



Marion County

Board of County Commissioners

Public Hearing Meeting

Meeting Agenda

Wednesday, July 8, 2026

9:00 AM

**McPherson Governmental
Campus Auditorium**

Public Hearing Continued to Discuss Proposed Land Development Code Amendments

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN CARL ZALAK III

PLEDGE OF ALLEGIANCE

ROLL CALL

COVER DOCUMENTS

[Proof of Publication with Business Impact Estimate](#)

STAFF PRESENTATION

[Consider Amendments to the Marion County Land Development Code Article
6, Division 7, Tree Protection and Replacement](#)

PUBLIC COMMENT

BOARD DISCUSSION

CLOSING COMMENTS



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-23525

Agenda Date: 7/8/2026

Agenda No.:

SUBJECT:

Proof of Publication with Business Impact Estimate

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Proof of Publication with Business Impact Estimate for the July 8, 2026, Board of County Commissioners Public Hearing regarding proposed amendments to Land Development Code Article 6, Technical Standards and Requirements, Division 7 Tree Protection and Replacement.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

For informational purposes.



**Marion County
Board of County Commissioners**

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Proof of Publication

No.: 2026-0156

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement Notice of Public Hearing by the Marion County Board of County Commissioners of Marion County, Florida to Consider a Land Development Code Amendment, related to Article 6, Technical Standards and Requirements, Division 7 Tree Protection and Replacement for Wednesday, July 8, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on June 26, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

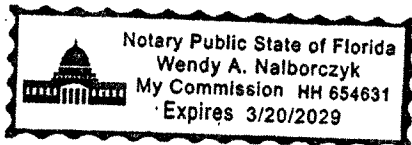
Signature

Date: 06/26/26

☒ Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 26th day of June, 2026, by Heather Flynn who is: personally known to me ☒ or who has produced _____ as identification.



Notary Public Stamp

Signature of Notary Public

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7 TREE PROTECTION AND REPLACEMENT

Post Date: 06/26/2026 8:00 AM

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7 TREE PROTECTION AND REPLACEMENT

The public hearing will be held on Wednesday, July 8, 2026, at 9:00 a.m., or as soon thereafter, as may be heard.

The meeting will be held at McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 6, in Marion County, Florida, providing for revisions to Division 7, Tree Protection and Replacement .

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the third, pursuant to Florida Statutes and the LDC. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 at least forty-eight (48) hours in advance of the hearing, so appropriate arrangements can be made.

All persons are advised that, if they decide to appeal a decision of the Board of County Commissioners of Marion County, Florida at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate (BIE) must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: www.MarionFL.org/BIE. You can find the Business Impact Estimate for this particular notice **here**.

2026-0156

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7, TREE PROTECTION AND REPLACEMENT

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **26th day of June, 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to strengthen protections for larger, significant trees, recognizing their important environmental, aesthetic, and community value. The ordinance establishes enhanced preservation standards, clarifies when and how such trees may be removed, and provides clear, predictable replacement and mitigation strategies when removal is unavoidable. In addition, the ordinance introduces incentives to encourage the preservation of significant trees during development and redevelopment, including flexibility in site design and alternative compliance options. Protecting large, established trees supports neighborhood character, property values, and community aesthetics. By clarifying tree replacement requirements and offering incentives for preservation, the ordinance provides equitable, transparent, and consistent standards that balance responsible development with long-term environmental stewardship for the benefit of current and future residents.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
- (c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **This ordinance does not have a clear, direct economic impact.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes provide additional protections to larger, significant trees, provides incentives for protection of such trees, and clarifies tree replacement strategies.**



Marion County

Board of County Commissioners Public Hearing Meeting

Agenda Item

File No.: 2026-23526

Agenda Date: 7/8/2026

Agenda No.:

SUBJECT:

Consider Amendments to the Marion County Land Development Code Article 6, Division 7, Tree Protection and Replacement

INITIATOR:

Jim Couillard, Director

DEPARTMENT:

Parks & Recreation

DESCRIPTION/BACKGROUND:

Staff will present proposed language to the Land Development Code (LDC) Article 6, Division 7, Tree Protection and Replacement.

The proposed LDC amendments were reviewed by the Land Development Regulation Commission (LDRC) during a public hearing on March 11, 2026, followed by a continuation of that hearing on March 25, 2026. After completing its review, the LDRC recommended approval and voted to forward the amendments to the Board of County Commissioners for consideration.

