

DIVISION 7. TREE PROTECTION AND REPLACEMENT

Sec. 6.7.1. Purpose and intent.

- A. The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees on public and private property, excluding existing residential properties. Tree protection and replacement shall work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of Marion County, complementing the natural and built environments, while providing shade and habitat through:
- (1) Preservation of existing trees and native plant communities;
 - (2) Replacement of trees that are removed;
 - (3) Maintenance of trees;
 - (4) Prevention of tree abuse; and
 - (5) Enforcement.
- B. The preservation of trees, along with the planting of trees as required in Division 8, shall be considered as a priority in the development of improvement plans. The process of site design, from the PUD/Master Plan level, through construction design details, shall take the protection of existing trees and the mature sizes of proposed trees into consideration.

Sec. 6.7.2. Exceptions.

- The preservation and replacement of trees and protected plant species shall apply to all development with the following exceptions:
- A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the like, on lands with an agricultural zoning classification.
- B. Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than agriculture and possessing an agriculture classification from the County Property Appraiser per § 193.461 FS.
- C. On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal without a permit, no applications for any land use or zoning changes from rural to urban designations shall be accepted within two (2) years of the tree removal date unless:
- (1) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees; or
 - (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of planting 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees.
- D. The removal of trees which have a DBH of less than 20 inches, except those trees which have been designated as replacement trees pursuant to Section 6.7.9.G.
- E. The removal of trees on an individual parcel of record used or to be used for single-family or duplex dwelling units.

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- 1 F. The removal of trees associated with construction, rehabilitation, or routine maintenance of roads, utilities,
2 and drainage systems within public rights-of-way or easements, by the County or agencies having local
3 jurisdiction.
- 4 G. The removal of trees associated with the rehabilitation or routine maintenance of roads, utilities and drainage
5 systems within private rights-of-way or easements.
- 6 H. Tree removal or trimming for the construction of firebreaks and firelines by the County or agencies having
7 local jurisdiction and surveying associated with this construction.
- 8 I. The removal of trees which pose an immediate and direct threat to persons or property, and the removal of
9 trees that are dead or dying due to natural causes as determined by a Landscape Architect or a Certified
10 Arborist.
- 11 J. Transplanting of any size tree.
- 12 K. Removal of trees required by a development plan which has been fully approved by the County.
- 13 L. Removal of exotic or nuisance tree or plant species as listed by the UF/IFAS Assessment of Non-native Plants,
14 "Prohibited" or "Invasive - Not Recommended" tables, as updated.
- 15 (Ord. No. 13-20, § 2, 7-11-2013)

16 **Sec. 6.7.3. Tree protection, general.**

- 17 A. Design for the protection of trees.
- 18 (1) Site development shall consider tree preservation by balancing the requirements of site and utility design
19 with preserving existing trees in an integrated manner across the site.
- 20 (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be
21 considered early in the site design process to provide required buffers while preserving habitat and
22 lowering the cost of development.
- 23 (3) In all cases, a post-development ratio of Shade Trees to the area of the site must be provided as required
24 in Section 6.7.4.
- 25 (4) All Regulated Trees shall be considered protected trees.
- 26 (5) After a tree survey is completed, an evaluation by a Certified Arborist or Landscape Architect of all trees
27 proposed to be preserved or proposed to be removed as nonviable shall be submitted with the PUD
28 Master Plan, Site Plan and/or Improvement Plan. The evaluation shall be used to guide decisions about
29 tree preservation, tree protection, and tree removal and shall address, as needed and as determined by
30 the Certified Arborist or Landscape Architect, the following factors:
- 31 (a) Identification of species of tree(s) proposed for preservation;
- 32 (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations
33 of internal or external signs of disease or impacts, and possible longevity based on species type,
34 site conditions, or location. If no evaluation is provided, all Regulated trees are considered viable;
- 35 (c) Assessment of the size (DBH) and canopy of the tree(s) to be preserved;
- 36 (d) Identification of Specimen Trees; and
- 37 (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- 38 B. Tree protection measures shall be denoted on tree removal permit or site development review plans by
39 illustrating and dimensioning the following:
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- (1) Tree protection standards are based on successful implementation of ANSI A300 (Part 5) – Construction Management Standards manual.
 - (2) Extents of the Tree Protection Zone (TPZ) for trees proposed for preservation. For tree protection requirements, the TPZ shall be indicated on the grading and utility construction sheets as well as the Tree Removal and Preservation Plan or Landscape Plan as required in Section 6.7.6.E.
 - (3) Extents of the Tree Critical Root Zone (CRZ) for trees proposed for preservation when construction within the TPZ is planned.
 - (a) No excavation, construction, or otherwise disruption of the root zone is allowed within the CRZ. Hand-digging and construction under the direct supervision of a Certified Arborist is allowed.
 - (b) The CRZ is established by definition or based on an on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.
 - (4) No reduction of the TPZ or removal of barricades may occur without prior written authorization from a Certified Arborist or the County's Landscape Architect.
 - (5) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for minor construction or maintenance within the TPZ, as approved by a Certified Arborist or the County's Landscape Architect prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is completed.

