

Sec. 3-9-100.3. - Tree requirements.

- (a) Applicability. The terms of this section shall apply to any native or non-native tree, as listed in Exhibit 8: List of Approved Tree Species. This section shall also apply to the tree removal, protection, and tree planting requirements of a development.
 - (1) On-site inspection for conformance with the requirements of this section shall be conducted by the Charlotte County Code Compliance Division (or its equivalent successor) in order to receive a certificate of occupancy (C.O.).
 - a. The BCC shall establish, by resolution, appropriate fees to defray the cost of enforcing the provisions of this section.
 - b. All trees preserved or planted per this section must remain preserved in perpetuity.
 - c. If the requirements of this section are not met at the time of final inspection, a reinspection fee, in an amount established by resolution, will be assessed for any additional inspections.
 - d. Any tree regulated by this section that dies, sustains major damage, or contracts a disease, such that its restoration to a sound condition is impractical, must be replaced by a tree of comparable size and type or a combination of trees having an equal number of tree points. Compliance may be determined by a follow-up inspection that may occur at the discretion of the county.
 - e. Any tree which is required as a replacement to the original C.O. tree is also subject to a follow-up inspection, following its installation.
- (b) This section shall not apply to the following:
 - (1) Properties which meet all of the following criteria:
 - a. The primary principal use is bona fide agriculture;
 - b. The property is zoned for agriculture;
 - c. The future land use map (FLUM) designation is agriculture; and
 - d. The property is not within a development of regional impact (DRI).
 - (2) Developments which received final site plan approval or building permits prior to September 15, 1992, excluding the provisions of section 3-9-100.3(e), heritage trees.
 - (3) Developments, alterations, or additions of one thousand (1,000) square feet or less.
 - (4) Interior remodeling or modifications.
 - (5) Commercial plant and tree nurseries, where plants and trees are grown and/or sold for horticultural purposes.
 - (6) Removal of trees as part of an approved management activity within a preserve or resource conservation area.
 - (7) Cemeteries.
- (c) Minimum tree requirements.
 - (1) For all development regulated by this section, tree points must be preserved or planted according to Exhibit 6: Tree Points for Development Types. A list of trees acceptable for the purpose of this section is provided in Exhibit 8: List of Approved Tree Species.
 - (2) For all landscaping purposes, trees found in the most recent edition of the "Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design," produced by the University of Florida/IFAS, but not listed in Exhibit 8: List of Approved Tree Species may be permitted at the discretion of the zoning official or his/her designee. The applicant must demonstrate that the tree is appropriate for the location. These trees may be considered for tree points.

Exhibit 5: Tree Points

Tree caliper (inches)	Retained Native (Except Palms)	Installed Native (Except Palms)	Non-Native * (Installed or Retained)	Native Palms (Minimum 6' clear trunk)	Preserved or Planted Wax Myrtles (Minimum 6' tall with at least one 2" stem) or 25 sq. ft. Palmetto
2.0	1.0	1.0	0.5	0.5	0.5

3.0	<u>1.5</u>	<u>1.5</u>	1.0	0.5	N/A
4.0	3.5	2.5	<u>1.5</u>	0.5	N/A
5.0	4.0	3.0	2.0	0.5	N/A
6.0	4.5	3.5	2.5	0.5	N/A
7.0	5.0	4.0	3.0	0.5	N/A
8.0	5.5	4.5	3.5	0.5	N/A
9.0 **	6.0	5.0	4.0	0.5	N/A

* From Exhibit 8: List of Approved Tree Species.

** Add 0.5 points for every inch thereafter (except in the case of Palms, Wax Myrtles, and Palmetto).

Exhibit 6: Tree Points for Development Types

Development Type	Number of Tree Points Required
Residential, commercial, and industrial	1 tree point for every 2,000 square feet of development site
Outdoor-oriented recreational activities which require open space and are available to the general public	1 tree point for every 4,000 square feet of development site
Manufactured home parks within a Manufactured Home Park (MHP) Zoning District	2 canopy trees per manufactured home site *

* Palms shall not be considered canopy trees for the purpose of satisfying the tree requirements for manufactured home parks within a manufactured home park (MHP) zoning district.

