

Land Development Regulations  
Chapter 3-9. Zoning  
Article IV. Site Design Standards and Requirements

Sec. 3-9-91: Buffers, Landscaping, and Tree Requirements

~~ARTICLE XVIII. -- LANDSCAPING AND BUFFERS~~

~~DIVISION 1. -- GENERALLY~~

Sec. 3-9-91. Buffers, Landscaping, and Tree Requirements

(a) ~~Sec. 3-5-391. -- Purpose.~~

(b~~1~~) ~~Buffers.~~ The purpose of the buffering provisions ~~of this article~~ is to establish standards for transitional landscape buffers and screening. Certain uses of property when abutting each other may be incompatible and create conflicts that may be reduced or eliminated by transitional buffers. These standards are intended to provide a comprehensive and consistent, yet flexible framework for providing adequate transitional buffer areas and screening between abutting incompatible uses. These standards are intended to improve the appearance of the county by eliminating or minimizing potential nuisances such as noise, lighting, unsightly buildings and structures, the visibility of outdoor aspects of intensive land uses, and off-street parking and loading areas, as well as assist in soil conservation and the natural control of air and water pollution and ensure the compatibility of different land uses over time.

(a~~2~~) ~~Landscaping.~~ The purpose of the landscaping provisions ~~of this article~~ is to establish standards for landscaping areas associated with parking, traffic circulation, and other vehicular use. These standards are intended to provide a comprehensive and consistent, yet flexible, framework for landscaping intended to improve the appearance of the county by creating green space where development occurs, enhance soil conservation and the natural control of air, thermal, and water pollution, and ensure the compatibility of different land uses over time.

(3) ~~Tree Requirements.~~ The purpose of the tree requirements provisions of this article is to establish standards for the planting, preservation, and removal of trees. These standards are intended to provide a comprehensive and consistent, yet flexible framework for tree requirements intended to improve the appearance of the County by encouraging the proliferation of native trees and native vegetative cover, as well as relocation or replacement where necessary, and to control and eliminate invasive non-native species. Protection of trees and native vegetation is intended to promote carbon dioxide absorption, oxygen production, dust filtration; reduction of noise, wind, and glare; soil stabilization and enrichment; erosion prevention, surface drainage improvement and aquifer recharge; water pollution reduction, wildlife habitat, energy conservation, temperature moderation, the economic enhancement of improved and vacant lands; scenic beauty, quality of life, and the health, safety, welfare, and well-being of the County.

(b) ~~Sec. 3-5-392. -- Definitions.~~

Unless otherwise specifically stated in this ~~section~~article, or unless otherwise clearly indicated by the context, the following terms when used in this ~~section~~article shall have the meanings indicated ~~as follows in this section:~~

- (1) ~~Abutting: see "Adjacent". shall have the same meaning and the same limitations as adjacent.~~
- (2) ~~Accent tree or understory tree: means the trees referenced as accent trees or understory trees in Exhibit 9 8: List of Approved Tree Species hereto.~~
- (3) ~~Access aisle: means the principal means of vehicular ingress and egress to abutting property from a street, right-of-way, or easement.~~
- (4) ~~Active use - park: s means all recreational parks with the exception of those used primarily as nature trails, mitigation banks, or for environmental study and interpretation.~~
- (5) ~~Adjacent: means~~ contiguous, next to. When determining whether one land use or zoning district is adjacent to another, the existence of an intervening natural or man-made waterway (measured between mean high water lines or apparent high water lines), drainage facility, greenbelt, alley, or right-of-way which, alone or in

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combination are less than ~~two hundred (200)~~ feet in width, shall not be considered and the properties shall be treated as adjacent. ~~The term adjacent is used interchangeably with abutting.~~

- (6) ~~Alley~~ means any public or private right-of-way intended to be used as a secondary means of access or service to abutting properties and not intended for general traffic circulation.
- (7) ~~Barrier~~ means a durable opaque structure or hedge at least three ~~(3)~~ feet high used within the parking lot screening or decorative perimeter.
- (8) ~~Buffer~~ means the area required to be constructed and maintained as provided in ~~division 3 of this article~~ Section. 3-9-91.1.
- (9) ~~Canopy tree~~ means any of the trees referenced as canopy trees in Exhibit 8; List of Approved Tree Species ~~Exhibit 9 hereto.~~
- ~~(9)~~(10) Caliper: the diameter of a tree trunk, in inches, measured at ~~twelve (12)~~ inches above the existing grade ground level.
- ~~(10)~~(11) Damaged tree: a tree that has been wounded (bark scraped or removed, limbs removed or shattered, roots cut or crushed) to an extent that survival is unlikely.
- ~~(11)~~(12) Decorative perimeter landscaping: ~~means~~ the planted space between the right-of-way and that part of the perimeter of the property not used as parking area.
- ~~(12)~~(13) Department: means the Charlotte County Community Development Growth Management Department.
- ~~(13)~~(14) Development or development activity: any non-agricultural activity that may include the following:
- a. Clearing, scraping, mulching, grinding, or removing tree(s) or vegetation from a site.
  - b. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, grubbing, or otherwise significantly disturbing the soils of a site.
  - c. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; and mining, excavation, landfill, or land disturbance, and any use or extension of use of the land. ~~shall have the meaning set forth in section 3-2-186 of this Code.~~
- (15) Development site: that portion of a plot or parcel upon which development occurs.
- (16) Diameter at Breast Height (DBH): the diameter of the tree trunk measured at 54 inches from the existing grade. Multi-trunk trees are also measured at 54 inches and the diameters of each trunk are cumulative.
- ~~(14)~~(17) Drip line: ~~The~~ outermost perimeter of the crown of a tree as projected vertically to the ground, ~~as illustrated on Exhibit A.~~
- (18) Establishment period: ~~means~~ the time between planting and new root growth. During the establishment period, regular supplemental watering to the root zone is required.
- (19) Florida-F-friendly: use of low-maintenance native plants and environmentally-sustainable landscaping practices that help to preserve Florida's natural resources and protect the environment. ~~means water-conserving, drought-tolerant landscaping techniques using appropriate native plants and non-invasive plants which require relatively little attention and relatively little water to thrive. This term is also known as Xeriscaping.~~
- Future land use map or FLUM means the map contained in the county's comprehensive plan, as amended.
- (20) Ground cover: ~~means~~ low growing plants, other than turf grass, normally reaching an average maximum height of not more than ~~twenty-four (24)~~ inches at maturity, planted in such a manner as to form a continuous cover over the ground.
- (21) Hedge: ~~means~~ a row of closely planted shrubs intended and designed to form an interlocking, continuous boundary or screen.

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- ~~(15)~~(22) Heritage tree: A tree and its root system within the Cypress (*Taxodium spp.*), Oak (*Quesrcus spp.*), and Pine (*Pinus spp.*) of the species listed in Figure 1 whose circumference, height and crown measurements cumulatively meet or exceed the minimum points for the species as outlined in Figure 2. In order to qualify as a heritage tree, the tree shall be measured and scored based on the point system outlined in Figure 2, which has a minimum 30-inch trunk diameter at DBH. In the case of multi-stemmed trees where there is a union of wood above grade, the DBH shall be measured at each stem and added together to reach a minimum of a 45-inch diameter.
- (23) Landscaping: means grass, ground cover, mulch, shrubs, vines, hedges, trees, berms, and complementary structural landscape features such as rock, foundations, sculpture, decorative walls and tree wells.
- (24) Native tree: Any individual tree of a listed as a native species listed in Figure 3-Exhibit 8: List of Approved Tree Species. Damaged trees do not qualify as native trees for the purposes of planting or preservation.
- ~~(16)~~(25) Native Tree Replacement Fund: A fund established to provide money for the purpose of planting trees on government-owned properties.
- (26) Native vegetation: means any plant species with a geographic distribution indigenous to the Southwest Region of Florida.
- (27) Natural ground level: The elevation and grade of the parcel that existed prior to development activity.
- ~~(17)~~(28) No tree affidavit: A signed, notarized statement by the landowner or his-her agent stating that no trees exist upon the site.
- (29) Outdoor storage yard: means any use of property where items such as boats, vehicles, recreational vehicles, contractor supplies, construction materials and other similar items are stored in other than a completely enclosed building.
- (30) Parking area: means the total area designated on the landscape plan for the off-street parking of vehicles, including vehicles held for sale, and includes driveways, ingress and egress lanes, specialized vehicular use areas, walkways, and aisles.
- (31) Parking lot screening: means the planted space between the right-of-way and the parking area.
- (32) Perimeter landscape strip: means the planted space between a right-of-way and subject property. The term includes parking lot screening and decorative perimeter landscaping.
- (33) Planted tree: A tree which has been nursery grown for resale or otherwise transplanted.
- (34) Preserved tree: A tree preserved on-site which has been barricaded or is located 100 feet or more from the farthest point of development and will count towards a development's minimum tree requirement.
- (35) Prohibited tree: ~~Trees~~ a tree of undesirable or exotic species which disrupts natural habitats or are otherwise destructive. ~~The following trees shall be considered prohibited:~~ Trees listed as Category I Invasive Species on the most recent edition of the Florida Exotic Pest Plant Council's Invasive Plant List shall be prohibited. Trees listed as Category II Invasive Species are highly discouraged and cannot be counted towards a development's minimum tree requirements. Trees listed in Exhibit 9: Prohibited Plants and/or as Category I Invasive Species shall be removed during site preparation.
- (36) Screening: refers to fences, walls, berms, trees, shrubs, vegetation or a combination of any of these items used as screening devices.
- (37) Shrub: means a woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk; any self-supporting, woody, evergreen and flowering perennial plant (excluding prohibited plants) characterized by multiple stems growing continuously from the base.
- (38) Sight triangle: means the triangular area at the intersection of two vehicular travel ways where a driver's vision of oncoming traffic must remain unobstructed. ~~Two (2) sides of the~~ Such sight triangles shall consist of ~~are formed by two (2) forty4030-foot segments running at the edge of a the right-of-way or, easement or driveway, which meet at the intersection, and T~~ the third side is the line connecting the ends of the ~~forty430-~~

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foot segments farthest from the intersection. ~~For driveways, sight triangles shall consist of two 20-foot segments running at the property line, and the third side is the line connecting the ends of the 20-foot segments farthest from the intersection. [Note that the shape will be roughly triangular wherever the travel way is curved.] Within this area~~ There shall be a clear space with no obstruction to vision between a height of two (2) feet and a height of six (6) feet above grade; ~~trees shall be permitted in the clear space if there is no foliage between these heights. The County Engineer may approve alternative sight triangles under circumstances where the requirements of this section cannot be met.~~

~~(39)~~ Site Plan Review (SPR): Staff review of development applications, formerly known as Development Review Committee (DRC).

~~(40)~~ Specialized vehicular use areas: ~~means~~ areas used for new or used motor vehicles, equipment, boats, local and inter-urban passenger bus terminals and service facilities, and motor freight terminals and loading docks. The term does not include areas set aside for access, employee parking, or areas open to public parking.

~~(18)~~~~(41)~~ Spiking (also known as “spurring”) or spurring: ~~The use of any metal gaff device, to aid in tree-climbing in order to remove branches, limbs, or leaves from a tree.~~

~~(19)~~~~(42)~~ Topping: ~~(also known as “stubbing,” “heading,” “heading-back,” “stubbing off,” “tipping,” “hatracking,” “topping-off,” “dehorning,” “lopping,” “roundover,” “cut-over”); “lollipopping;” trimming of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree. refers to the trimming of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree. The term is also known as stubbing, heading, hatracking, heading-back, stubbing off, tipping, topping-off, dehorning, lopping, roundover, and cutover).~~

~~(43)~~ Tree: ~~means~~ a self-supporting woody plant, (or palm with six (6) feet of clear trunk,) of a species normally growing to a mature height of at least ~~fifteen (15)~~ feet.

~~(44)~~ Tree points: a number calculated according to ~~Exhibit Figure 356: Tree Points for Development Types, located contained in Sec. 3-9-91.3: Tree Requirements.~~

~~(45)~~ Vegetation: the plant life in a particular area or region.

—— Vines: ~~mean~~ any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets, or by means of tendrils, or which may simply sprawl over the ground or other plants.

~~(46)~~

—— ~~Sec. 3-5-393. Table and exhibits.~~

The following tables and exhibits are adopted by reference and declared to be a part of this article:

- (a) —— Table 1A, Table of Buffer Type Requirements;
- (b) —— Exhibits 1 through 5, Buffer Type Illustrations;
- (c) —— Exhibits 6 and 7, Berm, Wall, and Fence Illustrations;
- (d) —— Exhibit 8, Sample Buffer Illustration;
- (e) —— Exhibit 9, List of Canopy Trees, Accent Trees and Understory Trees; and
- (f) —— Exhibit 10, List of Prohibited Species.

~~(c) Sec. 3-5-394. Applicability.~~

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- (1) ~~(a)~~ — The provisions of this ~~section article~~ shall apply only in the unincorporated areas of Charlotte County. For the purposes of buffering, landscaping, and tree requirements, all residential properties consisting of three or more units shall be considered multi-family properties, regardless of ownership, and are subject to the provisions of this section.
- ~~(b)~~ — The provisions of this article do not apply to:
- ~~(1)~~ Paved areas used for parking and other vehicular uses that serve single family residences or two-family residences, or
  - ~~(2)~~ Paved areas associated with permitted principal uses within the agricultural zoning districts (AG and AE).
- (2) ~~(c)~~ — The provisions of this ~~section article~~ shall not be construed as prohibiting additional trees, plant material, screening, or buffering beyond that which is required by this ~~section article~~ or to prohibit the improvement of landscape buffers existing on the effective date of this ~~section article~~.
- (3) ~~(d)~~ — Properties that require buffers and landscaping may not "buy out" the tree points.
- (4) ~~(e)~~ — Whenever both perimeter landscaping and a buffer are required on the same location on a parcel, the more intensive landscaping requirements apply.

(d) Sec. 3-5-395. Landscape plan.

- (1) ~~(a)~~ — Florida-F-friendly design principles shall be employed in all landscape plans.
- (2) ~~(b)~~ — All applicants subject to the provisions of this ~~article section~~ shall submit a landscape plan as required by the Department. The number of copies to be submitted shall be determined by the Department.
- (3) ~~(c)~~ — The landscape plan must be approved prior to the issuance of the associated building permit.
- (4) ~~(d)~~ — For development requiring site plan approval, the landscape plan shall be submitted with or prior to the application for preliminary approval and must be approved prior to final site plan approval.
- (5) ~~(e)~~ — Landscape plans shall:
- a. ~~(1)~~ Be signed and sealed by a Registered Landscape Architect ~~landscape design professional~~ as defined by F.S. Ch. 481.
  - b. ~~(2)~~ Be drawn to scale, including all dimensions, distances, and acreage;
  - c. ~~(3)~~ Show the square footage and location of the existing and proposed parking spaces, specialized vehicular use areas, access aisles, and driveways;
  - d. ~~(4)~~ Indicate all utility and drainage easements, existing and proposed utility lines, buildings, structures, stormwater retention and detention areas, and similar features;
  - e. ~~(5)~~ Indicate all abutting public rights-of-way;
  - f. ~~(6)~~ Identify the zoning of the subject property and all adjacent parcels;
  - g. ~~(7)~~ Indicate the type, location and features of the irrigation system for the required landscaping, ~~including~~, including times, sensors, zones, and water source as applicable;
  - h. ~~(8)~~ Provide an irrigation narrative on the landscape plan stating the features used to provide for the efficient use of water including: sensors which prevent watering during rain or when the ground is saturated, timers to water during optimal watering hours, and placement of vegetation in zones based on watering needs as applicable;

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- i. ~~(9)~~ Identify and describe the location and characteristics of all landscape materials to be installed including the square footage and dimensions of all planters and landscape islands;
  - j. ~~(10)~~ Show all landscape features, including areas of vegetation required to be preserved, in context with the location of existing and proposed buildings and other improvements on the site;
  - k. ~~(11)~~ Indicate in table format the number, species and caliper of trees to be planted or preserved, the gross acreage of the development site and the square footage of paved areas;
  - l. ~~(12)~~ Show all measures taken to protect landscape elements from damage caused by vehicles, including curbing, edging, wheel stops, raised planting surfaces, and other protective measures;
  - m. ~~(13)~~ Indicate proposed grades if existing vegetation is to be retained within the buffer;
  - n. ~~(14)~~ Show all measures to be taken to alter any greenbelts, easements, native shoreline or riparian vegetation which is being used to satisfy the requirements of this section~~article~~;
  - o. ~~(15)~~ Graphically show sight triangles.
- (6) Due to unique circumstances, the above requirements may be modified during a landscape plan review meeting with the Zoning Official or his/her designee.

(e) Sec. 3-5-396. -- Installation standards.

- (1) ~~(a)~~ — All landscaping shall be installed in conformance with the landscape plan approved by the Department or Site Plan Review final approval.
- (2) ~~(b)~~ — All landscaping required by this section ~~article~~ (except sod) shall be installed by persons or entities properly licensed or qualified pursuant to Article I, Chapter 3-2, Buildings and Building Regulations ~~article 1~~, of this County Code of Ordinances.
- (3) ~~(c)~~ — All landscaped areas and buffers shall be protected from vehicles by curbing or wheel stops (minimum five ~~(5)~~ inches in height) when adjacent to pavement. In addition, the Department may approve the limited use of durable barriers, such as bollards and boulders.
- (4) ~~(d)~~ — Tree pruning shall be conducted according to the most recent ~~latest~~ edition of the National Arborist Association standards.
- (5) ~~(e)~~ — It is unlawful to top any tree regardless of development approval date.
- (6) ~~(f)~~ — Landscaping shall not interfere with or obstruct existing or proposed overhead or underground utilities.
- (4) ~~(g)~~ — The property owner may choose to postpone installation of the required landscaping and/or buffering to the rainy season (June through ~~u~~ October). In order to request this one-time option, the owner may submit a notarized affidavit to the Zoning Official stating that they choose to postpone the installation and understand that the landscaping and/or buffering must be installed as specified in the approved landscape plan by a specific date ~~(which must be approved by the Zoning Official.)~~ No extensions shall be granted. The owner shall be responsible to ensure stabilization of the site until such time as the landscaping is installed. Site stabilization may be accomplished by utilizing seed and mulch or other alternative methods, as may be approved by the Zoning Official.
- (7) \_\_\_\_\_

(f) Sec. 3-5-397. -- Planting standards.