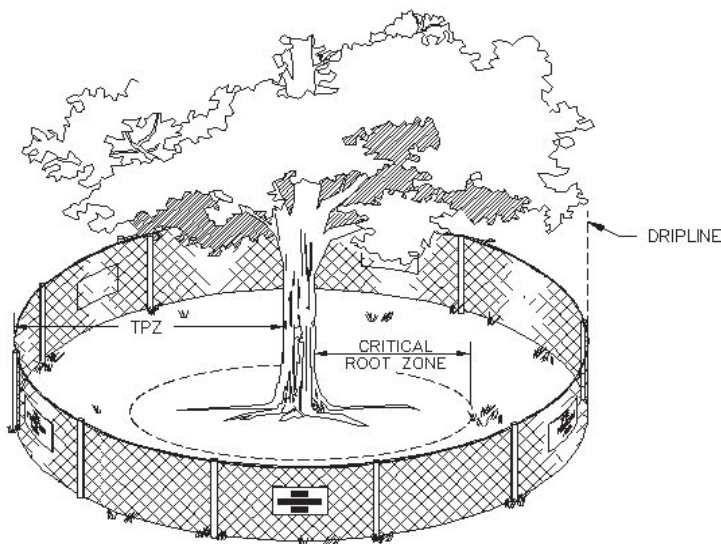


Figure 6.7-1 Tree Protection Zones

- C. Tree protection barricades shall be:
 - (1) No less than four feet (4) in height;
 - (2) Constructed of rigid material capable of surviving for the duration of the construction; and
 - (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs shall include the words "Tree Protection Zone."
- D. Pre-construction tree protection.

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- (1) The owner, applicant or Design Professional of Record shall be responsible for ensuring that all possible measures are taken to avoid damage to trees not approved for removal.
 - (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around all trees, or groups of trees, within the construction area which are to be preserved.
 - (3) The County's Landscape Architect or their designee shall be given a 10-day notice requesting a pre-clearing/grubbing/grading on-site review of all required tree protection barricades. If the County fails to inspect within the 10-day period, the applicant may proceed with site work, provided the preconstruction inspection requirement in Sec. 6.7.12 has been met.
- E. Tree protection shall continue throughout construction. The following requirements shall be conditions of tree removal permits, all permits for private construction in public rights-of-way, and all development permits issued under and pursuant to this Code:
- (1) No cleaning of construction equipment or material or the disposal of waste materials including but not limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of any tree which is being protected.
 - (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any tree which is being protected is not allowed.
 - (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis throughout construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.
 - (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during construction, with the exception of natural events, so as to place its long term survival in question, the tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s) with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the County's Landscape Architect.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.4. Shade Trees, Minimum Requirements

- A. The post-development ratio of Shade Trees to the area of the site for all developments excluding single-family or duplex residential developments shall be as follows:
- (1) For the first five (5) acres, a minimum of one (1) Shade Tree per 3,000 square feet.
 - (2) For the remaining acres, a minimum of one (1) Shade Tree per 5,000 square feet.
- B. Shade Trees may include:
- (1) Specimen Trees; and/or
 - (2) Protected and preserved trees with a favorable evaluation; and/or
 - (3) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas which are classified as Shade Trees; and/or
 - (4) Trees as required as replacement trees, except that palm species may not be considered a Shade Tree.
- C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per the tree evaluation.

