

602. **TREE PROTECTION AND RESTORATION**

602.1 Purpose and Intent

It is the purpose and intent of this section to promote the health, safety, and general welfare of the current and future residents of Pasco County by establishing minimum standards for the regulation of the planting, maintenance, preservation, protection, and removal of trees within Pasco County. In support thereof, the Board of County Commissioners hereby makes the following findings of fact:

A. The Comprehensive Plan mandates that Pasco County encourage the management of the urban forest areas within the County and participate in intergovernmental programs designed to conserve and manage natural vegetation.

B. As trees purify and cool the ambient air, provide shade, conserve energy, reduce noise levels and glare, and are aesthetically pleasing, trees are an invaluable amenity and asset to Pasco County. Therefore, land management practices and land use techniques that require planting of trees are consistent with the Comprehensive Plan.

C. As certain tree species are more drought tolerant and require less water-polluting, invasive-chemical care and provide particular environmental habitats for native animal species, Pasco County requires, consistent with the Comprehensive Plan, the preservation and protection of native and desirable trees from land development activities through maintenance of indigenous trees on any project site.

D. As tree root systems slow stormwater runoff and stabilize soil, trees are an effective part of Countywide soil conservation, erosion, and flood control. Thus, requiring a minimum number of trees as a condition of land development approvals is an implementation of Best Management Practices for reduction of erosion consistent with the Comprehensive Plan.

E. In order to enhance and protect the overall environmental quality and aesthetic appearance of Pasco County, the removal and planting of individual trees must be regulated and the irreversible damage of individual trees protected by this ordinance, including "topping," is strictly prohibited.

602.2 Definitions

The following words, terms, and phrases, and their derivations, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined in this section shall have the meaning as defined within this code. When not inconsistent with the context, words in the present tense include the future. The word "shall" is always mandatory and not merely directory.

American National Standards Institute (ANSI)—ANSI is a private, nonprofit organization that administers and coordinates the standardization and conformity assessment system. For the purposes of this ordinance, ANSI references relate to the *American National Standard for Tree Care Operations—Trees, Shrubs and Other Woody Plant Maintenance—Standard Practices* (ANSI A300-2001, as amended), which is incorporated herein by reference.

Caliper—Trunk caliper is measured six (6) inches above the ground on trees up to and including four (4) inches in diameter.

Commercial Grower—A grower producing plants (including trees) for resale at retail or wholesale value and registered with the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

Diameter at Breast Height (dbh)—The diameter, in inches, of a tree measured at fifty-four (54) inches above the natural grade. The diameter of multiple-trunked tree(s) shall be added together for this measurement.

Parking Space—A paved or unpaved, ground-surface area used for storage of a single motor vehicle.

Topping—The cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include heading, tipping, hat-racking, and rounding over.

Tree—A perennial, woody plant.

Tree Location Survey—A readable, scale drawing or accurate sketch that provides, at a minimum, the following information: the approximate location of trees, identifying species, size measured by dbh, and whether a tree is to remain or is proposed for removal.

602.3 Exemptions

A. Trees identified in Appendix B, which may be amended from time to time by resolution of the Board of County Commissioners, are exempt from the requirements of this section. Trees identified by Appendix C, which may be amended from time to time by resolution of the Board of County Commissioners, are exempt from the requirements of this section, except for the removal requirements of a Type I permit. However, individuals and entities should consult with competent professionals in order to confirm the identity of any tree prior to its removal.

B. Pasco County shall comply with the requirements of this section, except for road projects where off-site, upland preservation is provided.

C. Registered commercial growers on the premises of plant or tree nurseries, botanical gardens, or tree farms (sponsored by the American Forest Foundation) are exempt from the requirements of this section, except for the requirements for trees of special significance.

D. Trees on lands classified as bona fide agricultural land, for ad valorem taxation purposes pursuant to Florida Statute 193.461, are exempt from the requirements of this section, except trees of special significance. However, said removal shall be done in compliance with the Southwest Florida Water Management District and the Florida Department of Environmental Protection regulations and Silviculture Best Management Practices (Florida Department of Agriculture and Consumer Services).