* Manufactured home parks in MHP zoning district may not "buy out" tree points.

- (3) In order to count toward the minimum tree point requirement, a preserved or planted tree must have a minimum height of eight (8) feet measured from the existing grade to the highest point of the foliage and a minimum caliper of two (2) inches measured twelve (12) inches above the existing grade.
- a. Trees preserved within the minimum required rear and side yard setbacks of the development site may be counted toward the tree point requirement. Trees may be planted anywhere within the development site, including the minimum required rear and side yard setbacks, except where otherwise prohibited by the provisions of this section. A single phase of phased development shall be considered a development site and all the points shall be calculated within that phase.
 - b. Trees preserved or planted within easements may be counted toward the tree point requirement.
 - 1. If a preserved tree located within an easement is removed during the lawful development activity within the easement for which the easement was intended, this loss shall not be held against the landowner or against the conditions of this section, and no action shall be taken against the rightful user of the easement for which it was intended.
 - 2. A list of acceptable trees for tree planting in utility easements near power lines is set forth below in Exhibit 7: Recommended Trees for Planting under Power Lines.

Exhibit 7: Recommended Trees for Planting Under Power Lines

Bottlebrush	(<i>Callistemon spp.</i>)
Crape Myrtle	(<i>Lagerstroemia indica</i>)
Loquat	(<i>Eriobotrya japonica</i>)
Silver Dollar Eucalyptus	(<i>Eucalyptus cinerea</i>)
Sweet Acacia	(<i>Acacia farnesiana</i>)
Wax Myrtle	(<i>Myrica cerifera</i>)

- 3. Trees planted or preserved within easements shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service. Location of underground utility lines shall be determined prior to easement planting.
 - 4. In the event that a tree is planted within an easement and is removed during lawful development activity within the easement for which the easement was intended, this loss shall be the responsibility of the property owner, the tree shall be replaced, and no action shall be taken against the rightful user of the easement for which it was intended.
- c. Trees planted to meet the minimum tree point requirements of this section may not be planted within county rights-of-way.
- (4) While all preserved native palms may be counted toward a development's tree point requirement, no more than twenty-five (25) percent of the required tree points may be obtained from planted native or non-native palms.
 - (5) No more than fifty (50) percent of the required tree points may be obtained from approved non-native trees except that non-native palms shall not count for more than twenty-five (25) percent of total required points per section 3-9-100.3(c)(4).
 - (6) No more than twenty-five (25) percent of the required tree points may be obtained from approved Wax Myrtle which has been planted or preserved.
 - (7) No more than twenty-five (25) percent of the required tree points may be obtained from the approved square footage of preserved Palmetto.
 - (8) Replacement trees must carry plastic tags identifying their species. These tags must be retained until the C.O. is granted.
- (d) Tree removal.
- (1) Prior to the removal of any tree with a caliper four (4) inches or greater, or palm with a clear trunk six (6) feet or greater, the landowner or his/her agent must receive a tree removal authorization signed by an authorized county official.
 - (2) All applicants proposing development must submit the following to the Department at the time of application for building permits and prior to any development activity:
 - a. A tree survey consisting of a scaled drawing indicating:
 - 1. Development site boundaries.
 - 2. Location of all individual trees, other than prohibited species, which have a caliper four (4) inches or greater; the trees' common names; and their approximate calipers measured with a caliper or forestry diameter tape twelve (12) inches from existing grade.
 - 3. A scaled drawing superimposed on the tree inventory illustrating all proposed and existing improvements; which trees are to be removed; and which trees are to be preserved.
 - b. In cases where a tree survey is submitted for a single-family property and is found to be incomplete or incorrect, the county reserves the right to require a signed and sealed tree survey.
 - c. For development requiring site plan review committee approval, tree surveys must be completed by a certified arborist or signed and sealed by registered landscape architect, professional engineer, surveyor, or similar professional.
 - d. Proof that removal of trees is consistent with tree removal criteria in section 3-9-100.3(g) or tree removal authorization

exemptions in section 3-9-100.3(h). If it is determined that the trees to be removed are exempt from removal fees, a memorandum of fee exemption will be issued as proof of compliance. Environmental review fees apply if a site inspection is conducted by county staff, if applicable.