D. Credits towards the Shade Tree requirement shall be given for preserved existing Shade Trees as follows:

Preserved Shade Tree (DBH)	Number of Shade Trees Credited
4" – 9"	One ¹
10" – 29"	One
30" – 35"	Two
36" and above	Three

1. To receive credit, preserved Shade Trees under 10" shall be Florida No. 1 quality or better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, as amended.

E. Required Shade Trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.5. Tree trimming and tree removal permit.

A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.

B. A tree removal permit shall be required for the removal of any Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.

C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:

1. Contact the County's Landscape Architect and provide a map of where all vegetation management practices and tree trimming or removal will be performed.
2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.
3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" to the extent that the appearance and/or the long-term viability of the tree or palms is unlikely.
4. After removal of trees all stumps must be ground to a depth of no less than two (2) inches below grade and remove grinding refuse.
5. Stabilize all disturbed areas in an acceptable manner.

D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

(Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

1 **Sec. 6.7.6. Submittal requirements.**

2 The following requirements shall apply to the application for stand alone tree removal permits and site development
3 review plans and are in addition to the Minimum Plan Requirements:

4 A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and
5 Preservation Plan." For development sites with lower density of trees, such information may be indicated on
6 the Site Plan or the Landscape Plan. Either method used shall indicate the location of all Regulated Trees to be
7 removed and trees to be preserved. Preserved trees and replacement trees shall be indicated on the Landscape
8 Plan to demonstrate the final appearance of the site.

9 B. Tree calculations shall include:

- 10 (1) The total numbers of existing Regulated Trees within the site and the respective DBH of each tree; and
11 (2) The pre-development ratio of Regulated Tree inches-per-acre; and
12 (3) The total DBH inches of Regulated Trees to be removed; and
13 (4) The total DBH inches of Regulated Trees to be preserved; and
14 (5) The native status of trees to be preserved.

15 C. A tree protection detail which graphically indicates the requirements of tree protection as required by this
16 division.

17 D. Listing general prohibitions as stated in Section 6.7.3.E.

18 E. Indication of all TPZs on the site plan, grading plan and on whichever plan is used to demonstrate tree
19 preservation and replacement.

20 F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall be
21 established by the Board, by resolution. Tree removal permit application fees for projects associated with any
22 development (excluding stand alone permits) shall be included in the overall plan review and application fees
23 available at the Office of the County Engineer.

24 (Ord. No. 13-20, § 2, 7-11-2013)

25 **Sec. 6.7.7. Review and approval procedures.**

26 A. During review of tree preservation submittals, the County's Landscape Architect or their designee may
27 determine that modifications of the proposed plans or calculations are necessary. Conditions that may require
28 changes include, but are not limited to, the following:

- 29 (1) Required preservation of any Specimen Trees;
30 (2) Proposed grading or clearing activities within the TPZ; and/or
31 (3) Proposed habitat destruction which conflicts with the requirements in Division 6.

32 B.

33 (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.8. Protected tree replacement requirements.

Regulated Trees that are proposed for removal shall be replaced in accordance with the minimum standards set forth below.

A. Removal of Regulated Trees less than 36 inches DBH is permissible if the following replacement requirements are met:

- (1) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with 75% of inches removed.
- (2) Existing trees measuring 30 inches DBH to 35 inches DBH shall be replaced with 100% of inches removed.
- (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the County Landscape Architect. In no case shall the replacement tree inch count exceed 100 inches per acre.
- (4) Regulated Trees which do not have a favorable evaluation per a Certified Arborist or Registered Landscape Architect are exempt from the replacement requirements.

B. Removal of Specimen Trees is permissible following review and approval by the County's Landscape Architect. Such approval shall be given if:

- (1) The Specimen Tree does not have a favorable evaluation per a Certified Arborist or Registered Landscape Architect; or
- (2) The Specimen Tree is located within or materially interferes with the proposed building footprint, required fire access, required utility corridors, or required parking or drainage areas; and either (a) or (b).
 - (a) Preservation of the Specimen Tree would prevent compliance with zoning standards or reduce the site's buildable area or required parking; or
 - (b) Redesign would require elimination or reduction of a permitted principal use or result in disproportionate site inefficiencies not customarily required for similar development.
- (3) The determination of the County Landscape Architect may be appealed to the Development Review Committee.
- (4) If approved for removal, Specimen Trees shall be replaced with 200% of inches removed and the minimum replacement tree size is 3.5-inch caliper.