E. Utilities in connection with overhead service, distribution, transmission lines, underground service, and distribution lines are exempt from the requirements of this section with the following exceptions:

1. Pruning or trimming a tree inconsistent with ANSI 300A-2001, as amended, is prohibited.

2. Removal of trees eighteen (18) inches dbh and larger within corridors and/or easements shall require notification, prior to removal, by telephone to the County Administrator or his

designee and notification to the property owner and/or occupant at least three (3) business days prior to removal.

3. The removal of trees of special significance shall be governed by Section 602.13 of this code.

4. Utility lines, which are tunneled beneath tree roots in order to protect feeder roots, are permitted. Elsewhere trenching is allowed no closer to a tree's trunk than two-thirds of the drip-line radius. However, protective measures shall be taken as specified in the *Tree Protection Manual for Builders and Developers*, as amended and published by the Florida Department of Agriculture and Consumer Services, which protective measures for feeder roots are incorporated herein by reference.

602.4 Tree Removal Permits

No tree, unless otherwise exempted, shall be removed without the required Tree Removal Permit or appropriate development permit obtained prior to its removal. Tree removal shall not be done on commercially or industrially zoned property for which no site plan or preliminary plan has been approved. For the purposes of this section, irreversible damage shall be treated as a removal. Failure to obtain the required Tree Removal Permit or appropriate development permit prior to such irreversible damage of a tree shall be a violation of this section and shall be punishable pursuant to Sections 602.11 and 602.16 of this code. Clearing and grubbing of parcels for any reason shall not occur prior to obtaining the required Tree Removal Permit or the appropriate development permit. There shall be four (4) categories of Tree Removal Permits: Type I, Type II, Type III, and Type IV. The Tree Removal Permit or appropriate development permit shall be clearly displayed and visible from the nearest public right-of-way and must be posted prior to the start of removal and remain on display until the tree removal is complete. Failure to post a permit is a violation of this section. If tree(s) are required as part of a development plan approval to remain or be replaced, removal of said tree(s) without the required permit or permit modification is prohibited.

Classification of Permits: Each applicant for a permit, as set forth below, shall conform with the procedures that are applicable to that particular type of permit:

A. Type I Permits shall be required for the removal of trees five (5) inches dbh and larger in conjunction with any development plan required by Section 306 of this code.

B. Type II Permits shall be required for the removal of trees five (5) inches dbh and larger in conjunction with issuance of any Right-of-Way Use or any Driveway Connection Permit pursuant to Section 311 of this code.

C. Type III Permits shall be required for the removal of any tree five (5) inches dbh and larger in conjunction with the application and issuance of a Building Permit that was not, as a part of a related development permit, reviewed for tree removal and/or replacement.

D. Type IV Permits shall be required for the removal of any tree where a Type I, Type II, or Type III Permit is not required and the tree is ten (10) inches dbh and larger (five [5] inches dbh and larger for nonsingle-family).

602.5 Submittal Requirements, Review, and Determination Process

A. Type I Permit

1. Submittal: Projects which require a Type I Permit shall submit the following to the County Administrator or his designee concurrent with the submittal of a development plan as required by Section 306 of this code.

a. A tree location survey identifying tree(s) ten (10) inches dbh and larger and all trees two (2) inches dbh and larger to remain.

b. A tree plan prepared or approved by a Registered Landscape Architect as authorized by Florida Statute, Chapter 481, as amended, or other type of professional as approved by the County Administrator or his designee.

2. Review and Determination Process: The review and determination process shall be concurrent with the applicable development plan process as defined by Section 306 of this code.

B. Type II Permit

1. Submittal: Projects which require a Type II Permit shall submit the following to the County Administrator or his designee concurrent with the submittal of a Right-of-Way Use or Driveway Connection Permit application:

a. A sketch identifying the location and a general description of tree(s) five (5) inches dbh and larger. For projects larger than one (1) single-family dwelling, a tree location survey identifying tree(s) five (5) inches dbh and larger shall be submitted.

b. Tree Plan: For projects larger than one (1) single-family dwelling, the said plan must be prepared or approved by a Registered Landscape Architect as authorized by Florida Statutes, Chapter 481, as amended, or other type of professional as approved by the County Administrator or his designee.