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- (1) ~~(a)~~ — All plants, except transplanted plants, shall meet or exceed the quality standards for Florida No. 1 ~~or better~~, as provided by Grades and Standards for Nursery Plants, Parts I and II, most recent~~latest~~ edition, State of Florida, Department of Agriculture, Tallahassee.
- (2) ~~(b)~~ — ~~Tree size:~~ Trees used for points must have a minimum diameter (as measured by caliper or forestry diameter tape) of two ~~(2)~~ inches measured at ~~twelve (12)~~ inches above the existing grade~~soil line~~, have a minimum height of eight ~~(8)~~ feet at installation, and be listed on the approved tree list (Exhibit 98); List of Approved Tree Species. Trees not on the approved tree list may be counted for points at the discretion of the Zoning Official or his/her designee.
- (3) ~~(c)~~ — Palm trees used for points must have a minimum of six ~~(6)~~ feet of clear trunk and be listed on Exhibit 8: List of Approved Tree Species~~the approved tree list (Exhibit 9).~~
- (4) ~~(d)~~ — Required trees not needed for tree points must:
- a. ~~(1)~~ Have a minimum diameter, measured by caliper or forestry diameter tape, of one ~~(1)~~ inch measured ~~twelve (12)~~ inches above the soil line;
  - b. ~~(2)~~ Have a minimum height of six ~~(6)~~ feet at installation; and
  - c. ~~(3)~~ Be listed on Exhibit 8: List of Approved Tree Species~~the approved tree list (Exhibit 9)~~, or be approved by the Zoning Official or his/her designee~~department~~.
- (5) ~~(e)~~ — ~~Tree species mix:~~ When more than ~~ten (ten10)~~ trees are required, a mix of species shall be planted as provided in the table below. No individual species shall comprise more than ~~sixty (60)~~ percent of the tree species mix. This subsection does not apply to areas of vegetation which have been preserved in the natural state.

**Exhibit 1: Tree Species Mix**

Required Number of Trees	Minimum Number of Species
11—20	2
21—30	3
31—40	4
41+	5

- (6) ~~(f)~~ — Shrubs and hedges for decorative perimeter and interior landscaping must be a minimum ~~twelve (12)~~ inches in height upon planting, be spaced ~~eighteen (18)~~ to ~~thirty-six (36)~~ inches on center determined by the type of plant used, and be of the type that reach at least ~~twenty-four (24)~~ inches on maturity.
- (7) ~~(g)~~ — Hedges for parking lot screening and buffers must be a minimum ~~eighteen (18)~~ inches in height upon planting, be spaced and maintained in order to form a continuous, solid visual screen within one ~~(1)~~ year ~~from of~~ planting, and be of the type that reach at least ~~forty-eight (48)~~ inches on maturity.

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- (8) ~~(h)~~ — Hedges used to replace an existing buffer wall must be at least four ~~(4)~~-feet tall (~~ten~~-gallon plant) at installation.
- (9) ~~(i)~~ Vines shall be a minimum of ~~twenty-four~~ (24) inches in height at time of planting.
- ~~(j) Ground cover.~~
- (10) ~~(1)~~ — Ground cover shall be planted in such a manner as to present a finished appearance, provide soil stabilization and shall be used with a mulch ~~when~~ if the ground is not completely covered by the ground cover at the time of planting. The height and size (gallon) of ground cover do not have to be designated on the landscape plan.
- ~~(2) Ground cover not meeting the initial ground cover requirements may be approved by the Department if the applicant establishes that the ground cover has water conservation properties.~~
- (11) ~~(k)~~ — Grass.
- a. ~~(1)~~ Areas to be planted with grass may be sodded, plugged, sprigged or seeded using strains that are drought-resistant and/or require minimal watering/low water using strains.
- b. ~~(2)~~ Solid sod must be used in swales and other areas subject to erosion, including retention and retention/detention ponds. DRetention/detention pond floors may be seeded.
- c. ~~(3)~~ Seeded areas must be sufficiently seeded to produce a ground cover within ~~thirty~~ (30) days.
- ~~(4) No more than twenty-five (25) percent of required landscaping may be planted in turf grass.~~
- (12) ~~(l)~~ All clearing, grading, installation and site preparation shall be done in accordance with this Code.
- (13) ~~(m)~~ — Existing vegetation used to meet the requirements of this section article shall be protected by the measures provided in ~~chapter 3-2, article IX of this Code~~ Sec. 3-9-91.3: Tree Requirements.
- (14) ~~(n)~~ — Where overhead power lines exist or are planned, the required canopy trees shall be replaced with trees approved for planting under power lines, as shown on Exhibit 7: Recommended Trees for Planting Under Power Lines.
- (15) ~~(o)~~ — Alterations to landscaping and buffers require the prior written permission of the Department.
- (16) ~~(p)~~ — Prohibited species. It is unlawful to plant any of the prohibited species identified as Category I in the most recent edition of the Florida Exotic Pest Plant Council's List of Invasive Plant Species, and/or in Exhibit 409: Prohibited Plants. In addition, all the prohibited species Australian pine, Brazilian pepper, melaleuca and downy rose myrtle must be removed during site preparation.
- (17) For 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 trees are appropriate for the location. These trees may be considered for tree points.

— ~~Sec. 3-5-398. Irrigation.~~

- (a) ~~[In general.] All required landscaping and buffers may be served by an automatic irrigation system designed to eliminate the application of water to impervious areas and reduce impacts to existing native vegetation. All required landscaping and buffers shall be irrigated during the establishment period. The applicant may use a temporary irrigation system or hand watering if the applicant can demonstrate that such an approach will provide adequate water for plant survival. All alternative plans of irrigation must be approved by the zoning official.~~
- ~~(b) Irrigation design standards. The following standards shall apply to the design, installation, and maintenance of the irrigation systems:~~

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- ~~— (1) Automatic rain and soil moisture sensing devices shall be installed with irrigation systems in accordance with industry standards.~~
- ~~— (2) Drip or micro-jet irrigation should be used where possible.~~
- ~~— (3) Low trajectory spray nozzles are encouraged.~~
- ~~— (4) No above ground impact heads are permitted.~~
- ~~— (5) Irrigation systems shall use the lowest quality water available which will adequately and safely meet the water needs of the landscaping. Shallow wells approved by Florida Department of Environmental Protection, or water management district may be used as an alternative to potable water.~~
- ~~— (6) Planted detention areas and undisturbed natural areas do not require irrigation systems, provided however that the property owner is responsible for providing irrigation for supplemental plants within natural areas and plants within detention areas.~~
- ~~— (7) Irrigation systems must be properly maintained and operated in a manner consistent with watering restrictions established by the applicable water management district or local authority, whichever are stricter.~~

(g) Sec. 3-5-399. --Maintenance.

- (1) (a) —Plantings, fences, walls, berms and irrigation systems required by this section article must be maintained in good repair. Landscaped and buffer areas must be kept free of litter and debris.
- (2) (b) —~~Damage.~~ Damage to any of the landscaping or structures required by this section article shall be replanted or replaced, as applicable, within ~~ninety (90)~~ one hundred eighty (180) days or one ~~(1)~~ growing season, whichever is sooner. Damage to a required fence or wall by a natural disaster shall be repaired within ~~one hundred eighty (180)~~ one hundred eighty (180) days.
- (3) (c) —It is unlawful to violate any of the provisions of this section article.
- (4) (d) —The Department may enforce compliance with this section article as provided by law and may perform reasonable inspections to insure continued compliance.

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- (5) (a) [In general.] All required landscaping and buffers may be served by an automatic irrigation system designed to eliminate the application of water to impervious areas and reduce impacts to existing native vegetation. All required landscaping and buffers shall be irrigated during the establishment period. The applicant may use a temporary irrigation system or hand watering if the applicant can demonstrate that such an approach will provide adequate water for plant survival. All alternative plans of irrigation must be approved by the Zoning Official or his/her designee.

(h) Sec. 3-5-400. --Florida-F-friendly landscaping.

- (1) (a) —~~In general.~~ Florida-F-friendly landscaping is based on Xeriscaping principles and has as its purpose reducing water consumption while enhancing both the beauty and hardiness of Florida landscaping. By proper design choices, a Florida-F-friendly landscape requires less irrigation and makes better use of the water it does receive. While there is no single fixed Florida-F-friendly landscape, all Florida-F-friendly landscapes share a set of design principles. Proposed landscape plans shall be considered based on the following "Florida-F-friendly" principles.

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~~(2) (b)~~ — Design principles.

~~a. (1)~~ Design with awareness of ~~site~~ ~~right~~ conditions. Plants should be chosen that are suited to existing site conditions ("the right plant in the right place"). Soil amendments or terrain features can be added to create favorable conditions for plants that would not ordinarily thrive on the site. Native plants have a proven track record of thriving under native conditions with little or no supplemental water. The selection of drought tolerant plants will ensure a drought tolerant landscape even if severe water restrictions are imposed.

~~b. (2)~~ Group plants according to their water requirements. Physically concentrating high water usage plants, medium water usage plants, and low water usage plants in separate areas will allow the design of high, medium, and low water usage zones that provide the plants with the necessary amount of water, without waste.

~~c. (3)~~ Take steps to retain moisture in the soil. Use of organic mulches, such as pine straw, instead of inorganic materials, such as crushed rock, will promote the absorption of water by the soil as well as enhance water retention. Shade provided by established canopy trees reduces evaporation and allows a moist local environment. Avoid watering in the heat of the day to minimize evaporation. Amend fast draining sand soils with organics such as peat to enhance water retention. Careful application of irrigation with properly sized, adjusted, and timed irrigation heads will minimize water loss through evaporation, run-off, and excessive saturation.

~~d. (4)~~ Minimize the high maintenance costs of the landscape. Devoting less area to turf grass, using it as an accent rather than the main emphasis of the landscape, will reduce water use, maintenance costs, pesticide costs and fertilizer costs. Low maintenance trees and shrubs cost less in long term maintenance and resources as well as offering possibilities of more attractive designs.

~~a. (c) [Required.]~~ Florida-F friendly design principles shall be employed in all landscape plans.

~~e.~~

~~(i) Sec. 3-5-401.~~ — Completion bond.

~~(1) (a)~~ — A ~~C~~ertificate of ~~O~~ccupancy (~~C.O.~~), or release from the completion of the fulfillment of the requirements of this ~~section~~ ~~article~~, may be obtained prior to the completion of the required perimeter landscaping or landscape buffer upon the posting of a cash bond in favor of the ~~C~~ounty.

~~(2) (b)~~ — The bond shall be equal to ~~one hundred ten (110)~~ percent of the value of the required landscaping and buffer which remains to be completed.

~~(3) (c)~~ — The bond will be forfeited to the ~~C~~ounty if the remaining required landscaping is not completed within ~~90~~ ~~ninety~~ days of the issuance of the ~~C.O. certificate of occupancy~~ or release.

~~(4) (d)~~ — The ~~D~~epartment ~~e~~Director may, upon consideration of ~~site~~-specific or other extraordinary circumstances, extend the period of time for completion of the landscaping for not more than an additional ~~one hundred eighty (180)~~ days.

~~(4) (e)~~ — Those property owners who have chosen to postpone the installation of their required landscaping and/or buffering to the rainy season in accordance with ~~Subsection 3-9-91(e)(7)-3-5-396(g)~~ shall be exempt from this section of the Code.

~~(5)~~

**Sec. 3-9-91.1. Buffers** ~~DIVISION 3. — BUFFERING~~

~~Sec. 3-5-405. — When buffering required; exemptions.~~

Draft date: 2/18/15 for the P&Z on 03/09/2015

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(a) (a) — Applicability.

(1) ~~New construction.~~ The requirements of this ~~division~~section shall apply to all new development.

(2) (b) — Improvements to existing development. Whenever additions to existing buildings, structures, or parking are constructed, the requirements of this ~~division~~section apply if:

a. (1) The square footage of the addition(s) exceeds  ~~fifty (50)~~  percent of the square footage of the existing improvement(s), or

b. (2) The estimated cost of the addition(s) or improvement(s) exceeds  ~~fifty (50)~~  percent of the appraised value of the existing improvement(s).

c. Whenever the application of the strict requirements of this section to the renovation, restoration, reuse, or rehabilitation of property developed prior to June 20, 2001, will result in the loss of other site improvements required by this Code, the Zoning Official or his/her designee may approve a site-specific buffer plan which best meets the purpose and intent of these buffer requirements.

(b) (c) — Exemptions.

(1) (1) — Private recreational facilities constructed for use by the residents of a development when the facility is located in the interior of the development.

(2) (2) — Buildings and structures for emergency and essential services, Public buildings and structures such as those operated by law enforcement, fire and EMS including, but not limited to jails, fire stations and police stations, as determined by the Board of County Commissioners (BCC) board of county commissioners at their its discretion.

(3) (3) — Property which is separated from the adjacent property by more than  ~~two hundred (200)~~  feet of waterway, right-of-way, greenbelt, drainage facility, or combination thereof, is exempt from the required zoning buffer, but not from perimeter landscape strips, as applicable.

~~(4) — The front property line of property zoned IL, IOP, IG, CI, or CH but only when the adjacent property is zoned CG, CN, CT, NBR, MU, CI, CH, IG, IL or IOP.~~

~~(5) — Whenever the application of the strict requirements of this division to the renovation, restoration, reuse or rehabilitation of property developed prior to June 20, 2001, will result in the loss of other site improvements required by this Code, the department may approve a site-specific buffer plan which best meets the purpose and intent of these buffer requirements, provided:~~

~~a. — All new development occurs within the footprint of the existing improvements and structures, and~~

~~b. — No new impervious surfaces are created.~~

(c) ~~Sec. 3-5-406.~~ — Types of buffering.

(1) (a) — Minimum buffer requirements. The minimum buffer requirements pursuant to this ~~division~~section shall be as provided in ~~Table 1A, and Exhibits 1 through 9~~Exhibit 3: Buffer Type Illustrations, unless otherwise specifically provided in this section.

(2) (b) — Greenbelts, easements, native shoreline and riparian vegetation. Greenbelts, easements, native shoreline and riparian vegetation may be used to satisfy the requirements of this ~~division~~section if:

a. (1) The plant materials and density comply or can be altered to comply with the requirements of this ~~article~~section;

b. (2) The greenbelt, easement, native shoreline or riparian vegetation can be maintained in accordance with the provisions of this ~~article~~section; and

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c. ~~(3)~~ The applicant provides written authorization from all persons or entities having an ownership interest in the greenbelt, easement, native shoreline or riparian vegetation for the use and maintenance of the area as a buffer.

~~(3)~~ ~~(c)~~ On-site plantings outside the required buffer area may be used to satisfy the requirements of this divisionsection to the extent that the plantings are located within the distance of three ~~(3)~~ times the width of the required buffer measured from the closest edge of a required buffer location.

~~(4)~~ ~~(d)~~ Mangroves growing below the mean high water line, or waterward of a seawall or bulkhead, may be used to satisfy the requirements of this divisionsection, provided:

a. ~~(1)~~ Such mangroves are under the ownership and control of the owner of the site being developed, or

b. ~~(2)~~ The applicant has provided to the Department the written consent of the owner of the site on which the mangroves are located, or authorized representative thereof, to the use of the mangroves as an off-site buffer.

c. ~~(3)~~ The canopies of the mangrove trees extend to no less than six ~~(6)~~ feet above the final graded elevation of the portion of the property on which the buffer is established.

~~(d)~~ Sec. 3-5-407. Special provisions.

~~(1)~~ ~~(a)~~ Outdoor storage yards. The perimeter of all outdoor storage yards shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement. These bBuffer requirements may be reduced to Type B on interior lot lines abutting IG or II H- or C- zoning districts.

~~(2)~~ ~~(b)~~ Planned developments. The buffering required by this divisionsection shall be included in all planned developments (PD), as determined as part of the PD rezoning process. The type of buffering required will be determined based on the most intense use permitted within the planned development.

~~(3)~~ ~~(c)~~ Special exceptions. The requirements of this divisionsection shall apply to property being used under the authority of a Special Exception. The type of buffering required will be established as a part of the Special Exception process.

~~(4)~~ ~~(d)~~ Land uses for which a buffer type is not specifically provided for in this articlesection shall be buffered at the level most likely to achieve the stated purpose of this division at the discretion of the Zoning Official or his/her designee.

~~(4)~~ \_\_\_\_\_

~~(e)~~ Sec. 3-5-408. Installation standards.

~~(1)~~ ~~(a)~~ Buffers areas shall be placed adjacent to the lot lines except:

a. ~~(1)~~ Where necessary to avoid obstructions within the sight triangle;

b. ~~(2)~~ At approved ingress and egress lanes;

c. ~~(3)~~ Where easements or covenants regarding the use of the land prohibit such placement; or

d. ~~(4)~~ Where natural features of the land prevent such placement.

~~(2)~~ ~~(b)~~ Buffer areas may not be located on any portion of an existing or dedicated right-of-way or roadway easement.

~~(3)~~ ~~(c)~~ No development or impervious surface is permitted within the required buffer.