The Board of County Commissioners conducted the first required public hearing on March 31, 2026, followed by the second required public hearing on April 22, 2026 that was continued to May 18, 2026. At that time, the Board directed that Item 6.7, Tree Protection and Replacement, be returned to the LDRC for further consideration. LDRC did so during a June 3, 2026 Workshop and a June 17, 2026 Public Hearing.

The item now returns to the Board of County Commissioners for the third continuation of the second required public hearing.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Take public comment and motion to approve the proposed language.

ORDINANCE 26 –__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7, TREE PROTECTION AND REPLACEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026 and June 17, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, April 22, 2026, and May 18, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Technical Standards and Requirements, Division 7, Tree Protection and Replacement, of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 8th day of July, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

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 ~~in~~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;~~communities;
- (2) Replacement of trees that are ~~removed;~~removed;
- (3) Maintenance of trees ~~and;~~;
- (4) Prevention of tree abuse; and
- (5) Enforcement.

~~{Ord. No. 13-20, § 2, 7-11-2013}~~

B. The preservation of trees, along with the planting of new 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 ~~specific~~ 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. ~~Lands with an urban land use designation may not use this exemption.~~
- 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 ~~, or development plans,~~ shall be ~~made~~accepted within ~~one year~~five ~~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. Any removal conducted under an agricultural exemption within five (5) years prior to an application for land use or zoning changes, or site plan approval, shall be presumed to have been conducted in anticipation of

development. For any parcel where trees were removed ~~under an agricultural exemption~~ within the preceding five (5) years, the tree mitigation and replacement requirements shall be based on the canopy density and tree count shown in aerial photography provided by the Marion County Information Technology Department, flown between December 2023 and February 2024, representing the legally mandated January 1, 2024 benchmark. To rebut this presumption, the application must provide a sworn affidavit and evidence (e.g. crop yields, livestock sales, or timber receipts) proving that the clearing was part of a ~~continuous~~ bona fide agricultural operation.

E. The removal of trees which have a DBH of less than ~~10~~20 inches, except those trees which have been designated replacement and conservation trees pursuant to Section 6.7.9.G.

~~E~~F. The removal of trees on an individual parcel of record used or to be used for single-family ~~dwelling~~s or duplex dwelling units.

~~F~~G. The removal of trees associated with ~~the County's~~ construction, rehabilitation, or routine maintenance of roads, utilities, and drainage systems within public rights-of-way or easements, by the County or agencies having local jurisdiction.

~~G~~H. The removal of trees associated with the rehabilitation or routine maintenance of ~~roads, utilities~~ roads, utilities and drainage systems within private rights-of-way or easements.

~~H~~I. Tree removal or trimming for the construction of firebreaks, ~~and~~ firelines, by the County or agencies having local jurisdiction and surveying ~~associated with this construction.~~

~~I~~J. The removal of trees which pose an immediate and direct threat to persons or property, and the removal of trees that are dead or dying due to natural causes ~~as determined by a Landscape Architect or a Certified Arborist.~~

~~J~~J. ~~The removal of trees on residential property that pose an unacceptable risk to persons or property as per §Florida Statute 163.045 FS "Tree pruning, trimming, or removal on residential property."~~

~~K~~K. Transplanting of any size tree.

~~L~~L. ~~Removal of K.~~ Removal of trees required by a development plan which has been fully approved by the County.

~~M~~M. ~~Removal of L.~~ Removal of exotic ~~tree~~ or nuisance tree or plant species as listed by the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.3. Tree ~~protection~~Protection, General.

A. Design for the protection of trees.

(1) ~~Every reasonable effort should be made to minimize tree removal. Tree~~Site development shall consider tree preservation ~~shall be an integral part of by balancing the requirements of site planning or subdivision and utility design process. Tree preservation shall be conceived with preserving existing trees in a total pattern throughout an integrated manner across the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site.~~

(2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be considered ~~during~~early in the site design process~~and implemented to preserve~~provide required buffers while preserving habitat while~~and~~ lowering the cost of development.

(3) In all cases, a post-development ratio of ~~s~~Shade ~~t~~Trees to ~~the area~~ of the site must be provided as required in Section 6.7.4.