2. Review and Determination Process: The review and determination process shall be concurrent with the review process as defined by Section 311 of this code.

C. Type III Permit

1. Submittal: Projects that require a Type III Permit shall submit the following to the County Administrator or his designee concurrent with the submittal of a Building Permit application:

a. A sketch showing location and a general description of tree(s) five (5) inches dbh and larger.

b. A tree plan, if applicable.

2. Review and Determination Process: The review and determination process shall be concurrent with the review of the Building Permit application. A reasonable effort shall be made to minimize tree removal, such as design modification and requests for variances; e.g., variances in lot width or setback requirements, where the tree proposed for removal is ten (10) inches dbh and larger. After reasonable effort is made to minimize tree removal and the location of the tree prohibits the use of the site for the intended and desired purpose, a Tree Removal Permit may be granted.

D. Type IV Permit

1. Submittal: Tree removal requiring a Type IV Permit shall submit two (2) copies of the following to the County Administrator or his designee:

a. A permit application demonstrating compliance with one (1) or more of the criteria below.

b. A sketch showing location and a general description of tree(s) ten (10) inches dbh and larger (five [5] inches dbh and larger for nonsingle-family).

c. A tree plan, if applicable.

2. Review and Determination Process: The Tree Removal Permit shall only be granted when at least one (1) of following criteria is met:

a. Use: Reasonable effort has been made to minimize tree removal, such as design modification and requests for variances; e.g., variances in lot width or setback requirements, where the tree(s) proposed for removal is ten (10) inches dbh and larger; however, the location of the tree(s) prohibits the use of the site for the intended and desired purpose.

b. Proximity to structures: The tree or its root system is determined to be detrimental to the integrity of the structure's foundation.

c. Thinning: The removal of such tree is beneficial to the enhanced growth of other trees on site.

d. Safety: The tree poses a hazard.

e. Condition of Tree: The tree is dead; irreversibly diseased; insect ridden; or weakened by age, storm, fire, or other natural causes beyond saving, or which is a hazard as the result of an act of God and the hazard cannot be eliminated by other means, such as trimming.

f. Sale; Exchange of Tree(s): The tree(s) is proposed to be sold, exchanged, or the like by the property owner for installation elsewhere.

602.6 Terms of Permits

Permits issued pursuant to this section shall be valid for the following time periods:

A. Type I Permits shall be valid for a period concurrent with the applicable local development order as required by Section 306 of this code.

B. Type II Permits shall be valid for a period concurrent with the applicable Right-of-Way Use or Driveway Connection Permit as required by Section 311 of this code.

C. Type III Permits shall be valid for a period concurrent with the applicable Building Permit.

D. Type IV Permits shall be valid for a period of thirty (30) days unless an extension is requested by the applicant and granted by the County Administrator or his designee.

602.7 Tree Plans

A. The requirements of this section including, but not limited to, the requirements for a tree plan and required minimum, shall apply to all development plans required by Section 306 of this code regardless of whether a Tree Removal Permit is sought in conjunction therewith.

B. Generally: The specific requirements of a tree plan are dependent upon the type of permit required. The following applies to all trees required by this section to remain or be planted:

1. Trees shall be alive, in good health, of those species contained in Appendix A, which may be amended from time to time by resolution of the Board of County Commissioners, and meet all of the following requirements:

a. Trees shall be grade Florida No. 1 or better pursuant to the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Grades and Standards for Nursery Plants*, which is incorporated herein by reference.

b. Trees shall not be of the type listed in Appendix B, which may be amended from time to time by resolution of the Board of County Commissioners.

c. Trees shall be equal to or greater than two (2) inches in caliper. Multitrunked trees shall be equal to or greater than three (3) inches caliper, with a minimum of three (3) trunks.

d. For every five (5) trees required, there shall be a minimum of one (1) species provided, up to a minimum of eight (8) species, when forty (40) or more trees are required. Where more than one (1) species is required, even distribution shall be strived for and subject to County approval through the associated review process.

2. Where not specifically required by a permit type, the species identified by Appendix C, which may be amended from time to time by resolution of the Board of County Commissioners, located within the area of the project are encouraged to be removed.