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- (4) ~~(d)~~ — No grading, development, or land-disturbing activities ~~is~~ are permitted within the buffer unless approved by the Ddepartment.
- (5) ~~(e)~~ — Stormwater detention or treatment areas may not occupy more than  ~~fifty (50) percent of the width of the buffer; provided however that this restriction does not apply to parcels less than or equal to ten thousand (10,000) square feet.~~
- (6) ~~(f)~~ — Buffer areas may be used for passive recreation, sitting areas, and pedestrian and bicycle paths, provided, in the case of paths, that the width of the buffer is increased by the width of the path wherever the path is located and all other requirements of this ~~division~~ section are met.
- (7) ~~(g)~~ — Buffer areas may be used for utility placement but only if:
- a. ~~(1)~~ No canopy tree will be displaced or damaged by the installation or maintenance of the utility; and
  - b. ~~(2)~~ The applicant has produced written evidence that the utility has granted authority for such use;
- (8) ~~(h)~~ — Buffers must be maintained in compliance with this ~~division~~ section.
- (9) ~~(i)~~ — ~~Landscaping arrangement.~~ Plants and trees shall be arranged in a uniform manner as depicted on the approved landscape plan.
- (10) ~~(j)~~ — ~~Retention of existing vegetation.~~ Retaining existing native trees and vegetation within a buffer is encouraged unless a grade change exceeding six ~~(6)~~ inches is required.
- (11) ~~(k)~~ — All prohibited plant species, identified as Category I Invasive Species in the most recent edition of the Florida Exotic Pest Plant Council's List of Invasive Plant Species, and/or listed in Exhibit 409: Prohibited Plants, subsection 3-5-393(f) of this Code, must be removed from the developed site during development, or phase thereof.
- (12) ~~(l)~~ — Existing nNative trees on listed in Exhibit 8: ~~the List of Approved Tree ListSpecies, (Exhibit 9)~~ may be used to meet the buffer plant material requirements if properly preserved as provided in Sec. 3-9-91.3chapter 3-2, article IX; Tree Requirements of this Code.
- (13) ~~(m)~~ — Berms must be graded to appear smooth, rounded and natural; slopes must not exceed a slope ratio of 3:1.
- (14) ~~(n)~~ — Whenever a berm wall is required, the wall shall be located between the berm and the higher intensity use. Berm walls required by this ~~article~~ section are exempt from zoning setbacks requirements.
- (15) ~~(o)~~ — The finished side of the fence or wall required by this ~~section~~ division, and at least ~~seventy-five (75) percent of the required plant material, shall face the property zoned or used for less\_ intensive uses.~~
- (16) ~~(p)~~ — Fences and walls shall be:
- a. ~~(1)~~ A minimum of six ~~(6)~~ feet in height from finished grade;
  - b. ~~(2)~~ Opaque;
  - c. ~~(3)~~ Decorative; and
  - d. ~~(4)~~ Be made of one ~~(1)~~ of the following: concrete aggregate, stucco finish (either painted or colored), brick, stone, wood, vinyl, or plastic.
- ~~(17) Chain link fences and (q) Fences and walls constructed of wood or bare concrete block, even if painted, are prohibited.~~
- ~~(r) Chain link fences are prohibited.~~
- (18) ~~(s)~~ — Gates are allowed in fences and walls, provided such gates are opaque and remain closed when not in use.
- (19) ~~(t)~~ — Walls and fences may be constructed in separate segments provided all other provisions of this ~~division~~ section are met.

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(20) ~~(u)~~ — In order to reduce a "walled in" effect, a hedge planted and maintained at a minimum of four ~~(4)~~ feet in height may be substituted for a required fence or wall when the required buffer faces a road ~~by~~ of the following roads:

- ~~(1) U.S. 41 (Tamiami Trail).~~
- ~~(2) S.R. 31.~~
- ~~(3) S.R. 776.~~
- ~~(4) C.R. 775.~~
- ~~(5) C.R. 771.~~
- ~~(6) U.S. 17.~~
- ~~(7) C.R. 39 (Toledo Blade Blvd.).~~
- ~~(8) C.R. 74.~~
- ~~(9) C.R. 765 (Burnt Store Road).~~
- ~~(10) C.R. 769 (Kings Highway).~~
- ~~(11) Veterans Highway.~~
- ~~(12) Harborview Road.~~
- ~~(13) Jones Loop Road.~~
- ~~(14) Tuckers Grade.~~

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**Table 1A Exhibit 2: Table of Minimum Buffer Type Requirements (Minimums)**

Abutting Zoning		Abutting Zone/Use									
		RSF AE RE AG	RMF RMF-T	MHS MHC	MHP	RVP	OMI GOP	CG CN CT CHNBR CHMU	CH	IL IOP IG	IG II
Environmentally Sensitive (ES)		--	--	--	--	--	--	--	--	--	--
Developing Lot(s) Zone/Use <sup>1</sup>	Single-Family Residential (RSF) Agricultural Estates (AE) Residential Estate (RE) Agriculture (AG) Excavation and Mining (EM)***	--	--	--	--	--	--	--	--	--	--
	Bridgeless Barrier Island (BBI)	--	--	--	--	--	--	--	--	--	--
	Manufactured Home Conventional (MHC)	B--	A--	--	--	--	--	--	--	--	--
	Residential Multi-Family (RMF) Residential Multi-Family Tourist (RMF-T)	BA	--	A	--	--	--	--	--	--	--
	Manufactured Home Park (MHP)	B	BA	B	--	--	--	--	--	--	--
	Recreational Vehicle RV-Park (RVP)	C	CB	C	CB	--	--	--	--	--	--
	Office Medical and Institutional (OMI) Commercial, Office Park (COP)	C	CB	C	C	B	--	--	--	--	--
	Commercial General (CG) Commercial Neighborhood (CN) Commercial Tourist (CT) Charlotte Harbor Neighborhood Business Residential (CHNBR) Charlotte Harbor Mixed Use	C	C	C	C	B	A	--	--	--	--

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(CHMU)											
Commercial Intensive Commercial Highway	D	D	D	D	G	B	A	--	--	--	
Industrial light (IL) Industrial Office Park (IOP) Industrial General (IG)	D	D	D	D	C	C	B	A	--	--	
Industrial General (IG) Industrial Intensive (II)	DE	DE	DE	DE	D	D	CD	B	A	--	
Parks & Recreations (PKR) / Preserve/Mitigation Lands and Passive Use Parks	--	--	--	--	--	--	--	--	--	--	
Active Use Parks*	C	BG	C	C	BG	AG	--	--	--	--	
Emergency and Essential Services as defined in Sec. 3- 7-74**	AB	A	AB	A	A	A	A	A	A	--	
Towers*	DE	CE	DE	DE	CE	CE	BE	E	AE	A	
Storage Yards*	D	D	D	D	D	D	D	D	BD	BD	
<sup>1</sup> A specific buffer requirement may be waived in cases where the developing property will be developed with a use that is less intense than the abutting zoning, provided that such determination shall be made by the Zoning Official or his/her designee. *Regardless of zoning. **Buildings and structures for emergency and essential services as determined by the Board of County Commissioners. *** See Earthmoving Code (Chapter 3-5, Article XXIII) for standards and requirements.											

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**RESERVED FOR EXHIBIT 3: BUFFER TYPE ILLUSTRATIONS** Exhibit 3: Buffer Type Illustrations

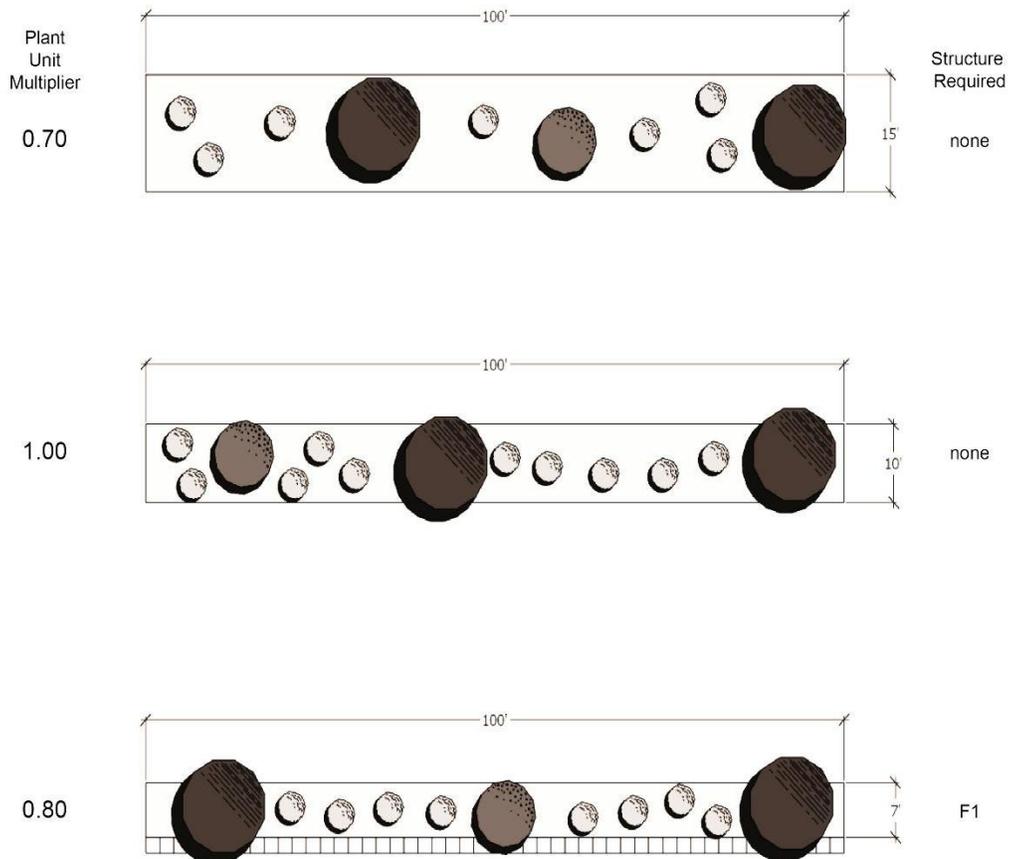
Exhibit 3A

Required Plant Units / 100 ft.

	Canopy Tree	2
	Accent / Understory Tree	1
	Shrub	10

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration  
Buffer "A"



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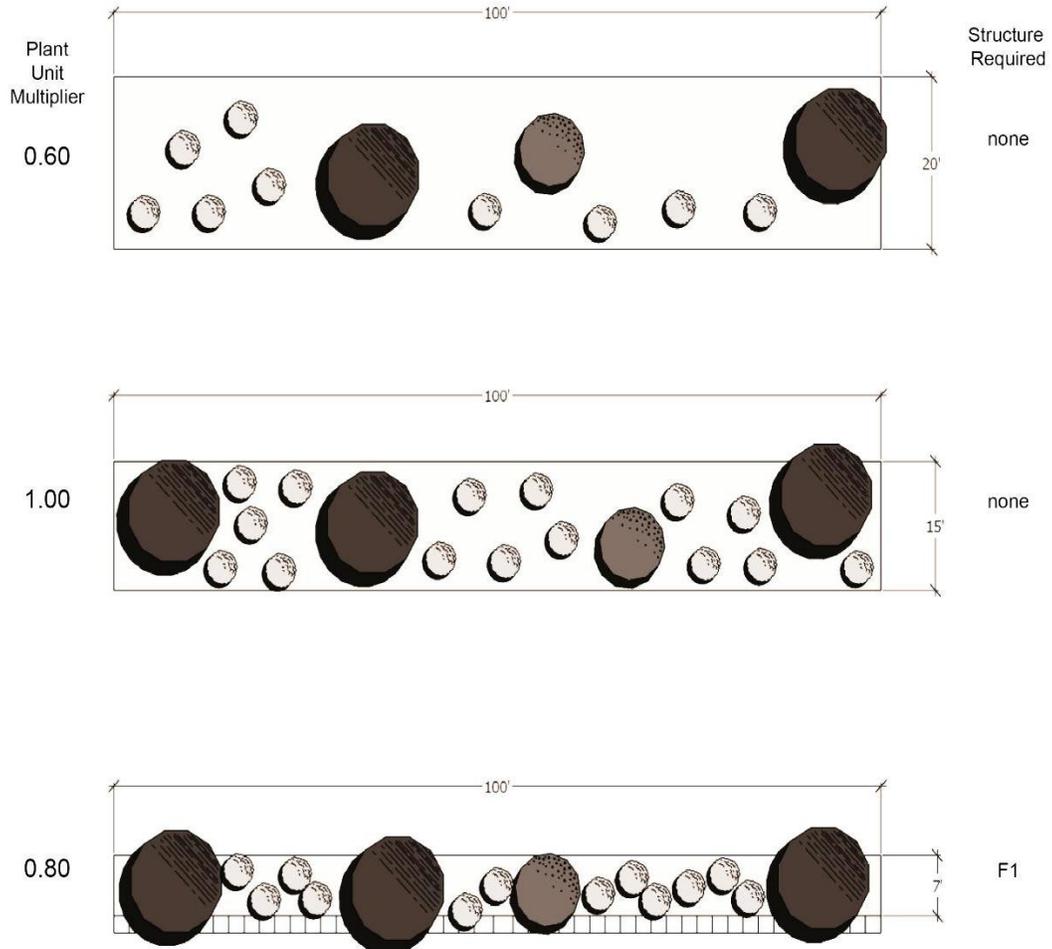
Exhibit 3B

Required Plant Units / 100 ft.

	Canopy Tree	3
	Accent / Understory Tree	1
	Shrub	15

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration  
Buffer "B"



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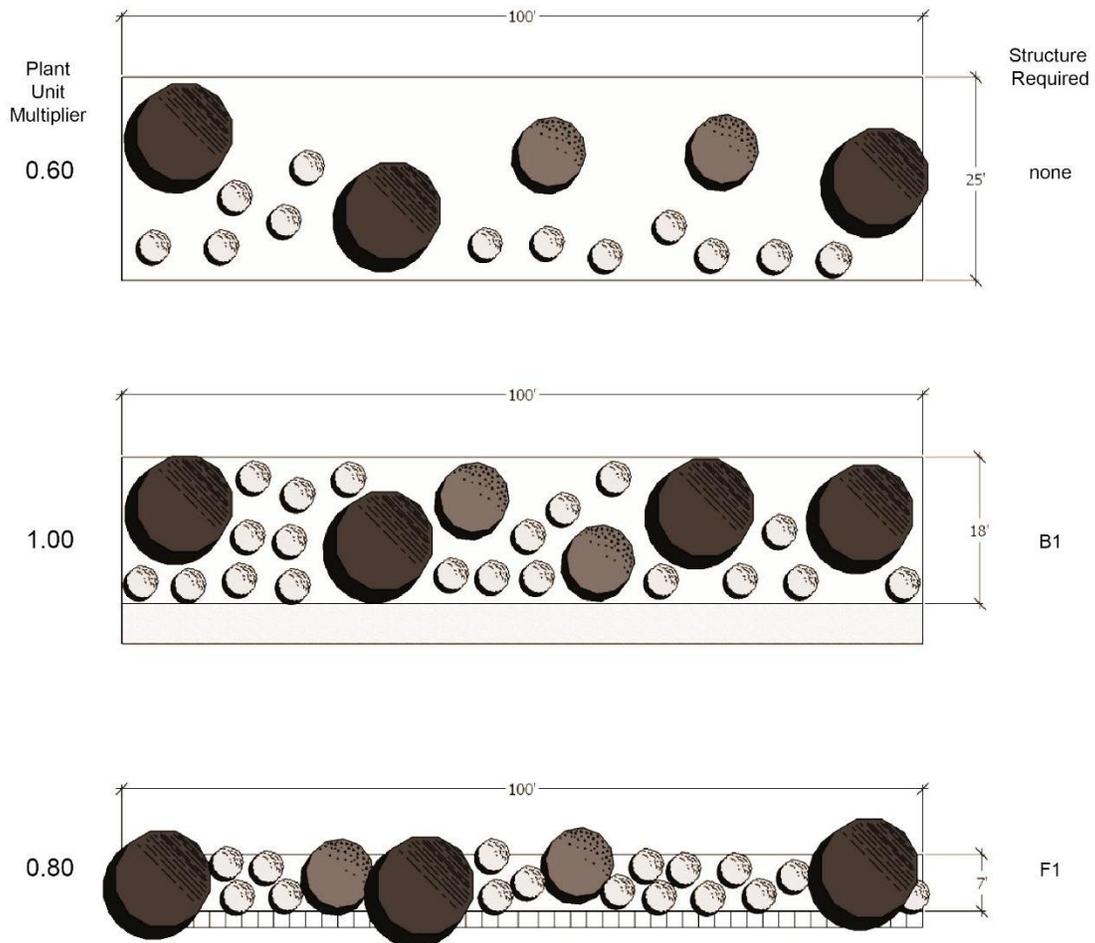
Sec. 3-9-91: Buffers, Landscaping, and Tree Requirements

Exhibit 3C

Required Plant Units / 100 ft.		
	Canopy Tree	4
	Accent / Understory Tree	2
	Shrub	20

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration  
Buffer "C"



