required plans, data, or other information required with the application shall be included on the proposed site plan or on the supporting documents submitted with the plat.
- (h) Imposition of additional conditions. The city administrator, planning and zoning, or city council, as appropriate, may impose other reasonable conditions where need is demonstrated. Such conditions may include restrictions on percentage of canopy removed or the prohibition of tree removal from certain portion of the site under consideration. The city administrator and city council shall be guided by, but not restricted to, the following criteria in imposing such additional conditions:
  - (1) The need to provide buffers to adjacent developed property;
  - (2) The need to protect soils highly susceptible to soil erosion;
  - (3) The need to protect slopes in excess of ten (10) percent particularly near bodies of water;
  - (4) The need to protect existing wetlands, floodplains and flood channels and other environmentally sensitive areas as shown on existing maps photographs and other reliable and available sources; and
  - (5) The need to preserve rare or threatened animal and vegetative habitats, rare hardwood hammocks or champion trees as identified from competent sources.
- (i) The application fee for tree removal permit not in conjunction with any development requiring approval of a site plan or subdivision plat by the planning and zoning board shall be twenty-five (\$25.00) dollars per parcel of land. Application for tree removal permit must be submitted to the City Administrator or designee.
- (j) In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disasters, the requirements of this section may be waived by the city administrator. The city administrator shall report any regulated trees destroyed in such natural disaster to the City Council at its earliest possible meeting as well as those findings establishing that such waiver was necessary to facilitate efforts to restore order in the city.

Section I.1.2          Champion trees.

- (a) Defined. Champion trees are "Live Oak Trees" that may be 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 list of champion trees in Live Oak which may be identified will be on file with the City Clerk. This list is subject to revision and will be updated yearly.
- (b) Champion trees shall be considered regulated trees. Champion trees located in Agricultural Zones are not regulated trees.
- (c) The removal, relocation or replacement of champion trees in conjunction with development requiring planning and zoning board approval shall be in accordance with section I.1(c) and I.1(g). The removal, relocation, or replacement of any other champion tree shall be by special exception of the planning and zoning board.

Section I.1.d. Heritage trees.

- (a) Heritage trees are "Live Oak Trees" with a diameter of at least thirty (30) inches or seven (7) feet ten (10) inches in circumference, whichever dimension is lesser, measured at a point four and one-half (4 ½) feet above ground level.
- (b) Heritage trees shall be considered regulated trees. Heritage trees located in Agricultural Zones are not regulated trees.
- (c) The removal, relocation or replacement of heritage trees in conjunction with development requiring planning and zoning board approval shall be in accordance with section I.1(c) of this Code. Heritage trees located within the buildable envelope (the area that is not reserved for yard space by setback requirements) of lots in excluded areas shall not require permits or special exception.

Section I.1.4 Enforcement

Failure to obtain a permit before removing or relocating a regulated tree shall be subject to the measure for enforcement specified in section II of this code.

Section II. Enforcement and standards for compliance.

- (a) The enforcing official shall regularly inspect properties within the city to determine whether the landscape development is in accordance with the provisions of this article. Whenever the enforcing official finds any violation of the provisions of this chapter the official shall institute enforcement proceedings in accordance with Code Enforcement Board rules and procedures.
- (b) Corrective action for violations - The owner of the parcel land where any regulated tree is removed without a permit shall be fined \$1,000.00 for each such tree removed.

Section III. Ordinance Components.

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining portions hereof shall not be affected and shall remain in full force and effect.

Section IV. Conflicts.

All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinances are repealed to the extent of any conflict.

Section V. Severability.

IN the event that any portion or section of this Ordinance is determined tko be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section VI. Effective Date.

This ordinance shall take effect February 13, 2007. Final Reading.

ADOPTED by the City Council of the City of Live Oak, Florida, at a regular meeting held this 13th day of February, 2007.

City of Live Oak

*Bennie L Thomas*

Bennie Thomas  
President of City Council

*Garth R. Nobles, Jr.*

Mayor, Garth R. Nobles, Jr.

ATTEST:  
*William J. McCullers, Sr.*

William J. McCullers, Sr.  
City Clerk

APPROVED THIS 13th DAY OF February, 2007.

Read and adopted on its first reading January 9, 2007.

Notice in Suwannee Democrat January and February 2007.

Final reading and adopted at a regular meeting 13th day of February 2007