3. Trees located within environmentally sensitive lands shall not be counted or credited toward the total number of trees required. Trees required by other agencies or other provisions of the Land Development Code shall not be counted or credited toward the total number of trees required.

4. Tree plans must designate a person or entity, other than the County, responsible for maintenance of the trees.

5. All trees shall be planted according to the Florida Chapter, *International Society of Arboriculture Standards for Planting*, which is incorporated herein by reference. All trees must be maintained in good condition and planted in locations with adequate open space to allow for mature tree-canopy development.

6. A tree of the required size and type shall replace any tree that dies within one (1) year from, as applicable, completion of construction of the associated infrastructure improvements; issuance of the Certificate of Occupancy for the lot; where no Certificate of Occupancy is required, final inspection, or first use of the lot; or issuance of the Type IV Permit. Planting of such tree shall take place within thirty (30) days unless an extension is requested by the applicant and granted by the County Administrator or his designee. To increase the likelihood of survivability of such tree, it may be located elsewhere on the site.

7. Trees shall not be planted within any easement so as to interfere with the use of that easement, nor under any present or planned overhead utility, nor in any rights-of-way without County approval through the associated review process.

8. Trees are required to be located on the site; however, trees may be planted along rights-of-way or on public lands so long as approval is obtained through the applicable review process and all necessary agreements and/or permits have been obtained. However, at the County's option, money shall be contributed to the Tree Mitigation Fund at a rate of One Hundred and 00/100 Dollars (\$100.00) per inch (Two Hundred and 00/100 Dollars [\$200.00] for each two [2] inch caliper tree), which rate may be amended from time to time by resolution of the Board.

9. In the event a variance is granted from the requirements of this section, monies shall be contributed to the Tree Mitigation Fund based upon the requirements for permit type and the rate

of One Hundred and 00/100 Dollars (\$100.00) per inch (Two Hundred and 00/100 Dollars [\$200.00] for each two [2] inch caliper tree), which rate may be amended from time to time by resolution of the Board.

C. Type I Permit

1. Required Minimum: Where the average number of trees per developable acre of the development is below sixteen (16) trees/developable acre, the developer shall be required to plant a number of trees to obtain a minimum of sixteen (16) trees/developable acre. However, for a single-family dwelling on a lot one (1) acre and larger, the developer, in lieu of the sixteen (16) trees/developable acre shall, as the required minimum, plant trees to obtain a minimum number of trees in accordance with the following table:

| Size of Lot | Minimum Number of Trees |
|------------------------|-------------------------|
| 1 Acre-Under 2½ Acres | 8 per Developable Acre |
| 2½ Acres-Under 5 Acres | 6 per Developable Acre |
| 5 Acres and Larger | 4 per Developable Acre |

2. Credits against Required Minimum: Credit against the required minimum may be received for each tree remaining on the site that is two (2) inches dbh and larger. Trees for which credits are sought must be identified on the tree location survey and meet all other applicable provisions of this section.

3. Removal of Trees Ten (10) Inches dbh and Larger: In addition to the required minimum, trees of ten (10) inches dbh and larger may only be removed where a development

configuration or alignment cannot be reasonably accommodated and shall be replaced in accordance with the following table:

| DBH (Inches) | Minimum Number of Trees |
|---------------|-------------------------|
| 35 or Greater | 7 |
| 30-34 | 6 |
| 25-29 | 5 |
| 20-24 | 4 |
| 15-19 | 3 |
| 10-14 | 2 |

4. Unless otherwise approved by the County during the associated development review process, approximately fifty (50) percent of the total number of the trees to be planted shall be located in common areas; retention, detention, and drainage areas; entryways; and the like. The remaining trees shall be planted as approved during the development review process. However, parking lots shall also be governed by the specific requirements of Section 602.8 of this code.

5. All species identified by Appendix C, which may be amended from time to time by resolution of the Board of County Commissioners, within the area of the project, shall be removed.

6. Trees required on lot areas and adjacent to the lot frontage shall be planted prior to the issuance of the Certificate of Occupancy for that lot, or where no Certificate of Occupancy is required, prior to final inspection or the use of that lot. All other required trees shall be planted at the time the associated infrastructure improvements are constructed.