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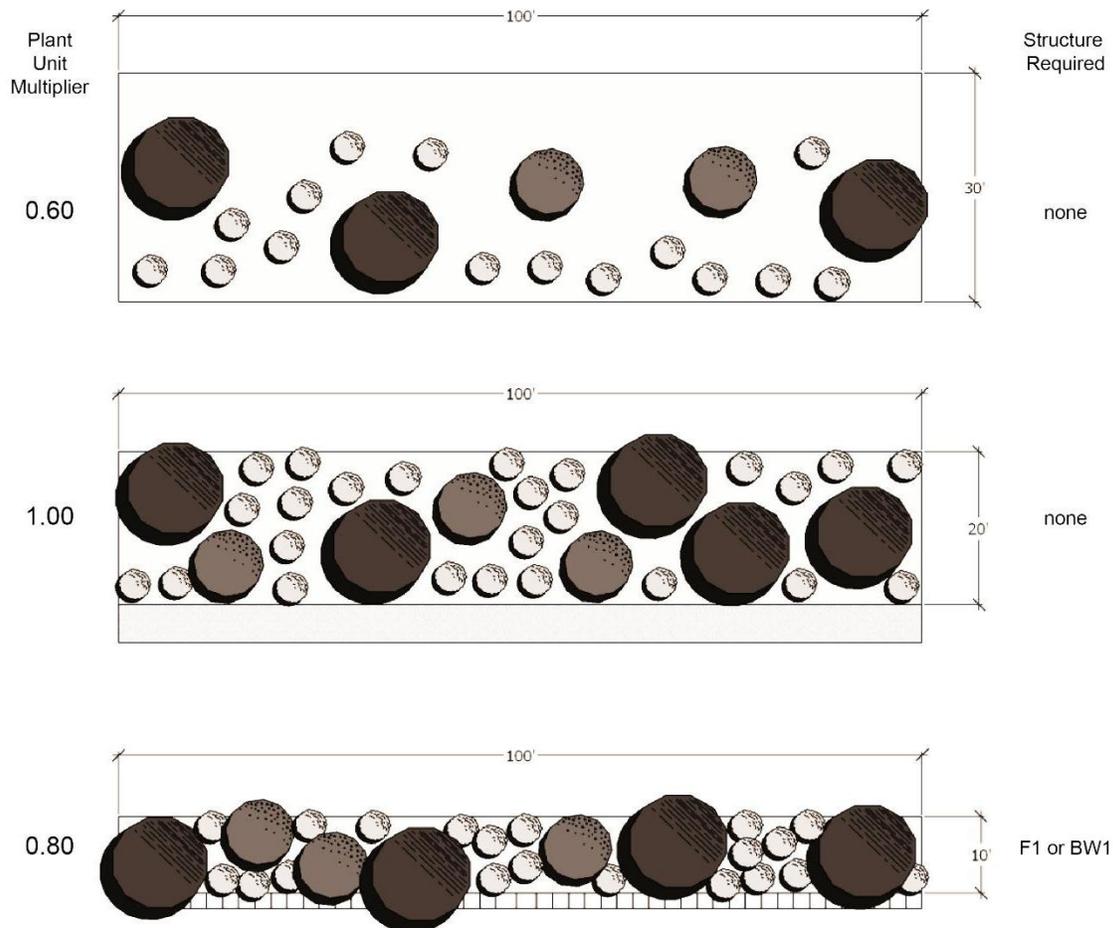
Sec. 3-9-91: Buffers, Landscaping, and Tree Requirements

Exhibit 3D

Required Plant Units / 100 ft.		
	Canopy Tree	5
	Accent / Understory Tree	3
	Shrub	25

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration  
Buffer "D"



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**Exhibit 4: Berms, Berm Walls, and Fences Illustrations**

**Berms**

Berm	Height	Material
B1	3ft *	Earth
B2	5ft *	Earth

\*Max. Slope = 3:1

**Berm Walls**

Berm	Height	Material
BW1	3ft *	w/ 5ft. Masonry Wall

\*Max. Slope = 3:1

**Fences**

Fence or Wall	Height	Material
F1	6 ft.	-Cement block with stucco finish -Poured cement -Brick -Vinyl/PVC -Masonry -Wood

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RESERVED FOR BUFFER EXAMPLES

**Sec. 3-9-91.2. DIVISION 2. -- Landscaping**~~LANDSCAPING~~

~~(a) Sec. 3-5-402. -- When landscaping required; exemptions~~Applicability.

~~(1) (a) ——— When applicable. The requirements of this division section shall apply whenever parking area is constructed.~~

~~(2) The provisions of this section do not apply to:~~

~~a. Paved areas used for parking and other vehicular uses that serve single-family residences or two-family residences, or~~

~~b. Paved areas associated with permitted principal uses within the Agricultural and Excavation and Mining zoning districts (AG and EM).~~

~~(3) The following improvements do not cause the property to be subject to the requirements of this article section:~~

~~a. Overflow grass parking.~~

~~b. Existing parking areas that are re-striped.~~

~~a-c. Public buildings and structures for emergency and essential services such as those operated by law enforcement, fire and EMS including, but not limited to jails, fire stations and police stations, as determined by the BCC board of county commissioners at their discretion.~~

~~(4) (b) ——— Parking lot screening. Parking lot screening shall be required whenever there is construction of paved parking areas abutting a public right-of-way.~~

~~a. (1) Paved parking areas are those areas used for parking, storage or display of vehicles, boats, construction equipment, or similar manufactured items, including those accessory areas, adjacent to parking, used for ingress, egress or traverse.~~

~~b. (2) A parking area is considered paved if it has been improved from the natural state by any hard surface including asphalt, concrete, gravel, marl, or shell.~~

~~c. (3) Existing parking areas that are scarified must comply with the provisions of this division section.~~

~~(5) (c) ——— Decorative perimeter landscaping. Decorative perimeter landscaping shall be required wherever property improved by other than a paved parking areas abuts the public right-of-way.~~

~~(6) (d) ——— Ground cover. Perimeter landscape strips and interior landscape areas required by this division section shall be landscaped with grass, ground cover, or other approved permeable landscaping treatment in accordance with Florida-Friendly design principles, provided:~~

~~a. (1) Pavement and sand are not considered approved landscape material.~~

~~b. (2) The use of sand, rock, and aggregate are appropriate only as part of a decorative design and is subject to approval by the Department.~~

~~c. (3) The use of non-decorative rock and aggregate for drainage purposes is permitted, but does not count toward meeting the requirements of this section.~~

~~(e) ——— Exemptions. The following improvements do not cause the property to be subject to the requirements of this article:~~

~~(1) ——— Overflow grass parking.~~

~~(2) ——— Existing parking areas that are re-striped.~~

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~~(3) Public buildings and structures such as those operated by law enforcement, fire and EMS including, but not limited to jails, fire stations and police stations, as determined by the board of county commissioners at their discretion.~~

~~(b) Sec. 3-5-403. Perimeter landscaping.~~

~~(1) (a) In general.~~

- ~~a. (1) Areas abutting public rights-of-way shall be screened from public rights-of-way by a perimeter landscape strip at least eight (8) feet in width.~~
- ~~b. (2) For parcels smaller than twenty thousand (20,000) square feet, the perimeter landscape strip width may be reduced to five (5) feet provided there is a minimum of three (3) feet of pervious surface adjacent to the perimeter landscape strip.~~
- ~~c. (3) For the purposes of this section, ingress and egress lanes act to separate perimeter landscape strips, and the width of ingress and egress lanes is excluded when determining the length of perimeter landscape strips.~~
- ~~d. (4) One (1) tree is required for every thirty-five (35) feet, or fraction thereof, of perimeter landscape strip. Trees within a section of perimeter landscape strip may be grouped, but the distance between trees in a section shall not exceed fifty (50) feet.~~

~~(2) (b) Parking lot screening.~~

- ~~a. (1) In addition to the requirements of subsection Subsection 3-9-91.2(a) of this section, wherever parking areas abut public rights-of-way, a hedge, or durable non-vegetative barrier, or combination thereof, at least three (3) feet in height shall be placed along the entire length of the perimeter landscape strip, except within sight triangles.~~
- ~~b. (2) Earthen berms may be used as non-vegetative barriers but shall not exceed a slope ratio of 3:1 (horizontal to vertical) and shall be stabilized with soil, landscaping, or other aesthetic treatment.~~
- ~~c. (3) Whenever non-vegetative barriers are employed, one (1) shrub or vine shall be planted for every eight (8) linear feet, or fraction thereof. Plantings may be distributed evenly or in clusters.~~
- ~~d. (4) Shrubs must be a minimum of eighteen (18) inches in height.~~
- ~~e. (5) Vines shall be planted along the right-of-way side of the non-vegetative barrier unless of sufficient height at the time of planting to be visible from the right-of-way over the top of the non-vegetative barrier.~~

~~(3) (c) Decorative perimeter landscaping. In addition to the requirements of subsection (a) of this section, wherever improvements other than a paved parking areas abut the public right-of-way, one (1) shrub or vine at least twelve (12) inches in height shall be planted in the perimeter landscape strip for every eight (8) linear feet, or fraction thereof. For decorative perimeter landscaping, one tree is required every 35 feet, or fraction thereof, of perimeter landscape strip. Trees within a section of perimeter landscape strip may be grouped, but the distance between trees in a section shall not exceed 50 feet.~~

~~(c) Sec. 3-5-404. Interior parking lot landscaping.~~

~~(1) (a) Purpose. The purpose of interior landscaping is to lessen the undesired effects of large areas of impervious surface and pavement.~~

~~Minimum requirements~~

~~(2) (b) All off-street parking lots in excess of 1,500 square feet or five spaces, whichever is less, shall comply with the following:~~

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- a. All rows of parking shall have a terminal island placed at each end with a tree, shrubs, and groundcover. Each island shall be at least eight feet wide, as measured from back of curb to back of curb. Larger islands are recommended, especially where canopy trees are provided.
- b. The length of each planter island shall be the length of a parking space for single-row parking, or the length of two car spaces for double-row parking. In the case of parallel parking, the length of a planter island shall be ten feet.
- c. No row of parking spaces shall contain more than ten spaces uninterrupted by a required landscape island. No row of parallel parking shall contain more than five spaces uninterrupted by a required landscape island.
- d. Each double-row terminal island shall include at least two trees in addition to shrubs and groundcover.
- e. Planter islands shall be landscaped so as not to obstruct traffic sight lines. Shrubs shall be maintained at a height of 24 inches; trees shall have a minimum of six feet of clear trunk, as measured from the ground up.
- f. Configurations of planter islands not in strict conformity with this section may be approved if such configuration is necessary to preserve existing trees, as determined by the Zoning Official or his/her designee. Minimum requirements. A minimum of twenty (20) percent of the parking area shall be used for planter islands and landscaped as provided in this section. Perimeter landscape strips and buffer areas may be used to satisfy the requirements of this section to the extent that those areas are located within thirty (30) feet of the closest edge of a parking area.
- g. Sod is not permitted within any required landscape islands.

~~\_\_\_\_\_ (c) \_\_\_\_\_ Configurations of planter islands.~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Location. Planter islands shall be constructed at the end of each row of parking spaces so that the maximum number of parking spaces between planter islands is fifteen (15).~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Length. The length of each planter island shall be one (1) car-length for single row parking or two (2) car-lengths for double row parking. In the case of parallel parking, the length of the planter island shall be ten (10) feet.~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ Width.~~

~~\_\_\_\_\_ a. At least seventy-five (75) percent of the required planter islands shall have a minimum width of nine (9) feet of soil between curbs. A minimum of one-half (1/2) of these shall contain at least one (1) canopy tree.~~

~~\_\_\_\_\_ b. The remaining required planter islands shall have a minimum width of five (5) feet of soil between curbs. Only palms or other small root zone trees may be planted in these planter islands.~~

~~\_\_\_\_\_ (4) \_\_\_\_\_ [Conformance.] Configurations of planter islands not in strict conformity with this section may be approved if such configuration is necessary to preserve existing trees provided the minimum area requirement of subsection (b) is met.~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ Plantings within planter islands.~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Each planter island shall contain at least one (1) tree and shrubs or ground cover.~~

~~\_\_\_\_\_ a. Trees not used to meet tree point requirements shall have a minimum diameter, measured by caliper or forestry diameter tape, of one (1) inch at installation.~~

~~\_\_\_\_\_ b. Palms shall be a minimum of ten (10) feet overall height at installation.~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ Each planter island shall contain a minimum of thirty-five (35) percent of plant coverage based on the quantity and diameter of plants used.~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ Each planter island shall be landscaped according to the applicable guidelines published by the Florida Department of Agriculture and Consumer Services.~~

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- ~~(4) Planter islands shall be landscaped so as not to obstruct traffic sight lines. Shrubs shall be maintained at a maximum height of two (2) feet; trees shall have a minimum of six (6) feet of clear trunk measured from the ground up.~~
- ~~(3) (f) Specialized vehicular use areas. Specialized vehicular use areas, as defined in this section, article, are exempt from required parking islands subsection (c)(1) of this section provided landscaping meeting the other requirements of this section is placed on at least twenty (20) percent of the gross parking area.~~

APPENDIX

**Table 1A: Table of Buffer Type Requirements (Minimum)**

<i>Abutting Zoning</i> ; arrowrt;	RSF, AE, RE	RMF, RM, RM-T	MHS, MHC	MHP	RVP	OMI, COP	CG, CN, CT, NBR, MU	CI, CH	IL, IOP	IG
<i>Developing Lot's Zoning</i>										
Single-Family Residential (RSF) Agricultural Estates (AE) Residential Estates (RE)	-	-	-	-	-	-	-	-	-	-
Multifamily Residential (RMF) Residential Multifamily/Tourist (RMF-T)	B	-	-	-	-	-	-	-	-	-
Mobile Home Subdivision (MHS) Mobile Home Conventional (MHC)	B	A	-	-	-	-	-	-	-	-
Mobile Home Park (MHP)	B	B	B	-	-	-	-	-	-	-
RV Park (RVP)	G	G	G	G	-	-	-	-	-	-
Office, Medical, Institutional (OMI) Commercial, Office Park (COP)	G	G	G	G	B	-	-	-	-	-
Commercial General (CG) Commercial Neighborhood (CN) Commercial Tourist (CT) Neighborhood Business Residential (NBR) Mixed Use (MU)	G	G	G	G	B	A	-	-	-	-
Commercial Intensive (CI) Commercial Highway (CH)	D	D	D	D	C	B	A	-	-	-

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Industrial Light (IL) Industrial Office Park (IOP)	D	D	D	D	C	C	B	A	-	-
Industrial General (IG)	E	E	E	E	D	D	D	B	A	-
Towers (regardless of zoning)	E	E	E	E	E	E	E	E	E	-
Essential Services as defined in § 3-9-74 (regardless of zoning)	A	A	A	A	A	A	A	A	A	-
Active Use Parks (regardless of zoning)	G	G	G	G	G	G	-	-	-	-
Storage Yards (regardless of zoning)	D	D	D	D	D	D	D	D	D	D
Preserve/mitigation lands and passive use parks	-	-	-	-	-	-	-	-	-	-

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Required Plant Units/ 100 ft.

## Buffer Type Illustration

3 Canopy Trees  
 2 Accent/  
 Understory Trees  
 10 Shrubs  
 Plant Unit  
 Multiplier

### *Buffer "A"*

Structure  
 Required

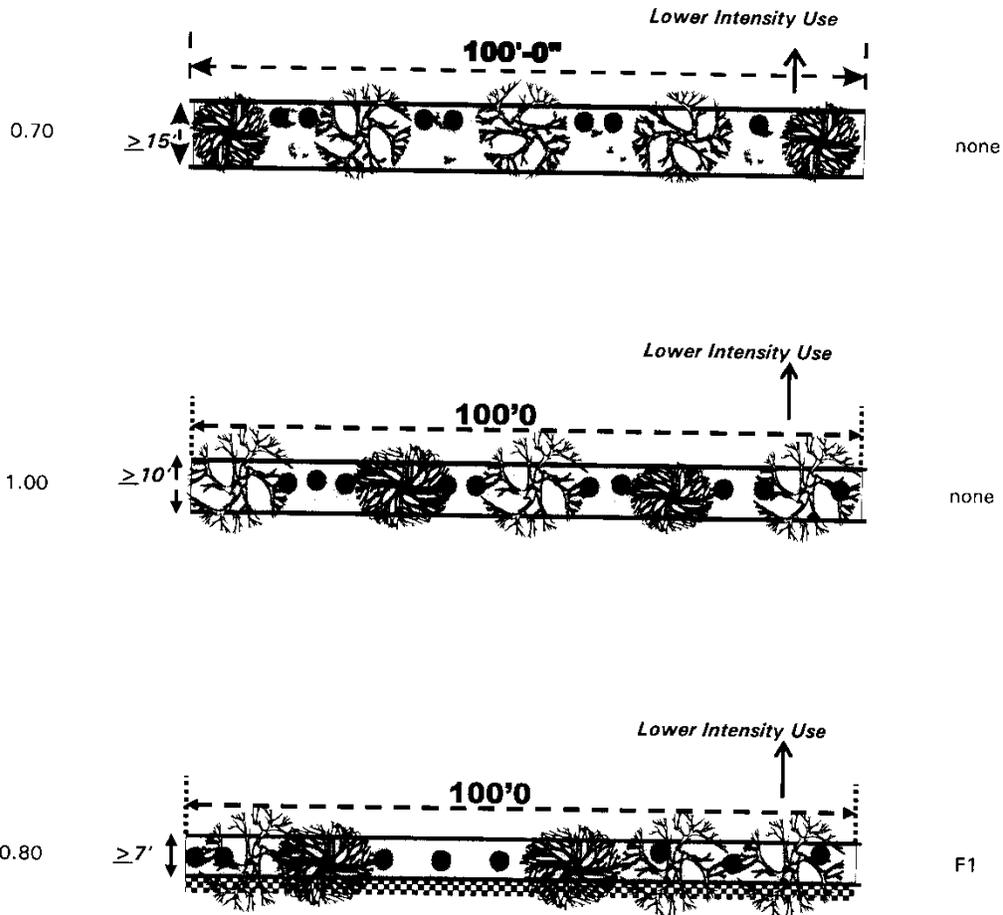


Exhibit 1 (not to scale)

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Required Plant Units/ 100 ft.