- e. A fee shall be charged for each caliper inch of tree which has been granted tree removal authorization. These fees shall be placed into the native tree replacement fund pursuant to section 3-9-100.3(j).
 - (3) In the event that no trees exist on the development site, the applicant shall not be required to provide the tree inventory. In lieu of this requirement the applicant shall submit a notarized "no tree affidavit."
 - (4) Absolutely no speculative clearing is allowed. Applicant must have either a building permit or final site plan approval prior to county staff authorizing any clearing or tree removal activities.
 - (5) For development requiring site plan review committee approval, all documentation listed above and a landscape plan illustrating the incorporation of both preserved and planted trees, as applicable, into the proposed development must be submitted at the time of preliminary plan submittal.
- (e) Heritage trees. No person shall cut down, remove, relocate, or in any way damage a heritage tree. These trees shall be protected without regard to their location or the date of final development approval.
- (1) The zoning official or his/her designee shall exempt a heritage tree from the terms and provisions of this section if:
 - a. The tree is in advanced stages of decline. Staff reserves the right to request a determination from a certified arborist;
 - b. The tree is located where a structure or improvement allowed as a permitted principal use under zoning regulations is to be located and the applicant has made every effort to accommodate the heritage tree within the design of the structure or improvement. It is the intent of this provision that a permit shall be granted for the removal of a heritage tree only after the applicant has demonstrated an effort to design and locate the proposed structure or improvements to prevent the removal a heritage trees consistent with the permitted use of the property;
 - c. The tree is causing substantial structural or infrastructural damage, to be determined by a qualified engineer of record. The applicant must demonstrate that alternative remedies such as root barriers or trimming are not feasible.
 - (2) All heritage trees shall be replaced on a DBH inch for DBH inch basis. When the zoning official or his/her designee determines that site-specific conditions limit or prevent the replacement of trees on site, the applicant shall pay one hundred fifty dollars (\$150.00) per DBH inch not replanted to the native tree replacement fund.
 - (3) Encroachment under a heritage tree will be allowed only to the extent provided by this section.
 - (4) Heritage trees on existing developed properties may be exempt from the DBH inch replacement and one hundred fifty dollars (\$150.00) per DBH inch fee requirements if the tree is in advanced stages of decline as determined by a certified arborist, or is causing significant structural damage as determined by a professional engineer, or as approved for removal under subsection b above.
- (f) Tree preservation and protection.
- (1) Where healthy trees of appropriate location, species, and quality exist on-site prior to development, efforts shall be made to preserve such trees permanently at natural grade in accordance with the following:
 - a. Prior to the site clearing phase of development, the trees to be preserved shall be protected by the construction of barriers.
 - b. The barriers shall be constructed of wooden (or equivalent) posts at least two (2) inches by two (2) inches, and shall be implanted in the ground deep enough to be stable. The barriers shall be visible, with at least three (3) feet showing above the ground. The protective posts shall be placed not more than six (6) feet apart and shall be linked together using lumber; erosion fabric; net or plastic fence material, or snow fencing. Stakes strung with line or flagging shall not be considered a protective barrier.
 - c. Barriers shall be placed at least six (6) feet from the trunk of any protected palm.
 - d. For tree species other than palms, barriers will be placed at the drip line, except as allowed in an area of encroachment as defined in section 3-9-100.3(f).
 - e. In situations where Palmetto (*Serenoa repens*) occurs as a dense understory to existing oaks, pines, or palms, the existing Palmetto may be used as a living barricade for tree preservation, provided such Palmettos are retained to the dripline of the proposed preserved tree throughout construction. If the minimum square footage (25 sq. ft.) of Palmetto is then retained after construction, such Palmetto may qualify for additional tree points in accordance with section 3-9-100.3(c).
 - f. Where clusters of trees or large areas are to be protected, the area may be designated by barriers placed at the drip line from the outermost trees of the cluster or within the allowable area of encroachment. If the outermost trees are palms, the

barrier shall be placed at least six (6) feet from the trunks of the outermost palm.