(4) All ~~Regulated~~ trees with a DBH of 10 inches or larger shall be considered protected trees, ~~unless listed by the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive Not Recommended" tables, as updated.~~

(5) ~~A proper~~ After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect shall be made to determine if existing ~~protected trees~~ Regulated Trees, or groups of ~~trees~~ existing Regulated Trees, are ~~good~~ suitable candidates for preservation before final site plans are developed. If the ~~site~~ applicant proposes preserving existing trees, or if the site contains Specimen Trees, this evaluation shall be submitted with the ~~development application~~ PUD Master Plan, Site Plan and ~~and/or~~ Improvement Plan. The evaluation shall be used to guide decisions about tree preservation, tree protection, and tree removal and shall include:

(a) ~~Determination~~ Identification of species of tree(s); proposed for preservation;

(b) ~~Assessment of the health of the tree(s);~~

~~(c) — Determination~~ Evaluation of the condition of the tree(s) to be preserved based on the species, ~~health~~ age, observations of ~~external~~ internal or external signs of disease or impacts, and ~~age and whether the tree(s) will provide a lasting value to the finished project (trees with fast growth habits and have a shorter life span may not be desirable);~~ possible longevity based on species type, site conditions, or location. If no evaluation is provided, all ~~Regulated~~ trees are considered viable;

~~(d)~~ Assessment of the size (DBH) and canopy of the tree(s); to be preserved;

~~(e) — Assessment of the rarity, uniqueness, and character of the tree(s);~~

~~(f) — Assessment of the historic value, status as a specimen tree, or other outstanding quality;~~

~~(g) — An general overview of the site and whether the tree(s) will provide a lasting and positive contribution to the site and general surroundings, and~~

~~(h) — Determination if any minor alternations to the site topography will impact the long-term viability of preserving existing trees.~~

(d) Identification of Specimen Trees; and Any Specimen Tree proposed for removal for any reason requires field verification and approval by the County Landscape Architect.

(e) Illustration of TPZ and CRZ areas for trees to be preserved.

B. Tree protection ~~zones are as follows;~~ measures shall be denoted on tree removal permit or site development review plans by illustrating and dimensioning the following:

(1) ~~Standards.~~ 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) is a defined area surrounding the trunk of a tree (or group of trees) to be preserved, intended to protect roots and soil to ensure future tree health and stability.

~~(a) — All tree measurements for tree protection and preservation shall be made at 4.5 feet above grade to establish the correct diameter at breast height (DBH).~~

~~(b) — The TPZ shall be located at the dripline of the tree (or group of trees) to be preserved, for trees proposed for preservation.~~ For tree protection requirements, the ~~dripline~~ TPZ shall be indicated on ~~a plan~~ 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 ~~and determined by either of the following methods:~~

~~1. — Field location by either a Surveyor and Mapper, a Landscape Architect, or a Certified Arborist, or~~

(23. — Utilizing a "desktop canopy" rule generally understood as using one foot for every inch) Extents of DBH. For example, a 30-inch diameter tree would have a 30-foot radius dripline.

~~(2) The~~ the Tree Critical Root Zone (CRZ) ~~is the area of soil around a tree trunk where roots are located that provide stability and uptake of water and minerals required for tree survival. For trees proposed for preservation when construction within the TPZ is planned.~~

(a) No excavation, ~~filling, trenching~~ construction, or ~~other intense~~ 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 ~~on a tree-by-tree basis through definition, or~~ definition or based on an on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.

~~(c) Damage to roots in this area may result in penalties or fines.~~

~~(3) The County's Landscape Architect or his designee may reduce the limits of the TPZ to allow authorized construction to occur.~~

~~(4)~~ (34) 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)~~ (545) 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.

~~(6) The TPZ shall not be reduced to any point within the CRZ.~~

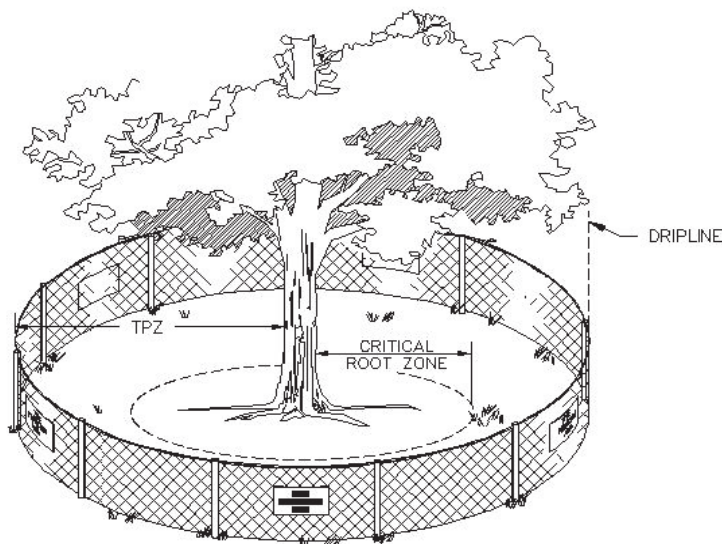


Figure 6.7-1 Tree Protection Zones

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.