- 4 Canopy Trees
- 2 Accent/  
Understory Trees
- 15 Shrubs
- Plant Unit  
Multiplier

## Buffer Type Illustration

### *Buffer "B"*

Structure  
Required

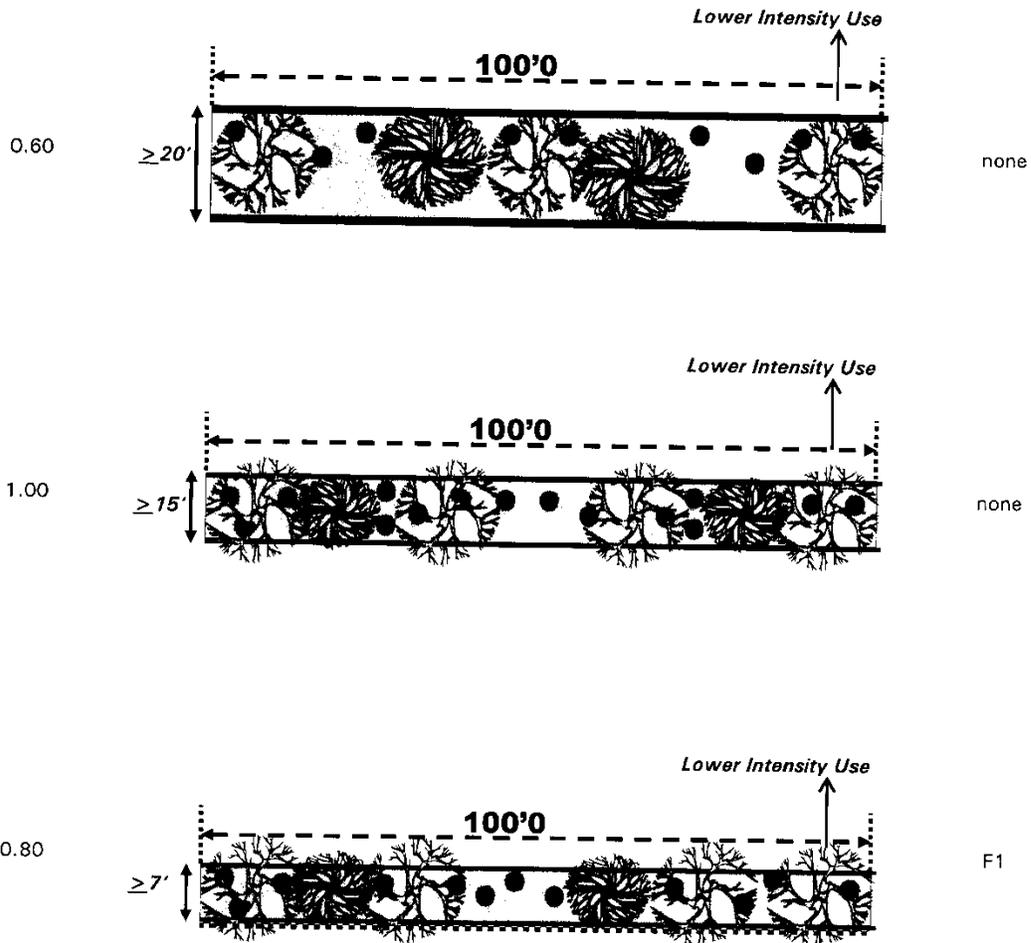


Exhibit 2 (not to scale)

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Required Plant, Units/ 100 ft.

**Buffer Type Illustration**

5 Canopy Trees  
 3 Accent/  
 Understory Trees  
 20 Shrubs  
 Plant Unit  
 Multiplier

**Buffer "C"**

Structure  
 Required

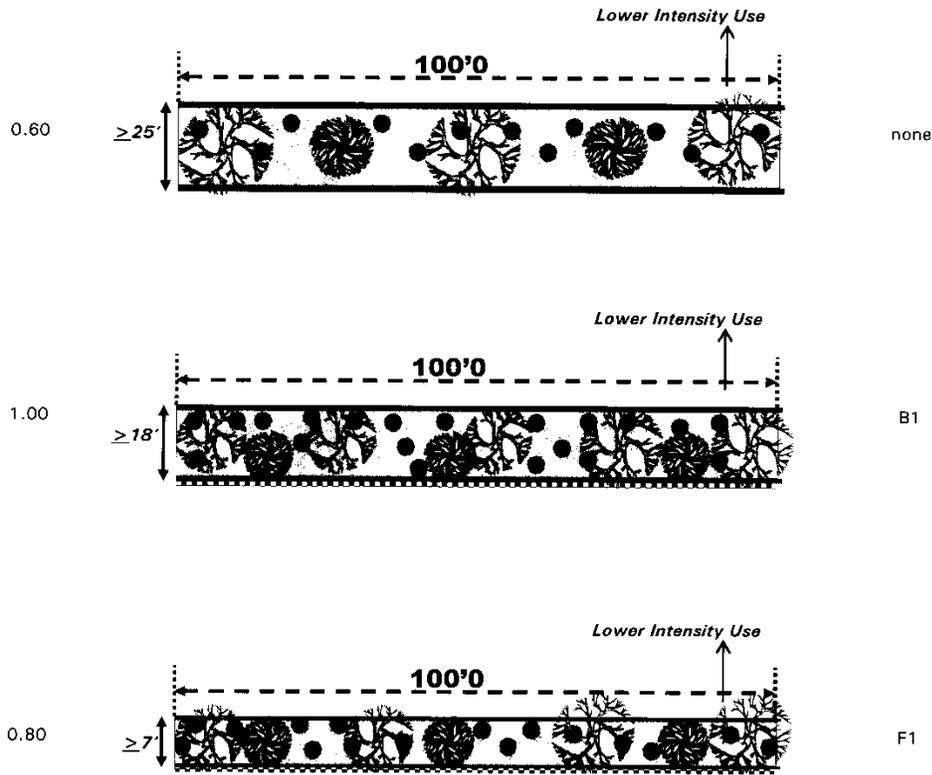


Exhibit 3 (not to scale)

Land Development Regulations  
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Required Plant Units/ 100 ft.

### Buffer Type Illustration

6 Canopy Trees  
 4 Accent/  
 Understory Trees  
 25 Shrubs  
 Plant Unit  
 Multiplier

### *Buffer "D"*

Structure  
 Required

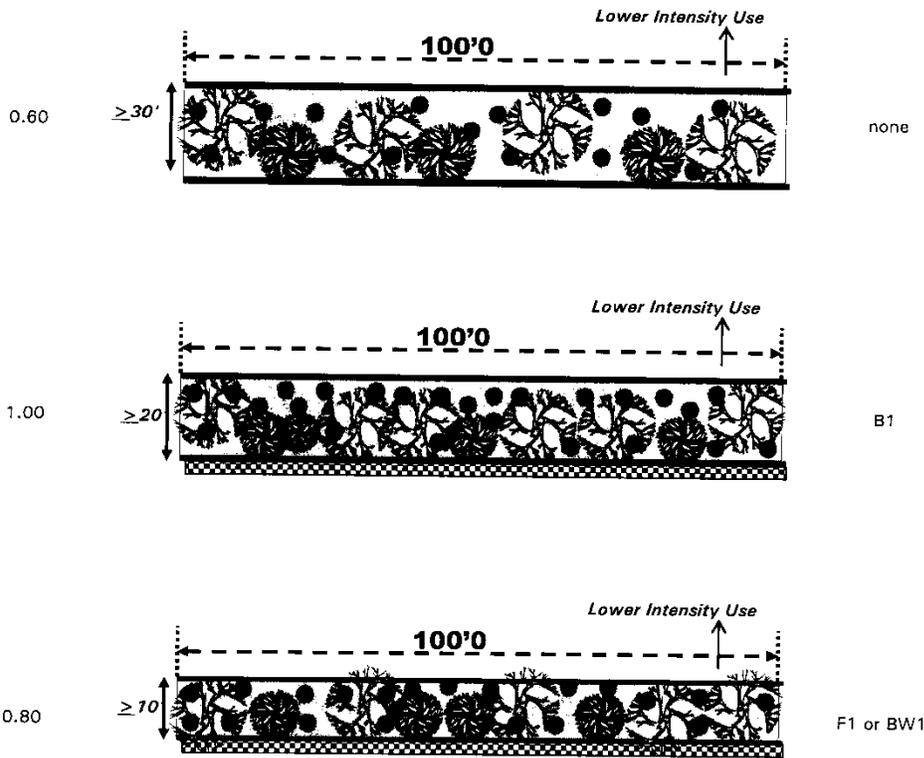


Exhibit 4 (not to scale)

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Required Plant Units/ 100 ft.

### Buffer Type Illustration

8 Canopy Trees  
 6 Accent/  
 Understory Trees  
 35 Shrubs  
 Plant Unit  
 Multiplier

### Buffer "E"

Structure  
 Required

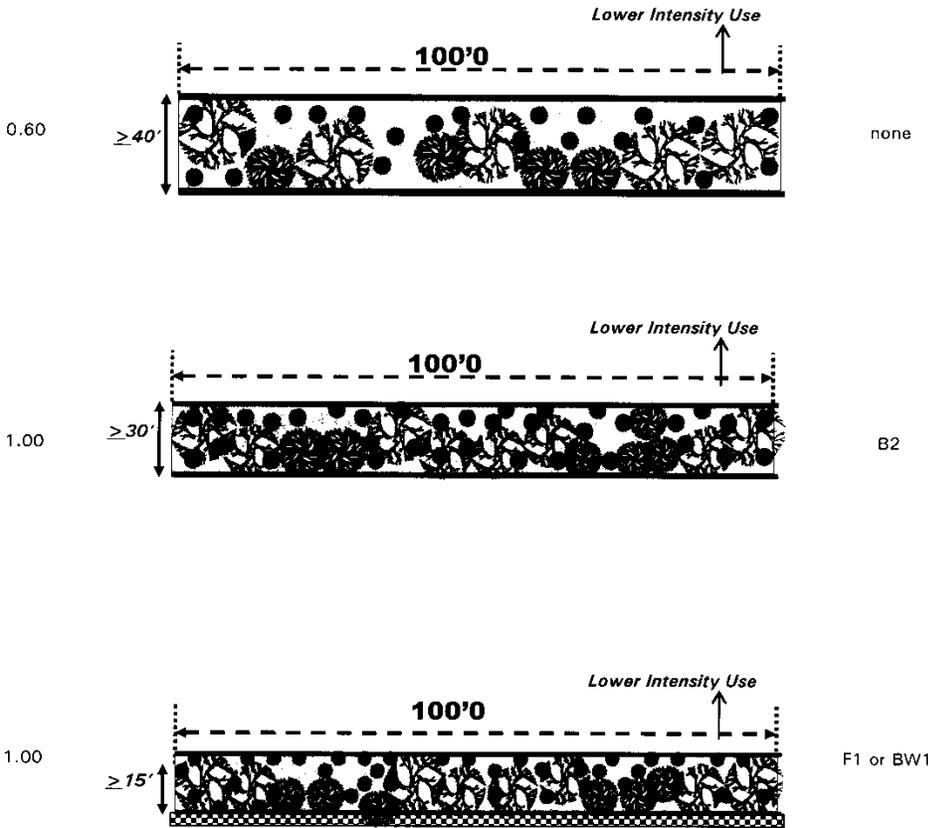


Exhibit 5 (not to scale)

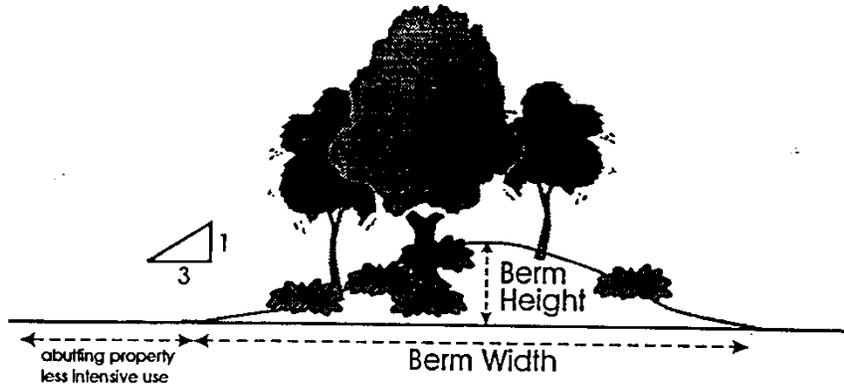
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### Berms

Berm	Height	Material
B1	3ft*	Earth
B2	5ft*	Earth

\*Max. slope = 3:1



### Berm Walls

Berm	Height	Material
BW1	3ft*	w/5ft Masonry Wall

\*Max. slope = 3:1

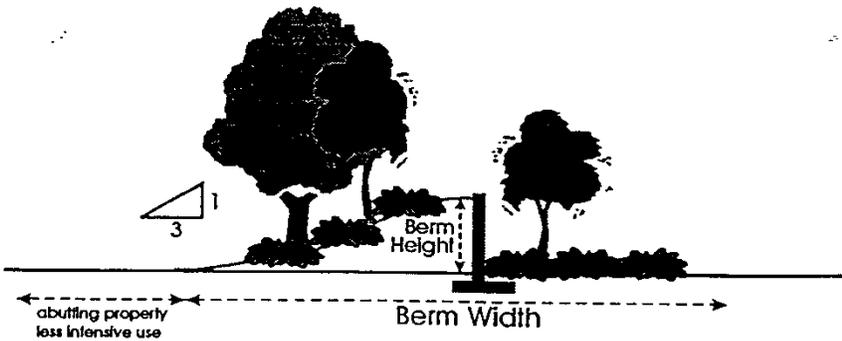
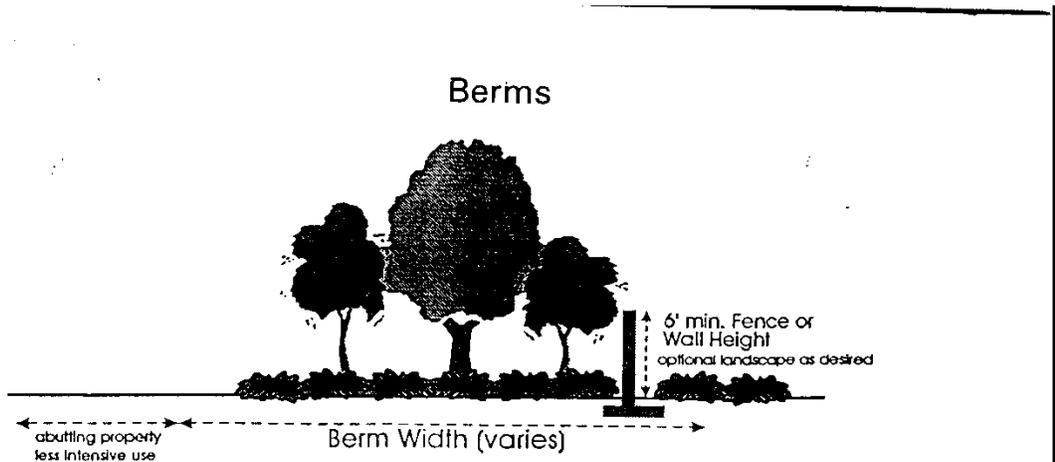


Exhibit 6 (not to scale)

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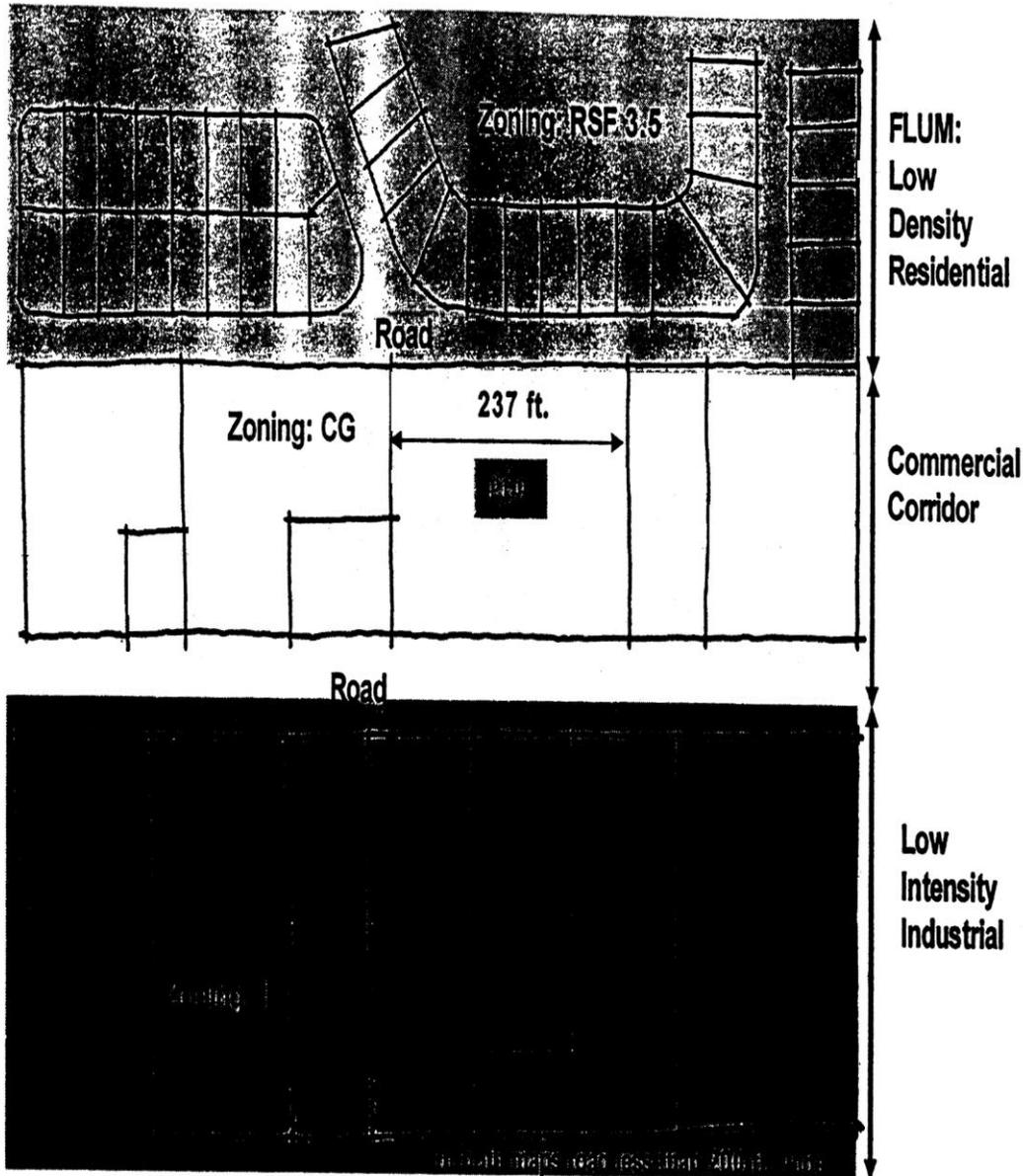


**Fences**

Fence or Wall	Height	Material
F1	6ft.	- Cement Block w/ Stucco Finish - Poured Cement - Brick - Vinyl/ PVC - Masonry

Exhibit 7 (not to scale)

## Sample Interzonal Buffering Exercise



Hypothetical buffering sample: Parcel P1-9 is to be developed. The vacant parcel is zoned Commercial General (CG) and has a Future Land Use Designation of Commercial Corridor. The northern and southern property lines are 237 feet long.