- g. Barriers will remain in place until all construction activity, except landscaping, within the protected areas is complete.
 - h. Trees not protected in the manner defined by this section throughout the construction period will not be considered preserved for purposes of this section, except for trees so located that they are one hundred (100) feet or more from the farthest point of development activity.
 - i. No equipment, vehicles, construction materials, temporary structures or buildings, machinery, fill soil, sod, debris, fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or construction chemical of any kind will be placed, allowed to enter, or be stored within the protective barriers established around protected trees or protected areas.
 - j. All anchor straps and wood shall be removed after a minimum of six (6) months and a maximum of one (1) year period as long as the tree has been properly established.
 - k. Temporary sanitation facilities shall not be located within the tree protection areas.
 - l. No damaging attachment, wires (other than support wires for a tree), signs or permits shall be fastened to any tree protected by this section.
- (2) In the event that the preservation techniques referenced in this section are deemed impracticable, trees and tree roots may be encroached upon provided that such encroachment complies with the following conditions:
- a. No more than one-half ($\frac{1}{2}$) of the radius of the tree canopy is impacted. This encroachment shall occur on no more than one (1) side of the tree.
 - b. No more than one-third ($\frac{1}{3}$) of all tree roots found at the outermost limits of the tree's drip line are encroached upon.
 - c. The remaining area of the tree's roots shall be protected by barriers at the drip line throughout construction and shall remain in preconstruction condition during and after construction.
 - d. Paved areas of allowable encroachment shall use techniques that provide for aeration and irrigation of the root system. These techniques include:
 - 1. Substituting gravel or pebbles for typical fill soils; and
 - 2. Using pervious or porous paving materials in the areas of encroachment.
 - e. Supplemental irrigation shall be provided throughout construction in order to mitigate tree stress induced by this encroachment.
- (3) If the development utilizes construction techniques such as pilings or piers, which will not impact tree root systems, the area of allowable encroachment may be exceeded.
- (4) In no event shall a damaged tree, a dead tree, a tree not protected in accordance with the provisions of this section, or a tree not included in Exhibit 8: List of Approved Tree Species, be counted as a preserved or planted tree for purposes of this section.
- (5) On-site inspection for conformance with the provisions of this section shall be conducted by the code compliance division inspectors or authorized county official at any time during a site's development.
- (g) Criteria for issuance of tree removal authorization.
- (1) Tree removal authorization shall be granted only when an authorized county official has determined that the removal is consistent with one (1) or more of the following criteria:
 - a. Trees pose a safety hazard to pedestrian or vehicular traffic or cause disruption to public utility services.
 - b. Trees pose a safety hazard to buildings or structures which cannot be remedied by trimming.
 - c. Trees completely prevent access or cross access to a lot or parcel.
 - d. Trees prevent development or physical use. It is the intent of this provision that a permit shall be granted for the removal of any tree when the applicant has demonstrated an effort to design or locate a proposed site improvements so as to minimize the removal of trees.
 - e. Diseased trees or trees so weakened by age, storm, fire or other injury so as to pose a danger to persons, property, improvements, or other trees.
 - f. In RE or AG zoned districts when required tree points are maintained. If tree points are maintained, excess trees may be removed without the caliper inch fee, but will still require tree removal authorization. Heritage trees shall not be removed unless they meet the criteria for removal in this chapter.
 - (2) Authorization to remove a tree(s), when granted, shall be confined to the tree(s) specifically identified for removal as permitted. Removal of a tree(s) must be performed within six (6) months from the date of issuance of the tree removal authorization or during the development activity for which final SPR approval was granted. Speculative clearing is not permitted.