C. Preserved trees that have experienced tree abuse as part of landscape maintenance or site development activities that cause critical impact as determined by the County Landscape Architect will require mitigation. Tree abuse may include:

- (1) Hatracking a tree; or
- (2) Destroying the natural habit of tree growth; or
- (3) Pruning which leaves stubs or results in a flush cut or splitting of limb ends; or grading and/or clearing and grubbing resulting in ripping and tearing of roots within the TPZ of trees to be preserved; or
- (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains; or
- (5) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the ANSI, as updated; or
- (6) Pruning that does not conform to standards or recommendations set by the ANSI A300 Part 1, as updated; or

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- 1 (7) Pruning of live palm fronds which initiate above the horizontal plane; or
2 (8) Overlifting a tree; or
3 (9) Shaping a tree; or
4 (10) Removing more than 25% of the tree's canopy without the approval of a Certified Arborist or Registered
5 Landscape Architect.
- 6 D. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree
7 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by the
8 County's Landscape Architect.
- 9 E. If replanting replacement trees on site is not practical per best landscape design practices, then a fee in lieu
10 of planting may be provided as per Section 6.7.10.
- 11 F. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or
12 Federal authority, are exempt from protected tree removal requirements if such authority demonstrates that
13 such trees conflict with proposed utilities, drainage, or roadway construction.
- 14 (Ord. No. 13-20, § 2, 7-11-2013)

15 **Sec. 6.7.9. Replacement trees.**

- 16 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required
17 Shade Trees, buffer trees, and any other required landscaping.
- 18 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or
19 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
20 as amended.
- 21 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 22 D. Replacement trees shall be Florida native species compatible to the site.
- 23 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear
24 trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in
25 Section 6.8.10.C.
- 26 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required
27 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space
28 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound
29 horticultural and design principles, then the replacement trees may be located on public property at the
30 County Landscape Architect's discretion as determined at the time of the permit or site development review.
31 The public property location shall be specifically designated by the County, and such replacement trees shall
32 be donated to the County. The County will be responsible for planting and maintenance of donated trees on
33 public property.
- 34 G. The preservation of existing noninvasive trees with a favorable evaluation will count towards satisfying the
35 required replacement tree amount at the following ratios:
- 36 (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement
37 tree criteria at a ratio of one (1) inch of replacement value per one (1) inch preserved.
- 38 (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement
39 tree criteria at a ratio of two (2) inches of replacement value per one (1) inch preserved.

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- 1 (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement
2 tree criteria at a ratio of three (3) inches of replacement per one (1) inch preserved.
- 3 (4) Specimen Trees preserved shall count towards the replacement criteria at a ratio of six (6) inches
4 of replacement per one (1) inch preserved.
- 5 I. A property owner preserving trees less than 20" DBH shall record a notice to subsequent property owners that
6 the site contains preserved trees, subject to maintenance requirements, with reference to the development
7 plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the
8 County shall be supplied to the Growth Services Director or their designee prior to the issuance of a Certificate
9 of Occupancy. In no event shall the notice be required as part of the plat. Death of a preserved tree by natural
10 causes shall be replaced by one tree which is the same or similar species with a minimum of 3.5 inch caliper.
11 The intentional removal of a preserved tree is a violation and shall be replaced in accordance with the
12 replacement standards set forth in Sec. 6.7.8.A.
- 13 (Ord. No. 13-20, § 2, 7-11-2013)

14 **Sec. 6.7.10. Tree mitigation fund.**

- 15 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of
16 accepting and disbursing the contributions made to the Board as part of the tree replacement monies
17 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion
18 County and to enhance the Marion County Parks system.
- 19 B. An application to pay in lieu of installing any required replacement trees is made through the County's
20 Landscape Architect. The "pay in lieu" option shall only be used for replacement trees.
- 21 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree
22 Mitigation Fund at the per-inch replacement rate provided to the Development Review Committee by the
23 County's Landscape Architect. The County's Landscape Architect shall determine the per-inch replacement
24 rate no less than once per year using the average of three (3) publicly solicited bids based on the wholesale
25 cost of material, cost of labor, and cost of maintenance for two years. If approved by the Development Review
26 Commission, the applicant may pay an alternative rate based on the applicant's estimate of the per-inch
27 replacement rate.
- 28 D. Payment into the Tree Mitigation Fund may be approved by the County's Landscape Architect. If not approved
29 by the Landscape Architect, the applicant may appeal to the Development Review Commission. Approval of
30 payment into the Tree Mitigation Fund is required prior to issuance of the tree removal permit.
- 31 E. The County Landscape Architect shall provide an annual report to the Board describing the available funds,
32 annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.
- 33 (Ord. No. 13-20, § 2, 7-11-2013)