Exhibit 8 Interzoning Buffer (not to scale)

1. There are no changes in zoning on the eastern or western borders. There is a change in zoning for the properties to the north and south. The southern border will not require buffering since the zoning of the developing parcel is less intensive than the zoning to the south. There is a change in zoning that will require buffering to the north.

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~~2. Go to Table 1A. Table 1A requires a Type C buffer along the northern 237 foot property line.~~

~~3. Choose the buffer width from Exhibit 3 (seven-foot wide buffer was chosen for this example).~~

~~4. Select the appropriate multiplier and number of plants from Exhibit 3 and insert the numbers into the formula below (the multiplier = 0.8, canopy trees = 5, accent trees = 3, and shrubs = 20 for this example).~~

~~(linear feet of property line) / 100 feet (multiplier) (# of plants)~~

~~(237/100) (0.8) (5) = 9.48 = 10\* canopy trees (\* All fractions shall be rounded to the next highest whole number.)~~

~~(237/100) (0.8) (3) = 5.69 = 6 accent trees~~

~~(237/100) (.08) (20) = 37.92 = 38 shrubs~~

~~5. Select the appropriate structure from Exhibit 3 (a fence is required for this example).~~

~~The 237 linear feet of the buffer, in this example, requires ten (10) canopy trees, six (6) accent trees, thirty-eight (38) shrubs and a fence.~~

**EXHIBIT 9**  
**TREE LIST**

**Approved (For Tree Points) Canopy Tree Species—Native**

Bald Cypress (*Taxodium distichum*)

Bluejack Oak (*Quercus incana*)

Coconut Palm (*Cocos nucifera*)

Everglades or Paurotis Palm (*Acoclorrhaphe wrightii*)

Florida Royal Palm (*Roystonea elata*)

Gumbo-Limbo (*Bursera simaruba*)

Laurel Oak (*Quercus laurifolia*)

Live Oak (*Quercus virginiana*)

Loblobby Bay (*Gordonia lasianthus*)

Longleaf Pine (*Pinus palustris*)

Mahogany (*Swietenia mahagoni*)

Pignut Hickory (*Carya glabra*)

Pond Cypress (*Taxodium ascendens*)

Pop Ash (*Fraxinus caroliniana*)

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~~Sabal or Cabbage Palm (Sabal palmetto)~~

~~Sand Pine (Pinus clausa)~~

~~Sea Grape (Coccoloba uvifera)~~

~~South Florida Slash Pine (Pinus elliottii var. densa)~~

~~Southern Magnolia (Magnolia grandiflora)~~

~~Southern Red Maple (Acer rubrum)~~

~~Swamp Tupeelo or Black Gum (Nyssa sylvatica)~~

~~Sweet Acacia (Acacia farnesiana)~~

~~Sweetbay (Magnolia virginiana)~~

~~Sweetgum (Liquidambar styraciflua)~~

~~Sycamore (Platanus occidentalis)~~

~~Turkey Oak (Quercus laevis)~~

~~Water Oak (Quercus nigra)~~

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

~~Golden Rain Tree (Koelreuteria formosana)~~

~~Royal Poinciana (Delonix regia)~~

~~Tree of Gold (Tabebuia argentea)~~

~~Yellow Poinciana (Peltophorum pterocarpum)~~

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

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

~~Jacaranda (Jacaranda acutifolia)~~

~~Queen Palm (Syagrus romanzoffiana)~~

~~Approved (For Tree Points) Understory Tree Species—Native~~

~~American Holly (Ilex opaca)~~

~~Baycedar (Suriana maritima)~~

~~Black Mangrove (Avicennia germinans)~~

~~Blolly (Torrubia obtusa; Torrubia longifolia)~~

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~~Button Bush (Cephalanthus occidentalis)~~  
~~Buttonwood (Conocarpus erectus)~~  
~~Catclaw Blackbeard (Pithecellobium unguis-cati)~~  
~~Chapman Oak (Quercus chapmanii)~~  
~~Cherry Laurel (Prunus caroliniana)~~  
~~Coastal Plain Willow (Salix caroliniana)~~  
~~Dahoon Holly (Ilex cassine)~~  
~~East Palatka Holly (Ilex opaca "East Palatka")~~  
~~Florida Elm (Ulmus americana var. floridana)~~  
~~Florida Fiddlewood (Citharexylum fruticosum)~~  
~~Hercules Club or Toothache Tree (Zanthoxylum clava-herculis)~~  
~~Lime Prickly Ash (Zanthoxylum fagara)~~  
~~Myrtle Oak (Quercus myrtifolia)~~  
~~Red Bay (Persea borbonia)~~  
~~Red Mangrove (Rhizophora mangle)~~  
~~Red Mulberry (Morus rubra)~~  
~~Sand Live Oak (Quercus geminata)~~  
~~Sea Grape (Coccoloba uvifera)~~  
~~Southern Red Cedar (Juniperus virginiana)~~  
~~Stoppers (Eugenia spp.)~~  
~~Sugarberry or Hackberry (Celtis laevigata)~~  
~~Walter Viburnum (Viburnum obovatum)~~  
~~Water Oak (Quercus nigra)~~  
~~Wax Myrtle (Myrica cerifera)~~  
~~White Mangrove (Languncularia racemosa)~~  
~~Yaupon Holly (Ilex vomitoria)~~  
~~Approved (for tree points) Understory Tree Species—Non-Native~~

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~~Black Olive (Bucida buceras)~~

~~Bottlebrush (Callistemon spp.)~~

~~Chinese Elm (Ulmus parvifolia)~~

~~Crape Myrtle (Lagerstroemia indica)~~

~~Jerusalem Thorn (Parkinsonia aculeata)~~

~~Loquat (Eriobotrya japonica)~~

~~Royal Poinciana (Delonix regia)~~

~~Silver Dollar Eucalyptus (Eucalyptus cinerea)~~

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

~~Ligustrum (Ligustrum spp.)~~

~~EXHIBIT 10~~

~~PROHIBITED PLANTS~~

~~Trees~~

~~Australian pine (Casuarina glauca and Casuarina equisetifolia)~~

~~Banyan Tree (Ficus benghalensis)~~

~~Brazilian pepper (Schinus terebinthifolius)~~

~~Catclaw mimosa (Mimosa pigra)~~

~~Carrotwood (Cupania anacardioides, Cupaniopsis anacardioides)~~

~~Chinese tallow (Sapium sebiferum)~~

~~Cuban laurel (Ficus nitida)~~

~~Eucalyptus (Eucalyptus spp., except E. cinerea)~~

~~Indian rosewood (Dalbergia sissoo)~~

~~Java plum (Syzygium jambolana, Syzygium cumini)~~

~~Lead tree (Leucaena leucocephala)~~

~~Melaleuca (Melaleuca quinquenervia)~~

~~Rubber tree (Ficus decora)~~

~~Silk oak (Grevillea robusta)~~

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~~Weeping fig (Ficus benjamina)~~

~~Shrubs~~

~~Beach naupaka (Scaevola sericea)~~

~~Downy rose myrtle (Rhodomyrtus tomentosa)~~

~~Surinam Cherry (Eugenia michelii, Eugenia uniflora)~~

~~Vines~~

~~Air potato (Dioscorea bulbifera)~~

~~Old world climbing fern (Lygodium microphyllum)~~

~~Rosary pea (Abrus precatorius)~~

~~Wingerd yam (Dioscorea alata)~~

~~Grasses~~

~~Cogon grass (Imperata cylindrica)~~

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**Sec. 3-9-91.3. Tree Requirements ~~ARTICLE IX. -- TREE REQUIREMENTS~~**

~~Sec. 3-2-186. -- Definitions.~~

~~Terms used in this article are defined as follows:~~

- ~~(a) — Agriculture: The business of cultivating the soil; producing crops and raising horses, production of horticultural, aquacultural, and silvicultural products; and raising livestock to provide food or fiber for society.~~
- ~~(b) — Authorized county official: That county employee so designated by the county administrator.~~
- ~~(c) — Caliper: The diameter of a tree trunk in inches, measured at twelve (12) inches above the ground.~~
- ~~(d) — Damaged tree: A tree that has been wounded (bark scraped or removed, limbs removed or shattered, roots cut or crushed) to an extent that its survival is unlikely.~~
- ~~(e) — Development, development activity: Any nonagricultural activity that may include the following:~~
  - ~~(1) — Clearing, scraping or removing the vegetation from a site.~~
  - ~~(2) — Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, grubbing, or otherwise significantly disturbing the soils of a site.~~
  - ~~(3) — The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance, and any use or extension of the use of land.~~
- ~~(f) — Development review committee (DRC) or its successor equivalent: A committee composed of members designated by the county administrator to review development applications.~~
- ~~(g) — Development site: That portion of a plot or parcel upon which development occurs.~~
- ~~(h) — Hardship: An exceptional circumstance which is unique to the subject property which is not shared by other property owners in that area, such as peculiar physical characteristics of the property. Self-created problems are not undue hardships nor are common difficulties shared by other property owners in the area.~~
- ~~(i) — Drip line: The outermost perimeter of the crown of a tree as projected vertically to the ground, as illustrated on Exhibit A.~~
- ~~(j) — Heritage tree: A tree and its root system of the species listed in Figure 1 whose circumference, height and crown measurements cumulatively meet or exceed the minimum points for the species as outlined in Figure 2. In order to qualify as a heritage tree, the tree shall be measured and scored based on the point system outlined in Figure 2.~~

**FIGURE 1. SPECIES AND MINIMUM POINTS**

Species	Minimum Points
Cypress ( <i>Taxodium spp.</i> )	175
Oak ( <i>Quercus spp.</i> )	150
Pine ( <i>Pinus spp.</i> )	150

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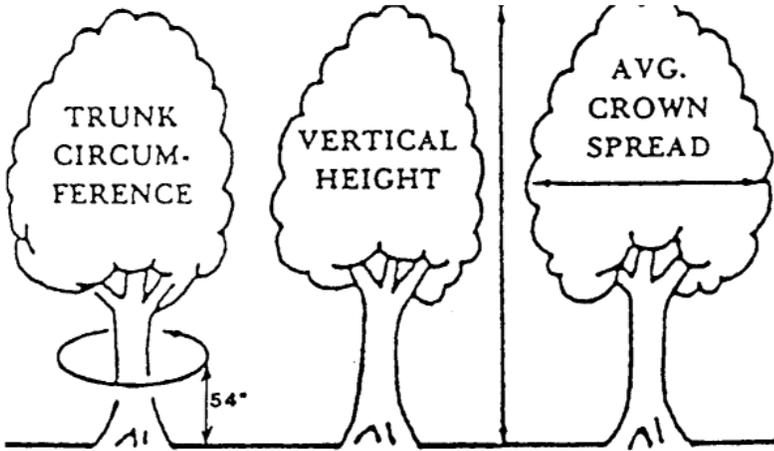


FIGURE 2. POINT SYSTEM

FIGURE 2. POINT SYSTEM

Measurements	Points
Trunk circumference to nearest inch (measured at four and one-half (4½) feet above grade)	One (1) per inch
Height to nearest foot (measured vertically from a point level with the base to the highest twig)	One (1) per foot
Average crown spread to nearest foot (measure and add longest and shortest diameters of limb spread and divide total by two (2) for average)	One (1) per two (2) feet

(k) Native tree: Any individual tree of a species listed in Figure 3. Damaged trees do not qualify as native trees for purposes of planting or preservation.

FIGURE 3. APPROVED TREE SPECIES—NATIVE

- American Holly (*Ilex opaca*)
- Bald Cypress (*Taxodium distichum*)
- Baycedar (*Suriana maritima*)
- Black Mangrove (*Avicennia germinans*)
- Blolly (*Torrubia obtusata*; *Buapira discolor*)
- Longleaf (*Torrubia longifolia*)
- Bluejack Oak (*Quercus incana*)

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- ~~—— Button Bush (*Cephalanthus occidentalis*)~~
- ~~—— Buttonwood (*Conocarpus erectus*)~~
- ~~—— Catclaw Blackbeard (*Pithecolobium unguis-cati*)~~
- ~~—— Chapman Oak (*Quercus chapmanii*)~~
- ~~—— Cherry Laurel (*Prunus caroliniana*)~~
- ~~—— Coastal Plain Willow (*Salix caroliniana*)~~
- ~~—— Coconut Palm (*Cocos nucifera*)~~
- ~~—— Dahoon Holly (*Ilex cassine*)~~
- ~~—— East Palatka Holly (*Ilex opaca* "East Palatka")~~
- ~~—— Everglades or Paurotis Palm (*Accolorrhaphe wrightii*)~~
- ~~—— Florida Elm (*Ulmus americana* var. *floridana*)~~
- ~~—— Florida Fiddlewood (*Citharexylum fruticosum*)~~
- ~~—— Florida Royal Palm (*Roystonea elata regia*)~~
- ~~—— Gumbo-Limbo (*Bursera simaruba*)~~
- ~~—— Hercules-Club or Toothache-Tree (*Zanthoxylum clava-herculis*)~~
- ~~—— Laurel Oak (*Quercus laurifolia*)~~
- ~~—— Lime Prickly-Ash (*Zanthoxylum fagara*)~~
- ~~—— Live Oak (*Quercus virginiana*)~~
- ~~—— Loblobby Bay (*Gordonia lasianthus*)~~
- ~~—— Longleaf Pine (*Pinus palustris*)~~
- ~~—— Mahogany (*Swietenia mahogani*)~~
- ~~—— Myrtle Oak (*Quercus myrtifolia*)~~
- ~~—— Pignut Hickory (*Carya glabra*)~~
- ~~—— Pond Cypress (*Taxodium ascendens*)~~
- ~~—— Pop Ash (*Fraxinum carolinana*)~~

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- ~~—— Red Bay (*Persea borbonia*)~~
- ~~—— Red Mangrove (*Rhizophora mangle*)~~
- ~~—— Red Mulberry (*Morus rubra*)~~
- ~~—— Sabal or Cabbage Palm (*Sabal palmetto*)~~
- ~~—— Sand Live Oak (*Quercus geminata*)~~
- ~~—— Sand Pine (*Pinus clausa*)~~
- ~~—— Sea Grape (*Coccoloba uvifera*)~~
- ~~—— South Florida Slash Pine (*Pinus elliotii* var. *densa*)~~
- ~~—— Southern Magnolia (*Magnolia grandiflora*)~~
- ~~—— Southern Red Cedar (*Juniperus silicicola*)~~
- ~~—— Southern Red Maple (*Acer rubrum*)~~
- ~~—— Stoppers (*Eugenia* spp.)~~
- ~~—— Sugarberry or Hackberry (*Celtis laevigata*)~~
- ~~—— Swamp Tupelo or Black Gum (*Nyassa sylvatica*)~~
- ~~—— Sweet Acacia (*Acacia farnesiana*)~~
- ~~—— Sweetbay (*Magnolia virginiana*)~~
- ~~—— Sweetgum (*Liquidambar styraciflua*)~~
- ~~—— Sycamore (*Plantanus occidentalis*)~~
- ~~—— Turkey Oak (*Quercus laevis*)~~
- ~~—— Walter Viburnum (*Viburnum obovatum*)~~
- ~~—— Water Oak (*Quercus nigra*)~~
- ~~—— Wax Myrtle (*Myrica cerifera*)\*~~
- ~~—— White Mangrove (*Languncularia racemosa*)~~
- ~~—— Yaupon-Holley (*Ilex vomitoria*)~~

~~—— \*Used in limited quantities — See Figure 6 or section 3-2-188, Minimum tree requirements.~~

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~~FIGURE 4. APPROVED TREE SPECIES—NON-NATIVE~~