D. Type II Permit

All trees removed shall be replaced in accordance with the following table:

| DBH (Inches) | Minimum Number of Trees |
|---------------|-------------------------|
| 35 or Greater | 7 |
| 30-34 | 6 |
| 25-29 | 5 |
| 20-24 | 4 |
| 15-19 | 3 |
| 10-14 | 2 |
| 5-9 | 1 |

All required replacement trees shall be planted prior to final inspection of the work performed.

E. Type III Permit

On agriculturally zoned and residentially zoned lots for single-family dwellings that do not require a Site Development Permit, the requirement to replace a tree removed shall be dependent upon the number of trees that are to remain on that lot. A replacement tree shall be required to be planted for each tree to be removed where the removal will result in less trees remaining on the lot than that indicated in the following table:

| Lot Size (Sq. Ft.) | Minimum Number of Trees |
|------------------------|-------------------------|
| 6,000 and Less | 2 per Lot |
| 6,001-9,500 | 4 per Lot |
| 9,501-20,000 | 6 per Lot |
| 20,001-Under 1 Acre | 8 per Lot |
| 1 Acre-Under 2½ Acres | 8 per Developable Acre |
| 2½ Acres-Under 5 Acres | 6 per Developable Acre |
| 5 Acres and Larger | 4 per Developable Acre |

Trees required on lot areas shall be planted prior to the issuance of the Certificate of Occupancy for that lot, or where no Certificate of Occupancy is required, prior to final inspection or use of that lot.

F. Type IV Permit

On agriculturally zoned and residentially zoned lots for single-family dwellings that do not require a Site Development Permit, the requirement to replace a tree removed shall be dependent upon the number of trees that are to remain on that lot. A replacement tree shall be required to be planted for each tree to be removed where the removal will result in less tree(s) remaining on the lot than that indicated in the following table:

| Lot Size (Sq. Ft.) | Minimum Number of Trees |
|------------------------|-------------------------|
| 6,000 and Less | 2 per Lot |
| 6,001-9,500 | 4 per Lot |
| 9,501-20,000 | 6 per Lot |
| 20,001-Under 1 Acre | 8 per Lot |
| 1 Acre-Under 2½ Acres | 8 per Developable Acre |
| 2½ Acres-Under 5 Acres | 6 per Developable Acre |
| 5 Acres and Larger | 4 per Developable Acre |

All replacement trees shall be planted within thirty (30) days of the issuance of a Type IV Permit unless an extension is requested by the applicant and granted by the County Administrator or his designee.

602.8 Parking Lot and Perimeter Requirements

A. Applicability: The requirements of this section shall apply to off-street parking lots and their perimeters, as described in Subsections B and C below, having a capacity for eight (8) or more vehicles of any size. To meet the requirements of this section, only shade trees listed in Appendix A, as amended from time to time by resolution of the Board of County Commissioners, equal or larger than two (2) inches in caliper shall be planted. Trees known to be intolerant of paving conditions or whose physical characteristics may be injurious to the public shall not be used to comply with the provisions of

this section. Plans must be prepared by a Registered Landscape Architect as authorized by Florida Statutes, Chapter 481, as amended, or other type of professional as approved by the County Administrator or his designee.

B. Parking Lot Requirements and Guidelines: An area equal to ten (10) percent of the total parking lot area shall be devoted to landscaped open space for planting of trees or preservation of existing trees. There shall be a minimum of one (1) tree for each 200 square feet, or fraction thereof, of required landscaped open space. Each tree shall be planted in a minimum 5' X 10' open-space planter with suitable groundcover. Trees shall be located to avoid underground and overhead utilities. These open-space planters shall be located at the perimeter and interior of the parking lot to most effectively relieve the monotony of large expanses of paving and contribute to the orderly circulation of vehicular and pedestrian traffic, while providing the maximum amount of shade to the parking spaces. Such open-space planters may be constructed through the deletion of paving or asphalt behind the wheel stops, bumper stops, or curb. Parking lots may be designed so that water runs into the landscaped areas to the greatest extent possible in order to maximize stormwater retention.