- (3) Nothing in this section shall be construed to require the removal of any trees by the applicant.
- (h) Tree removal authorization; exemptions.
- (1) The following categories shall be considered exempt from tree removal authorization requirements and per caliper inch fees as provided in this section:
- a. Removal of any tree(s) with less than a four-inch caliper and any palm with less than six (6) feet of clear trunk.
 - b. Dead trees.
 - c. Trees listed as Category I or II on the most recent edition of the Florida Exotic Pest Plant Council's Invasive Plant List.
 - d. The removal of trees located within the footprint and within six (6) feet of the footprint of any building construction at the time of construction.
 - e. Lawful development activities within existing (existing prior to effective date) utility, drainage, and road rights-of-way or easements, for the purposes for which they were reserved, and the expansions of existing (existing prior to effective date) road easements, including associated retention ponds.
 - f. The trimming, cutting, or other alteration to any existing tree, provided such activities are consistent with sound horticultural practices.
 - g. In the event of an emergency such as the approach and imminent landing of a hurricane, windstorms, flood, freezes, fire, or other disasters, the county administrator or his/her designee retains the authority to temporarily waive the requirements of this section.
- (i) Tree replacement. Qualifying, existing trees shall be preserved whenever feasible in order to meet the tree point requirements of this section. Whenever the removal of trees on a development site would result in failure to meet the minimum tree point standards, approved replacement trees shall be planted in sufficient number and size to meet these standards, and the following conditions shall apply:
- (1) All trees selected to meet the requirements of this section shall be chosen from Exhibit 8: List of Approved Tree Species. Other tree species, except prohibited species, may be included on the development site, but shall not be counted toward meeting the requirements of this section. Trees planted in compliance with section 3-9-100.1, buffers, or section 3-9-100.2, landscaping, may be used to help satisfy the requirements of this section, provided they meet the criteria set forth in this section.
 - (2) All trees used in conformance of this section shall meet or exceed the standards for Florida No. 1 as provided by Grades and Standards for Nursery Plants, Part II, Palms and Trees; most recent edition; State of Florida, Department of Agriculture, Tallahassee.
 - (3) The property owner(s) shall be responsible for installing all trees in a sound, professional manner and in accordance with accepted good horticultural techniques, including, but not limited to the following:
 - a. Grow bags and containers shall be completely removed from the root ball prior to planting.
 - b. Burlap shall be sliced in both directions on the sides of the root ball and removed from the top one-third (1/3) of the root ball.
 - c. All twine or wire shall be cut off from around the trunk at the top of the root ball.
 - d. Trees shall be mulched to a minimum depth of two (2) inches and a maximum depth of four (4) inches with organic mulch at least to the perimeter of the root ball.
 - e. The owner(s) or their agent(s) shall provide sufficient soil and water to sustain healthy growth of all trees.
 - (4) Trees with a caliper of four (4) inches or more shall be anchored for a period of at least one (1) year. Single staking of trees shall be prohibited.
 - (5) In the event the property owner is not residing in Charlotte County at the time of C.O. issuance, and (i) chooses to install his/her own trees; or (ii) is not available to care for the newly planted trees, the property owner may, upon written request, post a security deposit either as cash or certified check that is equivalent to the established dollar amount for the development's required number of tree points (i.e., the "buy-out" fee). This cash security deposit is valid for ninety (90) days from the issuance of the C.O.
 - a. Upon inspection and written approval from the code compliance inspector that all tree installation has been met within the allotted ninety-day period, the posted security deposit will be refunded within five (5) working days.
 - b. Should the property owner fail to properly install the required number of tree points in the allotted time, the money will be placed into the native tree replacement fund without further refund.
- (j) Native tree replacement fund.