~~Black Olive (*Foresteria segregata*)~~

~~Bottlebrush (*Callistemon* spp.)~~

~~Chinese Elm (*Ulmus parvifolia*)~~

~~Crape Myrtle (*Lagerstroemia indica*)~~

~~Golden Rain Tree (*Koelreuteria formosana*)~~

~~Jerusalem Thorn (*Parkinsonia aculeata*)~~

~~Loquat (*Eriobotrya japonica*)~~

~~Royal Poinciana (*Delonix regia*)~~

~~Silver Dollar Eucalyptus (*Eucalyptus cinerea*)~~

~~Tree of Gold (*Tabebuia argentea*)~~

~~Yellow Poinciana (*Peltophorum petrocarpum*)~~

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

~~(l) Native tree replacement fund: A fund established to provide money for the purpose of planting trees on government-owned properties.~~

~~(m) Natural ground level: The elevation and grade of the parcel that existed prior to the development activity.~~

~~(n) No tree affidavit: A signed notarized statement by the landowner or his agent stating that no trees exist upon the site.~~

~~(o) Parcel: A lot or tract of land.~~

~~(p) Planted tree: A tree which has been nursery grown for resale or otherwise transplanted.~~

~~(q) Preserved tree: A tree preserved on-site which has been barricaded or is located one hundred (100) feet or more from the farthest point of development and will count toward a development's minimum tree requirement.~~

~~(r) Prohibited trees: Trees of undesirable or exotic species which disrupt natural habitats or are otherwise destructive. The following trees shall be considered prohibited:~~

~~FIGURE 5. PROHIBITED TREES~~

~~Australian Pine (*Casuarina equisetifolia* and *Casuarina glauca*)~~

~~Banyan Tree (*Ficus benghalensis*)~~

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- ~~Brazilian Pepper (Schinus terebinthifolius)~~
- ~~Carrotwood (Cupaniopsis anacardioides)~~
- ~~Chinese Tallow (Sapium sebiferum)~~
- ~~Cuban Laurel (Ficus Nitida)~~
- ~~Eucalyptus (Eucalyptus spp. except Eucalyptus cinerea).~~
- ~~Indian Rosewood (Dalbergia sissoo)~~
- ~~Melaleuca (Melaleuca quinquenervia)~~
- ~~Rubber Tree (Ficus decora)~~
- ~~Silk Oak (Grevillea robusta)~~
- ~~Weeping Fig (Ficus benjamina)~~

— (s) — ~~Spiking (also known as "spurring"): The use of any metal gaff device, to aid in tree climbing in order to remove branches, limbs or leaves from a tree.~~

— (t) — ~~Topping (also known as, "stubbing," "heading," "heading-back," "stubbing off," "tipping," "hatracking," "topping-off," "dehorning," "lopping," "roundover," "cut-over"): Trimming of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.~~

— (u) — ~~Tree: A woody perennial with one (1) or more well-defined main stems or trunks attaining four (4) inches or more in diameter growing upright to maturity, or to form a crown and branching at that point, ultimately reaching a height of fourteen (14) feet or more.~~

— (v) — ~~Tree points: A number calculated according to Figure 6.~~

—  
—

(a) ~~Applicability Sec. 3-2-187. — Generally.~~

~~The terms of this article section shall apply to any native or non-native tree, as listed in Figures 1 and 2 Exhibit 8: List of Approved Tree Species. This article section shall also apply to the tree removal, protection, and tree planting requirements of a development, all types of development, regardless of size or the nature of development approval, unless otherwise exempted in this article.~~

(1) (a) — ~~On-site inspection for conformance with the requirements of this section section 3-2-188 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. (1) — ~~The BCC board of county commissioners shall establish, by resolution, appropriate fees to defray the cost of enforcing the provisions of this section article.~~

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- b. ~~All trees preserved or planted per section 3-2-188~~this section must remain preserved in perpetuity.
- c. ~~(2) If the requirements of section 3-2-188~~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. ~~(3) For a period of one (1) year from the date of the issuance of the C.O.,~~Any tree regulated by this article-section that dies, or sustains~~receives~~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. ~~up to one (1) year from the date of the original C.O. inspection.~~
- e. ~~(4) Any tree which is required as a replacement to the original C.O. tree,~~ is also subject to a ~~one-year~~ follow-up inspection, following its installation.

~~(b) (b)~~ — This ~~article-section~~ shall not apply to the following:

~~(1) (1)~~ — Properties which meet all of the following criteria:

- a. ~~a.~~ — The primary principal use is bona fide agriculture;
- b. ~~b.~~ — The property is zoned for agriculture;
- c. ~~c.~~ — The future land use map (FLUM) designation is agriculture; and
- d. ~~d.~~ — The property is not within a development of regional impact (DRI).

~~(2) — Excavation activities pursuant to permit under the Charlotte County Excavation Ordinance in an area designated as agriculture on the future land use map, excluding any ancillary or accessory uses, structures or development.~~

~~(2) (3)~~ — Developments which received final site plan approval or building permits prior to September 15, 1992, excluding the provisions of Subsection 3-9-91.3(e)~~3-2-190~~, Heritage ~~†~~Trees.

~~(3) (4)~~ — Developments, alterations, or additions of ~~one thousand (1,000)~~ square feet or less.

~~(4) (5)~~ — Interior remodeling or modifications.

~~(5) (6)~~ — Commercial plant and tree nurseries, where plants and trees are grown and/or sold for horticultural purposes.

~~(6) (7)~~ — Removal of trees as part of an approved management activity within a preserve or resource conservation area.

~~(8)~~ — Cemeteries.

~~(7)~~

~~(c) Sec. 3-2-188.~~ — Minimum tree requirements.

~~(1)~~ For all development regulated by this ~~section~~article, tree points must be preserved or planted according to ~~Figure 7, below~~Exhibit 6: Tree Points for Development Types. A list of trees acceptable for the purpose of this ~~section~~article is ~~given~~provided in ~~Exhibit~~Figures 3 and 4. ~~(See definitions 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

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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.

**FIGURE 6 ~~Exhibit 5:~~ TREE POINTS**

Tree caliper (inches)	Retained Native (Except Palms)	Installed Native (Except Palms)	Non-Native* (Installed or Retained)	Native Palms (w/min. Minimum 6' clear trunk)	Preserved or Planted Wax Myrtles (Minimum 6' tall with at least one 2" stem) OR Palmetto 25 sq. ft. or 25 sq. ft. Palmetto preserved or planted Wax Myrtles (min. 6' tall with at least one 2" stem)
2.0	1.0	1.0	0.5	0.5	0.5
3.0	1.5	1.5	1.0	0.5	N/A
4.0	3.5	2.5	1.5	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
<u>98.0**</u>	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).

**FIGURE 7 ~~Exhibit 6:~~ TREE POINTS ~~oints for~~ FOR DEVELOPMENT ~~velopment~~ 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

(3) (a) — 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 natural ground level to the highest point of the foliage and a minimum caliper of two (2) inches measured twelve (12) inches above the existing grade natural ground level.

a. (1) — 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

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otherwise prohibited by the provisions of this ~~section~~ article. A single phase of phased development shall be considered a development site and all the points shall be calculated within that phase.

- b. ~~(2)~~ Trees preserved or planted within easements may be counted toward the tree point requirement.
- i. ~~a.~~ — 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 ~~article~~ section, and no action shall be taken against the rightful user of the easement for which it was intended.

— b. — A list of acceptable trees for tree planting in utility easements near power lines is set forth below in ~~Figure 8~~ Exhibit 7: Recommended Trees for Planting under Power Lines.

ii. \_\_\_\_\_

**FIGURE 8 ~~Exhibit 7: - RECOMMENDED TREES~~ Recommended TREES FOR PLANTING UNDER  
POWER LINES**

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

- iii. ~~c.~~ — 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.
- iv. ~~d.~~ — 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. ~~(3)~~ Trees planted to meet the minimum tree point requirements of this ~~article~~ section may not be planted within County rights-of-way.
- (4) ~~(b)~~ — While all preserved native palms may be ~~counted~~ 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 palm trees.
- (5) ~~(c)~~ — No more than ~~fifty (50)~~ percent of the required tree points may be obtained from approved non-native trees ~~(excluding except that non-native palms, which commonly shall not count for more than twenty-five (25) percent of total required points per Subsection 3-9-2-18891.3(c)(b4).~~
- (6) ~~(d)~~ — 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) ~~(e)~~ — No more than ~~twenty-five (25)~~ percent of the required tree points may be obtained from the approved square footage of preserved Palmetto.
- (1) ~~(f)~~ — Replacement trees must carry plastic tags identifying their species. These tags must be and retained until the C.O. certificate of occupancy is granted.

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(8) \_\_\_\_\_

(d) ~~Sec. 3-2-189.~~ Tree removal.

(1) ~~(a)~~ — Prior to the removal of any tree ~~on a development site~~ 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) ~~(b)~~ — All applicants proposing development must submit the following to the ~~community development~~ Department at the time of application for building permits and prior to any development clearing activity:

a. ~~(1)~~ — A tree survey inventory, completed by a certified arborist or signed and sealed by a registered engineer, landscape architect, or surveyor, consisting of a scaled drawing indicating:

i. ~~a.~~ — Development site boundaries.

ii. ~~b.~~ — 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 12 inches from existing grade.

iii. ~~c.~~ — 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. ~~(2)~~ — Proof that removal of trees is consistent with tree removal criteria in ~~s~~Subsection 3-29-91.3(g)4932 or tree removal authorization fee exemptions in Subsection 3-29-4991.3(h)45. 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.

c. ~~(3)~~ — 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 Subsection 3-9-91.3(j) 3-2-1945.

(3) ~~(c)~~ — In the event that no trees exist there are no trees 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.

— ~~(d)~~ — For development requiring Site Plan Review Committee DRC (or its successor equivalent) approval, all documentation listed above and a landscape plan illustrating the incorporation of both preserved (if applicable) and planted trees, as applicable, into the proposed development must be submitted at the time of preliminary plan submittal.

(5) \_\_\_\_\_

(e) ~~Sec. 3-2-190.~~ 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) ~~(a)~~ — The Zoning Official or his/her designee. An authorized county official shall exempt a heritage tree from the terms and provisions of this section if:

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- a. ~~(1)~~ The tree is in advanced stages of decline. Staff reserves the right to request a determination from a certified arborist; or
- b. ~~(2)~~ 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 ~~of 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 \$150 per DBH inch not replanted to the Native Tree Replacement Fund.

~~(1) (b)~~ Encroachment under a heritage tree will be allowed only to the extent provided by this article section.

(3)

~~(f) Sec. 3-2-191.~~ Tree preservation and protection.

~~(1) (a)~~ ~~Tree protection.~~ 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. ~~(1)~~ Prior to the site clearing phase of development, the trees to be preserved shall be protected by the construction of barriers.
- b. ~~(2)~~ 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 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. ~~(3)~~ Barriers shall be placed at least six ~~(6)~~ feet from the trunk of any protected palm.
- d. ~~(4)~~ 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 Ssubsection 3-9-91.3(fb) of this section.
- e. ~~(5)~~ 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 drip line 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. (See in accordance with Subsection 3-9-91.3(c) sec. 3-2-188(e)).
- f. ~~(6)~~ 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. ~~(7)~~ Barriers will remain in place until all construction activity, except landscaping, within the protected areas is complete.

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h. ~~(8)~~ Trees not protected in the manner defined by this section throughout the construction period will not be considered preserved for purposes of this article~~section~~, except for trees so located that they are ~~one hundred (100)~~ feet or more from the farthest point of development activity.

i. ~~(9)~~ 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 months and a maximum of one year period as long as the tree has been properly established.

k. ~~(10)~~ Temporary sanitation facilities shall not be located within the tree protection areas.

l. ~~(11)~~ No damaging attachment, wires (other than support wires for a tree), signs or permits shall be fastened to any tree protected by this article~~section~~.

(2) ~~(b)~~ Encroachment permitted: In the event that the preservation techniques referenced in subsection (a) ~~this section~~ are deemed impracticable, trees and tree roots may be encroached upon ~~(See Exhibit A (following this article) for diagram)~~ subject to the provided that such encroachment complies with the following conditions:

a. ~~(1)~~ No more than one-half of the radius of the tree canopy is impacted. This encroachment shall occur on no more than one ~~(1)~~ side of the tree.

b. ~~(2)~~ No more than one-third of all tree roots found at the outermost limits of the tree's drip line are encroached upon.

c. ~~(3)~~ 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. ~~(4)~~ Paved areas of allowable encroachment shall use techniques that provide for aeration and irrigation of the root system. These techniques include:

i. a. Substituting gravel or pebbles for typical fill soils; and

ii. b. Using pervious or porous paving materials in the areas of encroachment.

e. ~~(5)~~ Supplemental irrigation shall be provided throughout construction in order to mitigate tree stress induced by this encroachment.

(3) ~~(c)~~ 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) ~~(d)~~ 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, Figures 3 and 4 be counted as a preserved or planted tree for purposes of this article.

(4) ~~(e)~~ 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.

(5) \_\_\_\_\_

(g) ~~Sec. 3-2-192.~~ Criteria for issuance of tree removal authorization.

(1) ~~(a)~~ 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 criteria below: ~~Criteria are as follows:~~

a. ~~(1)~~ Trees pose a safety hazard to pedestrian or vehicular traffic or cause disruption to public utility services.

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- b. ~~(2)~~ Trees pose a safety hazard to buildings or structures which cannot be remedied by trimming.
- c. ~~(3)~~ Trees completely prevent access or cross access to a lot or parcel.
- d. ~~(4)~~ 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 the proposed structure improvements so as to minimize the removal of trees.
- e. ~~(5)~~ 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.

~~(b) Authorization to remove a tree(s), when granted, shall be confined to the tree(s) specifically identified for which removal asis permitted. Removal of a tree(s) must be performed within six 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, according to the following schedule, after which time the approval will be void; and no tree(s) may be removed without obtaining reauthorization based upon the submission of a new application and fees.~~

~~(1) For development not requiring DRC approval, tree removal must be performed within twelve (12) months from the date of the issuance of the tree removal authorization.~~

~~(2) (2) For development requiring DRC (or its successor equivalent) approval, tree removal must be performed during the development activity for which DRC approval was granted.~~

~~(1) (c) Nothing in this article section shall be construed to require the removal of any trees by the applicant.~~

~~(3)~~

~~(h) Sec. 3-2-193. Tree removal authorization; permit and fee; exemptions.~~

~~(1) (a) The following categories shall be considered exempt from tree removal authorization requirements and per caliper inch fees as provided in this article section:~~

~~(1) Any portion of properties platted prior to September 15, 1992, which require fill, stemwall or piling construction.~~

a. ~~(2)~~ 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. ~~(3)~~ Dead trees.

a.c. ~~(4)~~ Trees listed as Category I or II on the most recent edition of the Florida Exotic Pest Plant Council's Invasive Plant List, or listed on Exhibit 9: Prohibited Trees Plants Prohibited species of trees.

d. ~~(5)~~ The removal of trees located within the footprint and within six ~~(6)~~ feet of the footprint of any building construction.

e. ~~(6)~~ 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.

~~(7) Proposed utility rights-of-way and easements less than twenty (20) feet in width; and less than one-half mile long, are exempt from the provisions of this article. Proposed utility rights-of-way and easements greater than twenty (20) feet in width, regardless of length, are subject to the conditions of this article unless said rights-of-way and easements are subject to approval under the Transmission Line Siting Act, F.S. §§ 403.52 through 403.5365, or the Florida Electric Power Plant Siting Act, F.S. §§ 403.501 through 403.518.~~

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- f. ~~(8)~~ The trimming, cutting, or other alteration to any existing tree, provided such activities are consistent with sound horticultural practices.
- b. ~~(9)~~ 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.
- g.

(i) ~~Sec. 3-2-194.~~ 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) ~~(a)~~ Approved tree species. All trees selected to meet the requirements of this article section shall be chosen from Exhibit 8: List of Approved Tree Species~~the Approved Tree List, Figures 3 and 4~~. Other tree species, except prohibited species, may be included on the development site, ~~except prohibited species~~, but they shall not be counted toward meeting the requirements of this article section. Trees planted in compliance with ~~chapter 3-5, Section 3-9-91~~ article X.1: Buffers or Section 3-9-91.2: Landscaping VIII, Landscape Requirements, of the County Code, may be used to help satisfy the requirements of this section, provided they meet the criteria set forth in this article section.
- (2) ~~(b)~~ Tree quality. All trees used in conformance of this section shall meet or exceed the standards for Florida No. 1 ~~or better~~ as provided by Grades and Standards for Nursery Plants, Part II, Palms and Trees; ~~most recent edition~~ current edition; State of Florida, Department of Agriculture, Tallahassee.
- (3) ~~(c)~~ Installation. 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. ~~(1)~~ Grow bags and containers shall be completely removed from the root ball prior to planting.
  - b. ~~(2)~~ Burlap shall be sliced in both directions on the sides of the root ball and removed from the top one-third of the root ball.
  - c. ~~(3)~~ All twine or wire shall be cut off from around the trunk at the top of the root ball.
  - d. ~~(4)~~ 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. ~~(5)~~ The owner(s) or their agent(s) shall provide sufficient soil and water to sustain healthy growth of all trees.
- (4) ~~(d)~~ Anchoring. 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) ~~(e)~~ Postponement of planting. In the event the property owner is not residing in Charlotte County at the time of certificate of occupancy (C.O.) issuance, and (i) ~~wishes to choose~~ and to install his/her own trees; or (ii) is not available to care for the newly planted trees, ~~upon written request~~, the property owner may, upon written request, post a security deposit, either as cash or certified check, ~~which that~~ is equivalent to the established dollar amount for the development's required number of tree points. ~~(Same as i.e., the "buy-out" fee)~~. This cash security deposit is valid for ~~ninety (90)~~ ninety (90) days from the issuance of the C.O. certificate of occupancy.
  - a. ~~(1)~~ Upon inspection and written approval from the Code Compliance inspector that all tree installation has been met within the allotted 90~~ninety~~-day period, the posted security deposit will be refunded within five ~~(5)~~ working days.