C. Perimeter Requirements: Perimeter requirements shall apply where the exterior perimeters of parking lots are adjacent to a street, road, drive, and the like. A minimum ten (10) foot-wide strip of land located along but not within all rights-of-way shall contain a minimum of one (1) tree every twenty-five (25) feet. Where interference with overhead utility lines is probable, understory trees shall be used and planted at a minimum of one (1) tree every twenty (20) feet.

602.9 Tree Protection During Development of Land

A. For the purposes of Types I and II Permits, prior to the clearing or grubbing of land, or the removal of any tree, the applicant shall clearly mark all tree(s) for which Tree Removal Permit(s) are granted and shall erect barriers around the tree(s) to be retained on site so as to create a protected zone.

1. The protected zone shall extend from the tree trunk in all directions a minimum of two-thirds of that tree's drip line.

2. Barriers of a minimum of three (3) feet in height shall be erected outside the protected zone to prevent encroachment. Barriers shall remain in place and be in good condition throughout all development and building activity.

3. For large property areas containing stands of trees to be retained that are separated from grubbing, clearing, and construction, in lieu of placing barriers as described above, may be partitioned off by placing the barriers around the perimeter of the stand area on the sides where grubbing, clearing, construction, etc., is occurring as long as an equivalent protected zone is established.

4. The applicant, owner, developer, builder, or agent shall not cause or permit the movement of equipment or the storage of equipment, material, and debris or fill to be placed within the protected zone. No excavation shall occur within the protected zone, and there shall be no cleaning of equipment or material or the storage or disposal of waste materials, such as paints, petroleum products, oils, solvents, asphalts, concrete, mortar, or any other material, within the protected zone. There shall be no fire or burning within thirty (30) feet of the protected zone.

5. Protective barriers may be removed for the final grading. Removal of vegetation or any landscaping activities within the barrier area shall be accomplished by mowing or hand clearing. If landscaping is to be located within the protected zone, clearing by light rubber-wheeled machinery only in the area and to the extent necessary shall be allowed.

B. Silt barrier, hay bales, or similarly effective erosion-control barriers shall be required in any area where erosion or siltation may cause damage to retained trees. Root-protection measures shall be in place prior to the disposal of fill in the protected zone. Where elevation changes are proposed within the protected zone, retaining walls, drainage tile, or other approved methods shall be required unless such protection is demonstrated to be impractical. The applicant may choose the type or design.

602.10 General Prohibitions

A. For the purposes of this ordinance, irreversible damage shall be treated as removal. Failure to obtain the required Tree Removal Permit or appropriate development permit prior to irreversible damage to a tree shall be a violation of this section and shall be punishable pursuant to Sections 602.11 and 602.16 of this code.

B. Pruning or trimming a tree inconsistent with ANSI Pruning Standards, Section A300-2001, as amended, which is incorporated by reference, is prohibited.

C. Topping of any tree is prohibited.

D. Damaging, in any manner, a tree located on public lands is prohibited.

E. Guy or support wires, where used, shall be removed from tree(s) six (6) months after planting.

F. Topiary pruning shall only be allowed for trees that were not planted to meet the requirements of this ordinance.

602.11 Replacement Requirements for Unlawful Removal, Topping, or Irreversible Damage of Trees

The requirements of this section for the unlawful removal, topping, or irreversible damage of tree(s) in violation of this ordinance are in addition to the penalties provided for by Section 602.16. For all unlawfully removed trees, all requirements of Section 602.7 of this code shall be met. Additionally, trees shall be replaced at a ratio double that which is required pursuant to obtaining the required permit. For each inch (measured at dbh) of the unlawfully topped tree, one (1) two (2) inch caliper tree meeting the minimum requirements of Section 602.7.B shall be planted. A Registered Landscape Architect, as authorized by Florida Statutes, Chapter 481, as amended, or other type of professional as approved by the County Administrator or his designee shall prepare, at the violators' expense, the tree plan prior to its submission to the County Administrator or his designee. At the County's option, monies shall be contributed to the Tree Mitigation Fund, based upon the requirements for the permit type and doubling the replacement ratio required. The rate shall be One Hundred and 00/100 Dollars (\$100.00) per inch (Two Hundred and 00/100 Dollars (\$200.00) for each two [2] inch caliper tree), which rate may be amended from time to time by resolution of the Board.