- (1) The public works department is hereby authorized and directed to administer a native tree replacement fund which consists of mo payment for tree removal authorization and in lieu of planting or preserving trees on developed properties. The community develo department is hereby authorized and directed to collect the monies for payment of the native tree replacement fund. Thus, an app to the department a sum determined by multiplying the number of required tree points which they wish to be excused from prese on a development site times the native tree replacement fee, said fee to be established by resolution of the BCC.
 - a. The department shall keep records of the monies received pursuant to this section.
 - b. The board shall establish, by resolution, a program administered by the public works department which shall apply monies received to the planting of native trees, native shrubs, mulch, installation, design, and irrigation on lands or easements of the county or other government-owned lands. Non-substantive amendments may be made from time to time without action by the BCC as deemed necessary for the administration of the program.
- (k) Slope variance. Notwithstanding other county requirements, and in order to facilitate the policy that preservation is more desirable than replacement, if preservation cannot be accomplished in conjunction with a 6:1 slope but can be accomplished by using a 4:1 slope, then such is authorized. The construction of tree wells and the use of stemwall construction may be used and is encouraged whenever possible to prevent changes in the grade within the drip line of protected trees.
- (l) Water retention/recharge areas. As an additional alternative to present slope requirements, when the use of water retention/recharge areas can be accomplished on-site and is beneficial to trees to be preserved, such retention/recharge areas may be used.
- (m) Prohibited trees. The planting of any prohibited species of tree, as identified in the most recent edition of the Florida Exotic Pest Plant Council's Invasive Plant List as a Category I Invasive Species, shall be strictly prohibited. The planting of trees identified as a Category II Invasive Species is strongly discouraged.
- (n) Banyan trees (*ficus benghalensis*). The planting of banyan trees within fifty (50) feet of any structure or right-of-way is prohibited.
- (o) Prohibited practices. The following practices or procedures shall be considered unlawful in the county, except where exempted:
 - (1) It shall be unlawful practice for any person, firm or agency to "top" or allow to be "topped", or severely prune, so as to appear stunted, any tree.
 - a. All tree pruning shall be conducted according to the most recent edition of the National Arborist Association standards, which are hereby incorporated by this reference.
 - b. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this section.
 - (2) It shall be unlawful for any person, firm, or agency to climb any living tree, using the practice known as "spiking" or "spurring". The practice of "spurring" or "spiking" shall be allowed only to achieve the total removal of a tree for reasons authorized by this section.
- (p) Voluntary planting. The provisions of this section shall not be interpreted to restrict, regulate, or limit the voluntary planting of any tree, other than prohibited trees, in the county. The provisions of this section govern only the planting of trees which are required to be planted or retained as required by this section.
- (q) Variance, appeal and penalty.
 - (1) The board of zoning appeals (BZA) may, upon appropriate application in writing, vary or waive the terms and provisions of this section due to unreasonable hardship in specific cases. The criteria for a variance are as follows:
 - a. Unique or peculiar conditions or circumstances apply to the property.
 - b. The strict literal enforcement of the terms of this regulation would result in demonstrable and undue hardship or deprive the property owners of rights commonly enjoyed by other property owners.
 - c. The requested variance is the minimum modification of these regulations.
 - d. The requested variance is compatible with all other county regulations.
 - (2) The preservation of any approved tree over eighteen (18) inches DBH may be considered by the appropriate county official as the basis for the granting of a variance from the literal application of the provisions of this section and other county regulations.
 - (3) Any party aggrieved by the administrative interpretation or enforcement of this section may appeal to the BZA pursuant to [section 3-9-6](#) of the Charlotte County Code.
 - (4) Penalties for violation.
 - a. Each preserved tree destroyed or suffering detrimental alteration during construction must be replaced by either a tree of comparable size and type, or by tree replacement conditions as provided by this section, before issuance of a C.O.
 - b. No C.O. or power release shall be issued for any development until all applicable approval or restoration plan conditions

- have been accomplished.
- c. Failure to comply with any provisions of this section shall be referred to the code enforcement board, which has the power to levy a fine not to exceed two hundred fifty dollars (\$250.00) per day for each day the violation occurs.
 - d. If an individual fails to obtain the appropriate authorization for any tree removal prior to development, the department may require a fine, which will vary depending on the number of offenses within the calendar year.
 1. For a first offense, the fee is four (4) times the original tree removal fee. In the case of tree removal fee exemptions, the fee is four (4) times the standard processing fee.
 2. For a second offense in one (1) calendar year, the fee is four (4) times the original tree removal fee plus one hundred fifty dollars (\$150.00). In the case of tree removal fee exemptions, the fee is four (4) times the standard processing fee plus five hundred dollars (\$500.00).
 3. For multiple offenses within one (1) calendar year, the fee is four (4) times the original tree removal fee plus one thousand dollars (\$1,000.00) for each occurrence. In the case of tree removal fee exemptions, the fee is four (4) times the standard processing fee plus one thousand dollars (\$1,000.00).
- (5) If an individual falsifies information on any tree form, or does not post the tree permits on the subject property, the department may require a fine, which will vary depending on the number of offenses within a calendar year.
- a. For a first offense, a written warning.
 - b. For a second offense in one (1) calendar year, the fine is fifty dollars (\$50.00).
 - c. For multiple offenses within one (1) calendar year, the fine is one hundred fifty dollars (\$150.00) for each occurrence.
- (6) For violations to any prohibited practice or planting a prohibited tree, the department may require a fine, which will vary depending on the number of offenses within a calendar year.
- a. For a first offense, a written warning requiring the removal of the prohibited tree.
 - b. For a second offense in one (1) calendar year, the fine is one hundred dollars (\$100.00) and the violation will be forwarded to the code enforcement division to open a code case requiring the removal of the prohibited tree).
 - c. For multiple offenses within one (1) calendar year, the fine is two hundred dollars (\$200.00) for each occurrence, and the violation will be forwarded to the code enforcement division to open a code case requiring the removal of the prohibited tree.