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a. ~~(2)~~ 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.

b.     

(j) ~~Sec. 3-2-195.~~ Native Ttree Rreplacement Ffund.

(1) ~~(a)~~ The Ppublic Wworks Ddepartment is hereby authorized and directed to administer a Nnative Ttree Rreplacement Ffund which consists of monies collected as payment for tree removal authorization and in lieu of planting or preserving trees on developed properties. The Ccommunity Ddevelopment Ddepartment is hereby authorized and directed to collect the monies for payment of the Nnative Ttree Rreplacement Ffund. Thus, a person applicant shall pay to the community development Ddepartment a sum determined by multiplying the number of required tree points which they wish to be excused from preserving or planting on a development site times the Nnative Ttree Rreplacement fee, said fee to be established by resolution of the BCCboard of county commissioners.

a. ~~(1)~~ The community development Ddepartment shall keep daily records of the monies received pursuant to this section.

a. ~~(2)~~ The Bboard of county commissioners shall establish, by resolution, a program administered by the Ppublic Wworks Ddepartment which shall apply monies received to the planting of native trees, native shrubs, mulch, installation, design, and irrigation on lands or easements of the Ccounty or other government-owned lands. Non-substantive amendments may be made from time to time without action by the BCCboard of county commissioners as deemed necessary for the administration of the program.

b.     

(k) ~~Sec. 3-2-196.~~ Slope variance.

Notwithstanding other Ccounty 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) ~~Sec. 3-2-197.~~ 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) ~~Sec. 3-2-198.~~ Prohibited trees.

The planting of any prohibited species of tree, as identified in ~~Figure 5~~Exhibit 9: Prohibited Plants of this article, shall be strictly prohibited.

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(n) ~~Sec. 3-2-199.~~ Prohibited practices.

The following practices or procedures shall be considered unlawful in the County, except where exempted:

(1) ~~(a)~~ — 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. ~~(1)~~ — All tree pruning shall be conducted according to the most recent~~latest~~ edition of the National Arborist Association standards, which are hereby incorporated by this reference.

b. ~~(2)~~ — 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.

~~(1)~~ ~~(b)~~ — 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~~article.

~~(2)~~ —

(o) ~~Sec. 3-2-200.~~ Voluntary planting.

~~This~~ provisions of this section~~article~~ 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 ~~article~~section govern only the planting of trees which are required to be planted or retained ~~under this ordinance~~as required by this section.

(p) ~~Sec. 3-2-201.~~ Variance, appeal and penalty.

~~(a)~~ ~~Variance.~~

(1) ~~(1)~~ — The ~~B~~oard of Z~~oning~~ ~~A~~ppeals (BZA) may, upon appropriate application in writing, vary or waive the terms and provisions of this ~~article~~section due to unreasonable hardship in specific cases. The criteria for a variance are as follows:

a. ~~a.~~ — Unique or peculiar conditions or circumstances apply to the property.

b. ~~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. ~~c.~~ — The requested variance is the minimum modification of these regulations.

d. ~~d.~~ — The requested variance is compatible with all other County regulations.

(2) ~~(2)~~ — The preservation of any approved tree over ~~eighteen~~ (18) inches DBH (~~diameter at breast height when measured at fifty-four~~ (54) inches above natural grade) 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 ~~article~~section and other County regulations.

(3) ~~(b)~~ — ~~Appeal.~~ Any party aggrieved by the administrative interpretation or enforcement of this ~~section~~article may appeal to the ~~BZA board of zoning appeals~~ pursuant to Sec. 3-9-6 of the Charlotte County Code. (~~section 3-9-2?~~)

(4) ~~(c)~~ — Penalties~~y~~ for violation.

a. ~~(1)~~ — Each preserved tree destroyed or suffering detrimental alteration during construction must be replaced by either a tree of comparable size and type of tree, or by tree replacement conditions as provided by this ~~article~~section, before issuance of a ~~C.~~Certificate of occupancy.

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- b. ~~(2) No C.O. certificate of occupancy or power release shall be issued for any development until all applicable approval or restoration plan conditions have been accomplished.~~
- c. ~~(3) Failure to comply with any provisions of this section/article 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. ~~(4) If an individual fails to obtain the appropriate authorization for any tree removal prior to development, the community development Department may require a fine, which will vary depending on the number of offenses within the calendar year.~~
- i. ~~a. 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.~~
- ii. ~~b. 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 one hundred fifty dollars (\$150.00).~~
- iii. ~~c. For multiple offenses within one (1) calendar year, the fee is four (4) times the original tree removal fee plus five hundred dollars (\$500.00) for each occurrence. In the case of tree removal fee exemptions, the fee is four (4) times the standard processing fee plus five hundred dollars (\$500.00).~~
- (5) If an individual falsifies information on any tree form, or does not post the tree permits on the subject property, the community development Department may require a fine, which will vary depending on the number of offenses within a calendar year.
- a. ~~a. For a first offense, a written warning.~~
- b. ~~b. For a second offense in one (1) calendar year, the fine is fifty dollars (\$50.00).~~
- c. ~~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 community development Department may require a fine, which will vary depending on the number of offenses within a calendar year.
- a. ~~a. For a first offense, a written warning requiring the removal of the prohibited tree.~~
- b. ~~b. For a second offense in one (1) calendar year, the fine is fifty dollars (\$50.00) and the violation will be forwarded to the Code Enforcement Division to open a Code case requiring the removal of the prohibited tree.~~
- c. ~~c. For multiple offenses within one (1) calendar year, the fine is one hundred fifty dollars (\$150.00) 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.~~

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**EXHIBIT 8:**  
**List of Approved Tree Species**

**Approved (For Tree Points) Canopy Tree Species—Native**

<u>American Hophornbeam (<i>Ostrya virginiana</i>)</u>	<u>Red Maple (<i>Acer rubrum</i>)</u>
<u>American Elm (<i>Ulmus americana</i>)</u>	<u>Sabal or Cabbage Palm (<i>Sabal palmetto</i>)</u>
<u>Bald Cypress (<i>Taxodium distichum</i>)</u>	<u>Sand Pine (<i>Pinus clausa</i>)</u>
<del><u>Bluejack Oak (<i>Quercus incana</i>)</u></del>	<u>Sassafras (<i>Sassafras albidum</i>)</u>
<u>Cherry Laurel (<i>Prunus caroliniana</i>)</u>	<del><u>Sea Grape (<i>Coccoloba uvifera</i>)</u></del>
<u>Coconut Palm (<i>Cocos nucifera</i>)</u>	<u>Shumard Oak (<i>Quercus shumardii</i>)</u>
<del><u>Everglades or Paurotis Palm (<i>Accolorrhapho wrightii</i>)</u></del>	<u>South Florida Slash Pine (<i>Pinus elliottii</i> var. <i>densa</i>)</u>
<u>Florida Elm (<i>Ulmus Americana</i> var. <i>floridana</i>)</u>	<u>Southern Magnolia (<i>Magnolia grandiflora</i>)</u>
<u>Florida Royal Palm (<i>Roystonea elata</i>)</u>	<u>Southern Red Maple (<i>Acer rubrum</i>)</u>
<u>Florida Scrub Hickory (<i>Carya floridana</i>)</u>	<u>Southern Red Oak (<i>Quercus falcata</i>)</u>
<u>Green Ash (<i>Fraxinus pennsylvanica</i>)</u>	<u>Strangler Fig (<i>Ficus aurea</i>)</u>
<u>Gumbo-Limbo (<i>Bursera simaruba</i>)</u>	<u>Swamp Chestnut Oak (<i>Quercus michauxii</i>)</u>
<u>Jamaican Dogwood (<i>Piscidia piscipula</i>)</u>	<u>Swamp Tupeolo or Black Gum (<i>Nyssa sylvatica</i>)</u>
<u>Laurel Oak (<i>Quercus laurifolia</i>)</u>	<del><u>Sweet Acacia (<i>Acacia farnesiana</i>)</u></del>
<u>Live Oak (<i>Quercus virginiana</i>)</u>	<u>Sweetbay Magnolia (<i>Magnolia virginiana</i>)</u>
<u>Loblobby Bay (<i>Gordonia lasianthus</i>)</u>	<u>Sweetgum (<i>Liquidambar styraciflua</i>)</u>
<u>Loblolly Pine (<i>Pinus taeda</i>)</u>	<u>Sugarberry or Hackberry (<i>Celtis laevigata</i>)</u>
<u>Longleaf Pine (<i>Pinus palustris</i>)</u>	<u>Sycamore (<i>Platanus occidentalis</i>)</u>
<u>Mahogany (<i>Swietenia mahagoni</i>)</u>	<u>Tulip Tree (<i>Liriodenodron tulipifera</i>)</u>
<u>Mastic (<i>Sideroxylon foetidissimum</i>)</u>	<u>Turkey Oak (<i>Quercus laevis</i>)</u>
<u>Persimmon (<i>Diospyros virginiana</i>)</u>	<u>Water Oak (<i>Quercus nigra</i>)</u>
<u>Pigeon Plum (<i>Coccoloba diversifolia</i>)</u>	<u>Water Hickory (<i>Carya aquatica</i>)</u>
<u>Pignut Hickory (<i>Carya glabra</i>)</u>	<u>Water Tupelo (<i>Nyssa aquatica</i>)</u>
<u>Pond Cypress (<i>Taxodium ascendens</i>)</u>	<u>Wild Tamarind (<i>Lysiloma latisiliquum</i>)</u>
<del><u>Pop Ash (<i>Fraxinus caroliniana</i>)</u></del>	<u>Winged Elm (<i>Ulmus alata</i>)</u>
<u>Red Cedar (<i>Juniperus virginiana</i>)</u>	

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

<u>Black Olive (<i>Bucida buceras</i>)</u>	<del>Tree of Gold (<i>Tabebuia argentea</i>)</del>
Golden Rain Tree ( <i>Koelreuteria formosana</i> )	<del>Yellow Poinciana (<i>Peltophorum pterocarpum</i>)</del>
<u>Jacaranda (<i>Jacaranda acutifolia</i>)</u>	<del>Washington or Petticoat Palm (<i>Washingtonia Robusta</i> or <i>Washingtonia filifera</i>)</del>
Royal Poinciana ( <i>Delonix regia</i> )	

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

<del>Jacaranda (<i>Jacaranda acutifolia</i>)</del>
Queen Palm ( <i>Syagrus romanzoffiana</i> )
<u>Washington or Petticoat Palm (<i>Washingtonia robusta</i> or <i>Washingtonia filifera</i>)</u>

**Approved (For Tree Points) Understory Tree Species—Native**

American Holly ( <i>Ilex opaca</i> )	<u>Florida Fiddlewood (<i>Citharexylum fruticosum</i>)</u>
Baycedar ( <i>Suriana maritima</i> )	<u>Florida Thatch Palm (<i>Thrinax radiata</i>)</u>
<u>Black Ironwood (<i>Krugiodendron ferreum</i>)</u>	<u>Florida Willow (<i>Salix floridana</i>)</u>
Black Mangrove ( <i>Avicennia germinans</i> )	<u>Flowering Dogwood (<i>Cornus florida</i>)</u>
Bolly ( <i>Guapira discolor</i> )	<u>Fringetree (<i>Chionanthus virginicus</i>)</u>
<u>Bustic Willow (<i>Sideroxylon salicifolium</i>)</u>	<u>Geiger Tree (<i>Cordia sebestena</i>)</u>
Button Bush ( <i>Cephalanthus occidentalis</i> )	<u>Heart Leaved Willow (<i>Salix eriocephala</i>)</u>
Buttonwood ( <i>Conocarpus erectus</i> )	<u>Hercules-Club or Toothache-Tree (<i>Zanthoxylum clava-herculis</i>)</u>
Catclaw Blackbeard ( <i>Pithecellobium unguis-cati</i> )	<u>Hornbeam or Musclewood (<i>Carpinus caroliniana</i>)</u>
Chapman Oak ( <i>Quercus chapmanii</i> )	<u>Lime Prickly-Ash (<i>Zanthoxylum fagara</i>)</u>
<u>Chinquapin (<i>Castanea pumila</i>)</u>	<u>Myrtle Oak (<i>Quercus myrtifolia</i>)</u>
Cherry Laurel ( <i>Prunus caroliniana</i> )	<u>Pond Apple (<i>Annona glabra</i>)</u>
Coastal Plain Willow ( <i>Salix caroliniana</i> )	<u>Pop Ash (<i>Fraxinus caroliniana</i>)</u>
<u>Cocoplum (<i>Chrysobalanus icaco</i>)</u>	<u>Red Bay (<i>Persea borbonia</i>)</u>
<u>Common Pawpaw (<i>Asimina triloba</i>)</u>	<u>Red Buckeye (<i>Aesculus pavia</i>)</u>
Dahoon Holly ( <i>Ilex cassine</i> )	<u>Redbud (<i>Cercis canadensis</i>)</u>
East Palatka Holly ( <i>Ilex opaca</i> "East Palatka")	<u>Red Mangrove (<i>Rhizophora mangle</i>)</u>
<del>Florida Elm (<i>Ulmus americana</i> var. <i>floridana</i>)</del>	<u>Red Mulberry (<i>Morus rubra</i>)</u>

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<u>Rusty Lyonia (<i>Lyonia ferruginea</i>)</u>	<u>Sweet Acacia (<i>Acacia farnesiana</i>)</u>
<u>Sand Live Oak (<i>Quercus geminata</i>)</u>	<u>Swamp Dogwood (<i>Cornus foemina</i>)</u>
<u>Satinleaf (<i>Chrysophyllum oliviforme</i>)</u>	<u>Titi (<i>Cyrilla recemiflora</i>)</u>
<u>Scrub Oak (<i>Quercus inopina</i>)</u>	<u>Walter Viburnum (<i>Viburnum obovatum</i>)</u>
<u>Sea Grape (<i>Coccoloba uvifera</i>)</u>	<u>Water Oak (<i>Quercus nigra</i>)</u>
<u>Southern Crabapple (<i>Malus angustifolia</i>)</u>	<u>Wax Myrtle (<i>Myrica cerifera</i>)</u>
<u>Southern Red Cedar (<i>Juniperus virginiana</i>)</u>	<u>White Geiger (<i>Cordia globosa</i>)</u>
<u>Spicewood (<i>Calyptanthus pallens</i>)</u>	<u>White Mangrove (<i>Languncularia racemosa</i>)</u>
<u>Stoppers (<i>Eugenia spp.</i>)</u>	<u>Winged Sumac (<i>Rhus copallinum</i>)</u>
<u>Sugarberry or Hackberry (<i>Celtis laevigata</i>)</u>	<u>Witch Hazel (<i>Hamamelis virginiana</i>)</u>
<u>Summer Haw (<i>Crataegus flava</i>)</u>	<u>Yaupon Holly (<i>Ilex vomitoria</i>)</u>

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

<u>Shady Lady Black Olive (<i>Bucida buceras</i> ‘Shady Lady’)</u>	<u>Royal Poinciana (<i>Delonix regia</i>)</u>
<u>Bottlebrush (<i>Callistemon spp.</i>)</u>	<u>Silver Dollar Eucalyptus (<i>Eucalyptus cinerea</i>)</u>
<u>Chinese Elm (<i>Ulmus parvifolia</i>)</u>	<u>Silver Palm (<i>Coccothrinax argentata</i>)</u>
<u>Crape Myrtle (<i>Lagerstroemia indica</i>)</u>	<u>Tree of Gold (<i>Tabebuia argentea</i>)</u>
<u>Jerusalem Thorn (<i>Parkinsonia aculeata</i>)</u>	<u>Trumpet Tree (<i>Tabebuia spp.</i>)</u>
<u>Loquat (<i>Eriobotrya japonica</i>)</u>	<u>Yellow Poinciana (<i>Peltophorum pterocarpum</i>)</u>

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

Ligustrum (*Ligustrum spp.*)

**EXHIBIT 9:**  
**Prohibited Plants**

**Trees**

<u>Australian Pine (<i>Casuarina glauca</i> and <i>Casuarina equisetifolia</i>)</u>	<u>Carrotwood (<i>Cupania anacardioides</i>, <i>Cupaniopsis anacardioides</i>)</u>
<u>Banyan Tree (<i>Ficus benghalensis</i>)</u>	<u>Chinese Tallow (<i>Sapium sebiferum</i>)</u>
<u>Brazilian Pepper (<i>Schinus terebinthifolius</i>)</u>	<u>Cuban Laurel (<i>Ficus nitida</i>)</u>
<u>Catclaw Mimosa (<i>Mimosa pigra</i>)</u>	<u>Eucalyptus (<i>Eucalyptus spp.</i>, except <i>E. cinerea</i>)</u>

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Indian Rosewood (*Dalbergia sissoo*)

Java Pl~~u~~m (*Syzygium jambolana*, *Syzygium cumini*)

Lead Tree (*Leucaena leucocephala*)

Melaleuca (*Melaleuca quinquenervia*)

Rubber Tree (*Ficus decora*)

Silk Oeak (*Grevillea robusta*)

Weeping Fig (*Ficus benjamina*)

**Shrubs**

Beach Nāupaka (*Scaevola sericea*)

Downy Rose Myr~~t~~le (*Rhodomyrtus tomentosa*)

Surinam Cherry (*Eugenia michelii*, *Eugenia uniflora*)

**Vines**

Air Potato (*Dioscorea bulbifera*)

Old World Celimbing Fern (*Lygodium microphyllum*)

Rosary Pea (*Abrus precatorius*)

Wingerd Yyam (*Dioscorea alata*)

**Grasses**

Cogon Ggrass (*Imperata cylindrica*)