602.12 Tree Mitigation Fund

A Tree Mitigation Fund is hereby established which shall consist of all monies received by Pasco County pursuant to the provisions of this section and shall be deposited in the General Fund, which shall be in a separate revenue account established and maintained apart from other general revenue funds and accounts of Pasco County. The fund shall be used solely for the purchase, planting,

and maintenance of native trees meeting the intent and requirements of this section, and the associated administrative costs as designated by the Board of County Commissioners. Such trees purchased with fund monies shall be planted on land within Pasco County. The County may assist homeowners in meeting the requirements of this section depending upon an assessment by the Community Development Division of said homeowners' property value and income level. Monies collected prior to the adoption of this section (September 5, 2001) for violations of Tree Removal Permits shall be treated in the same manner.

602.13 Trees of Special Significance

A. Designation: Trees of special significance are those trees or grouping of trees designated as such by a resolution of the Board of County Commissioners. Designations can only be initiated by the property owner(s) of such tree(s) or on County-owned property by County staff. After initiated, designation shall be reviewed by County staff and those trees meeting the requirements of this section shall be presented to the Board of County Commissioners who shall decide whether to designate a tree(s) as a tree of special significance. Trees designated as trees of special significance shall have a preservation easement, prepared by the owner(s) of the tree(s), created around them extending a minimum of fifteen (15) feet in all directions from the trunk and such preservation easement shall be recorded, by the owner(s) of the tree(s), in the Public Records of Pasco County. Trees may be so designated if one of the following criteria applies:

1. It is an historic tree, which is a tree of notable historical interest and value to the County because of its location or historical association with the community.
2. It is a specimen or grand tree, which is a tree of high value to the community because of its type, size, age, exceptional characteristics, or other relevant criteria.
3. It is a champion tree, which is a tree that has been identified by the Florida Division of Forestry as being the largest of its species within the State of Florida or by the American Forestry Association as being the largest of its species in the United States or the world.

B. Protection: A variance of the required minimum front-, rear-, and side-yard setbacks may be granted to allow the preservation of trees of special significance. Topping of trees of special

significance shall be subject to all penalties and fines as provided by this ordinance. The removal of any designated tree of special significance requires a Type IV Permit; a site inspection and written evaluation by a certified arborist demonstrating that removal is deemed necessary to avoid an immediate peril to life and/or property and/or the condition of the tree warrants removal; removal is approved by the Board of County Commissioners; and the replacement shall be as determined by the Board of County Commissioners.

602.14 Appeals Process

Appeals shall be as provided by Section 317 of this code. Appeals of a Type IV Permit denial shall be accompanied by a sworn, notarized affidavit from an appropriate expert that removal of such tree(s) is necessary pursuant to the expert's opinion.

602.15 Liability for Violation of this Section

Whenever a violation(s) of this section occurs or exists, or has occurred or existed, any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the facility or instrumentality causing or contributing to the violations, and any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the real property upon which such violation(s) occurs or exists, or has occurred or existed, shall be liable for such violation(s).

602.16 Violations, Fines and Penalties, Remedies, and Prosecution

Fines, penalties, remedies, and prosecution for any violation of this section shall be pursuant to Section 602.11, 602.15, and 602.17 of this code; the Pasco County Code of Ordinances, including Section 1-11, as amended; and the Pasco County Uniform Citation Schedule, as amended. Each violation of this section shall be a separate offense.

602.17 Suspension of this Section During Emergency Conditions

Upon the declaration of a state of emergency pursuant to Florida Statutes, Chapter 252, the County Administrator or his designee may temporarily suspend the enforcement of the requirements of this section in order to expedite the removal of damaged and destroyed trees in the interest of public safety, health, and general welfare. However, the removal of undamaged trees during the suspension of this section shall constitute a violation of this section punishable according to Section 602.16 of this code.

602.18 Nonliability of County

Nothing in this section shall be deemed to impose any liability upon the County or upon any of its officers or employees, or to relieve the owner and/or occupant of any duty to keep trees upon private property or under his control in a safe condition.