Exhibit 8: List of Approved Tree Species

Approved (For Tree Points) Canopy Tree Species—Native

American Hophornbeam (*Ostrya virginiana*)

American Elm (*Ulmus americana*)

Bald Cypress (*Taxodium distichum*)

Cherry Laurel (*Prunus caroliniana*)

Coconut Palm (*Cocos nucifera*)

Florida Elm (*Ulmus Americana var. floridana*)

Florida Royal Palm (*Roystonea elata*)

Florida Scrub Hickory (*Carya floridana*)

Green Ash (*Fraxinus pennsylvanica*)

Gumbo-Limbo (*Bursera simaruba*)

Jamaican Dogwood (*Piscidia piscipula*)

Laurel Oak (*Quercus laurifolia*)

Live Oak (*Quercus virginiana*)

Loblobby Bay (*Gordonia lasianthus*)

Loblolly Pine (*Pinus taeda*)
Longleaf Pine (*Pinus palustris*)
Mahogany (*Swietenia mahagoni*)
Mastic (*Sideroxylon foetidissimum*)
Persimmon (*Diospyros virginiana*)
Pigeon Plum (*Coccoloba diversifolia*)
Pignut Hickory (*Carya glabra*)
Pond Cypress (*Taxodium ascendens*)
Red Cedar (*Juniperus virginiana*)
Red Maple (*Acer rubrum*)
Sabal or Cabbage Palm (*Sabal palmetto*)
Sand Pine (*Pinus clausa*)
Sassafras (*Sassafras albidum*)
Shumard Oak (*Quercus shumardii*)
South Florida Slash Pine (*Pinus elliottii* var. *densa*)
Southern Magnolia (*Magnolia grandiflora*)
Southern Red Maple (*Acer rubrum*)
Southern Red Oak (*Quercus falcata*)
Strangler Fig (*Ficus aurea*)
Swamp Chestnut Oak (*Quercus michauxii*)
Swamp Tupeolo or Black Gum (*Nyssa sylvatica*)
Sweetbay Magnolia (*Magnolia virginiana*)
Sweetgum (*Liquidambar styraciflua*)
Sugarberry or Hackberry (*Celtis laevigata*)
Sycamore (*Platanus occidentalis*)
Tulip Tree (*Liriodendron tulipifera*)
Turkey Oak (*Quercus laevis*)
Water Oak (*Quercus nigra*)
Water Hickory (*Carya aquatica*)
Water Tupelo (*Nyssa aquatica*)
Wild Tamarind (*Lysiloma latisiliquum*)
Winged Elm (*Ulmus alata*)

Approved (For Tree Points) Canopy Tree Species—Non-Native

Black Olive (*Bucida buceras*)
Golden Rain Tree (*Koelreuteria formosana*)

Jacaranda (*Jacaranda acutifolia*)

Royal Poinciana (*Delonix regia*)

Other Canopy Trees Which May Be Used, But Not for Tree Points

Queen Palm (*Syagrus romanzoffiana*)

Washington or Petticoat Palm (*Washingtonia robusta* or *Washingtonia filifera*)