34 **Sec. 6.7.11. Tree maintenance and management.**

- 35 A. The following requirements shall be conditions of any tree removal permit which includes a requirement for
36 replacement trees:
- 37 (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision
38 approval shall be considered required improvements and shall be subject to certification of satisfactory
39 completion contained in this Code.

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- 1 (2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner,
2 successor, or assignee.
- 3 (3) The permittee or the property owner shall record appropriate notice in the governing documents for the
4 community to subsequent owners of the maintenance period or replacement requirement for
5 replacement trees with reference to the development plans on file with the County identifying such
6 trees. A copy of such recorded notice shall be supplied to the County prior to the issuance of a Certificate
7 of Occupancy.
- 8 (4) For developments where tree preservation and replacement requirements may be fulfilled by future or
9 subsequent developers or builders, the developer shall require future property owners of lots where
10 trees have been preserved to continue to protect and preserve such trees. Such requirements shall run
11 with the parcel until replacement of the tree(s) is required due to age, declining health, or for the
12 protection of public safety.

13 (Ord. No. 13-20, § 2, 7-11-2013)

14 **Sec. 6.7.12. Tree inspections.**

15 The following tree preservation and/or replacement inspections shall be required to ensure compliance with this
16 division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of
17 Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit
18 until all the following inspections have been completed and approval is granted:

- 19 A. A preconstruction inspection shall be conducted by the County's Landscape Architect or their designee or the
20 appropriately licensed Design Professional designated by the applicant prior to any demolition or site
21 construction in order to confirm that the permittee has marked trees permitted to be removed and has
22 installed tree protection barricades around trees, or groups of trees, to be preserved prior to any clearing,
23 grubbing, or construction. Any deficiencies noted during this inspection shall be cause to withhold approval
24 until they are corrected by the permittee and reinspected. Approval, after preliminary inspection, shall be
25 noted by the County's Landscape Architect or their designee on the permit and shall constitute notice to
26 proceed with tree removal.
- 27 B. A final inspection shall be conducted by the County's Landscape Architect or their designee or the
28 appropriately licensed Design Professional designated by the applicant after completion of tree removal and
29 replacement in accordance with the approved plans. It is the Owner's responsibility to notify the County's
30 Landscape Architect of completion of tree removal activities. Approval, after final inspection, shall be noted
31 by the County's Landscape Architect or their designee on the permit and shall constitute notice of
32 commencement of the required maintenance period of replacement trees if replacement is required.

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34 (Ord. No. 13-20, § 2, 7-11-2013)

35 **Sec. 6.7.13. Violation and enforcement.**

36 It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with any
37 condition of any tree removal permit issued, or to violate any provision of this division. When such violations occur,
38 the following sanctions apply:

- 39 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or their designee may
40 issue a stop work order for the affected project area of such unauthorized tree removal and all related site

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- 1 work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and then
2 submitted to, and approved by the County's Landscape Architect or their designee.
- 3 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited
4 by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- 5 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved
6 restoration plan have been installed and all site grades restored.
- 7 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and
8 the site grade restored even if project termination occurs before completion of the project. Failure to complete
9 the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will
10 be cited by the County's Landscape Architect or their designee and referred to the Code Enforcement Board.
- 11 E. In addition to all other remedies provided herein, the County may seek injunctive relief or the imposition of
12 fines and penalties for any violation of this division, if no restoration plan is submitted. Fines may be assessed
13 by the County based on pre-development density of trees per acre discovered through aerial photos and at
14 the same rate established by the County for use in the Tree Mitigation Fund established in 6.7.10.C. Fines shall
15 be assessed at inch-per-inch up to 100" per acre across entire site affected by unauthorized tree removal.
- 16 (Ord. No. 13-20, § 2, 7-11-2013)