SECTION 602
APPENDIX A—APPROVED TREES

| <u>COMMON NAME</u> | <u>BOTANICAL NAME</u> |
|----------------------------|--|
| Ash | <i>Fraxinus spp.</i> |
| Bay | <i>Persea borbonia, p. palustris</i> |
| Cabbage Palm* | <i>Sabal palmetto</i> |
| Cypress | <i>Taxodium spp.</i> |
| Dogwood | <i>Cornus florida</i> |
| Elm | <i>Ulmus spp.</i> |
| Fringe Tree | <i>Chlonanthus virginicus, C. retusus</i> |
| Hawthorn | <i>Crataegus spp.</i> |
| Hickory | <i>Carya spp.</i> |
| Holly | <i>Ilex spp.</i> |
| Hophornbeam | <i>Ostrya virginiana</i> |
| Hornbeam | <i>Carpinus carociniana</i> |
| Loblolly Bay | <i>Gordonia lasianthus</i> |
| Magnolia | <i>Magnolia grandiflora</i> |
| Mangrove | <i>Avicennia germinans, Laguncularia racemosa, Rhizophora mangle</i> |
| Maple | <i>Acer rubrum, A. barbatum</i> |
| Oak | <i>Quercus spp.</i> |
| Pine | <i>Pinus spp.</i> |
| Plum | <i>Prunus angustifolia, Americana umbellata</i> |
| Redbud | <i>Cercis Canadensis</i> |
| Red Cedar | <i>Juniperus silicicola, J. virginiana</i> |
| River Birch | <i>Betnula nigra</i> |
| Sourwood | <i>Oxydendrum arboreum</i> |
| Sugarberry, Hackberry | <i>Celtis laevigata, C. occidentalis</i> |
| Sweet Bay | <i>Magnolia virginiana</i> |
| Sweet Gum | <i>Liquidambar styraciflua</i> |
| Sweet Osmanthus | <i>Osmanthus fragrans</i> |
| Sycamore | <i>Platanus occidentalis</i> |
| Tuliptree | <i>Liriodendron tulipifera</i> |
| Walter Viburnum, Black Haw | <i>Viburnum oboratum, V. rufidulum</i> |
| Wax Myrtle | <i>Myrica cerifera</i> |

* Credit on a 3:1 basis (minimum six (6) foot clear trunk)

SECTION 602
APPENDIX B—EXEMPT/NOT APPROVED TREES

| <u>COMMON NAME</u> | <u>BOTANICAL NAME</u> |
|-----------------------------------|--|
| Australian Pine | <i>Casuarina spp.</i> |
| Bishopwood | <i>Bischofia javanica</i> |
| Brazilian Pepper | <i>Schinus terebinthifolius</i> |
| Camphor | <i>Cinnamomum camphora</i> |
| Carrotwood | <i>Cupaniopsis anacardioides</i> |
| Catclaw Mimosa | <i>Mimosa pigra</i> |
| Cherry Laurel | <i>Prunus caroliniana</i> |
| Chinaberry | <i>Melia azedarach</i> |
| Chinese Tallow | <i>Sapium sebiferum</i> |
| Citrus | <i>Citrus spp.</i> |
| Earpod Tree | <i>Enterolobium contortisilquum</i> |
| Eucalyptus | <i>Eucalyptus spp.</i> |
| Guava | <i>Psidium cattleianum, P. guajava</i> |
| Jacaranda | <i>Jacaranda acutifolia</i> |
| Jambolan | <i>Syzygium cumini</i> |
| Laurel Fig | <i>Ficus microcarpa</i> |
| Melaleuca (Punk) | <i>Melaleuca quinquenervia</i> |
| Orchid Tree | <i>Bauhinia variegata</i> |
| Paper Mulberry | <i>Broussonetia papyrifera</i> |
| Schefflera | <i>Schefflera actinophylla</i> |
| Seaside Mahoe | <i>Thespesia populnea</i> |
| Silk Oak | <i>Grevillea robusta</i> |
| Silk Tree, Mimosa, Woman's Tongue | <i>Albizia julibrissin, A. lebeck</i> |

SECTION 602
APPENDIX C

Species as identified by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, in Chapter 5B-57 of the Florida Administrative Code, which chapter, as amended, is incorporated herein by reference.