Approved (For Tree Points) Understory Tree Species—Native

American Holly (*Ilex opaca*)

Baycedar (*Suriana maritima*)

Black Ironwood (*Krugiodendron ferreum*)

Black Mangrove (*Avicennia germinans*)

Blolly (*Guapira discolor*)

Bustic Willow (*Sideroxylon salicifolium*)

Button Bush (*Cephalanthus occidentalis*)

Buttonwood (*Conocarpus erectus*)

Catclaw Blackbeard (*Pithecellobium unguis-cati*)

Chapman Oak (*Quercus chapmanii*)

Chinquapin (*Castanea pumila*)

Cherry Laurel (*Prunus caroliniana*)

Coastal Plain Willow (*Salix caroliniana*)

Cocoplum (*Chrysobalanus icaco*)

Common Pawpaw (*Asimina triloba*)

Dahoon Holly (*Ilex cassine*)

East Palatka Holly (*Ilex opaca* "East Palatka")

Florida Fiddlewood (*Citharexylum fruticosum*)

Florida Thatch Palm (*Thrinax radiata*)

Florida Willow (*Salix floridana*)

Flowering Dogwood (*Cornus florida*)

Fringetree (*Chionanthus virginicus*)

Geiger Tree (*Cordia sebestena*)

Heart Leaved Willow (*Salix eriocephala*)

Hercules-Club or Toothache-Tree (*Zanthoxylum clava-herculis*)

Hornbeam or Muscledwood (*Carpinus caroliniana*)

Lime Prickly-Ash (*Zanthoxylum fagara*)

Myrtle Oak (*Quercus myrtifolia*)

Pond Apple (*Annona glabra*)

Pop Ash (*Fraxinus caroliniana*)
Red Bay (*Persea borbonia*)
Red Buckeye (*Aesculus pavia*)
Redbud (*Cercis canadensis*)
Red Mangrove (*Rhizophora mangle*)
Red Mulberry (*Morus rubra*)
Rusty Lyonia (*Lyonia ferruginea*)
Sand Live Oak (*Quercus geminata*)
Satinleaf (*Chrysophyllum oliviforme*)
Scrub Oak (*Quercus inopina*)
Sea Grape (*Coccoloba uvifera*)
Southern Crabapple (*Malus angustifolia*)
Southern Red Cedar (*Juniperus virginiana*)
Spicewood (*Calyptrotrichia pallens*)
Stoppers (*Eugenia spp.*)
Summer Haw (*Crataegus flava*)
Sweet Acacia (*Acacia farnesiana*)
Swamp Dogwood (*Cornus foemina*)
Titi (*Cyrilla racemiflora*)
Walter Viburnum (*Viburnum obovatum*)
Wax Myrtle (*Myrica cerifera*)
White Geiger (*Cordia globosa*)
White Mangrove (*Languncularia racemosa*)
Winged Sumac (*Rhus copallinum*)
Witch Hazel (*Hamamelis virginiana*)
Yaupon Holly (*Ilex vomitoria*)

Approved (for tree points) Understory Tree Species—Non-Native

Shady Lady Black Olive (*Bucida buceras 'Shady Lady'*)
Bottlebrush (*Callistemon spp.*)
Chinese Elm (*Ulmus parvifolia*)
Crape Myrtle (*Lagerstroemia indica*)
Jerusalem Thorn (*Parkinsonia aculeata*)
Loquat (*Eriobotrya japonica*)
Silver Dollar Eucalyptus (*Eucalyptus cinerea*)
Silver Palm (*Coccothrinax argentata*)

Tree of Gold (*Tabebuia argentea*)

Trumpet Tree (*Tabebuia spp.*)

Yellow Poinciana (*Peltophorum pterocarpum*)

Other Understory Trees Which May Be Used, But Not for Tree Points

Ligustrum (*Ligustrum spp.*)—Only species not found on the Florida Exotic Pest Plant Council's List of Invasive Species

(Ord. No. 2015-018, § 1(Exh. A), 4-28-15; Ord. No. 2015-055, § 1(Exh. A), 12-8-15; Ord. No. 2018-020, § 1(Exh. A), 5-22-18)