- (1) The owner, applicant or Design Professional of Record shall be responsible for ~~insuring~~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 notified given a 10-day notice requesting and a pre-clearing/grubbing/grading on-site review of all required tree protection barricades -will be conducted.

E. Tree protection shall continue ~~during the course of~~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) ~~The~~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 ~~is not allowed.~~
- (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 ~~during the course of~~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.~~Trees, Minimum Requirements

~~Shade trees are required for all developments excluding residential developments.~~

A. ~~A-~~ The post-development ratio of ~~S~~shade ~~t~~Trees to the area of the site ~~shall be a minimum of one shade tree per 3,000 square feet.~~ 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) ~~s~~Shade ~~t~~Tree per 3,000 square feet.
- ~~(1)~~(2) For the remaining acres, a minimum of one (1) ~~s~~Shade ~~t~~Tree per 5,000 square feet.

B. Shade trees may include:

- (1) Specimen Trees; and/or
- (2) Protected and preserved trees which havewith a favorable assessment; and/or
- ~~(2)~~ (3) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas; and/or
- ~~(3)~~ (4) Trees as required as tree mitigation replacement trees.

C. ~~When mature~~ Priority shall be given to preserve Specimen Trees and those existing trees ~~with a full canopy of 30-foot radius or larger, with a favorable~~ that are the highest rated per the tree assessment;

D. Credits towards the Shade Tree requirement shall be given for preserved existing Regulated Trees ~~that are preserved on the project site, a credit of two shade~~ by the development. Preserved trees may be used towards the overall shade tree requirement. ~~for Shade Tree credits shall be subject to the approval of the County Landscape Architect. Tree credits shall be given for preserved Regulated Trees~~ as follows:

~~D.~~ Required shade trees shall meet the minimum size requirements in Section 6.8.10.C.

<u>Preserved Regulated Tree (DBH)</u>	<u>Number of Shade Trees Credited</u>
<u>10" – 19"</u>	One <u>one</u>
<u>20" – 29"</u>	Two <u>One</u>
<u>30" – 35"</u>	two <u>Two</u>
<u>36" – 47" Specimen Trees</u>	Five <u>Three</u>
<u>48" and above</u>	Six <u>Three</u>

E. Required Shade Trees shall meet the minimum size requirements in Section 6.8.10.D.(3)(a)

(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 ~~tree with a DBH of 10 inches or larger, 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 ~~his~~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 ~~providing~~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" ~~as to where recovery~~ the extent that the appearance and/or the long-term long-term viability of the ~~tree~~tree or 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)

Sec. 6.7.6. Submittal requirements.

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

A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and Preservation Plan." For development sites with lower density of trees, such information may be indicated on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all ~~trees, with a DBH of 10 inches and larger,~~ Regulated Trees to be removed and trees to be preserved. Preserved trees and replacement trees shall be indicated on the Landscape Plan to demonstrate the final appearance of the site.

B. Tree calculations shall include:

(1) The total numbers of existing ~~trees~~ Regulated Trees within the site and the respective DBH of each tree; and

(2) The pre-development ratio of ~~native tree~~ Regulated Tree inches-per-acre; and

(3) The total DBH inches of ~~native trees~~ Regulated Trees to be removed; and

(4) The total DBH inches of ~~native trees~~ Regulated Trees to be preserved; and

(5) The native status of trees to be preserved.

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

D. ~~List~~ Listing general prohibitions ~~on the plan~~ as stated in Section 6.7.3.E.

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

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.7. Review and approval procedures.

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

(1) ~~Preserving Required preservation of any tree due to their age, size, rarity, uniqueness, historic value, status as a specimen tree, or other outstanding quality.~~ Specimen Trees;

-
- (2) Proposed grading or clearing activities ~~do not follow the requirements of this division. Within the TPZ;~~
and/or
- (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- B. The applicant will be ~~asked~~required to revise and update the tree preservation information according to review comments.
- ~~C. After approval, the County's Landscape Architect or his designee shall issue a tree removal permit if such tree removal is in accordance with all provisions of this Code. The approved development plans shall serve as the Tree Removal Permit.~~
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.8. Protected tree replacement requirements.

- ~~All trees not permitted~~Regulated Trees that are proposed for removal ~~must be protected and maintained. For those protected trees permitted for removal, trees~~ shall be replaced in accordance with the minimum standards set forth below.
- ~~A. Replacement is not required where the property owner retains existing trees on the site which total an average of 100 inches DBH per acre. If replacement is necessary, a minimum of 100 inches DBH per acre on the average shall be achieved.~~
- ~~B. If the pre-development number of inches is less than 100 DBH per acre on the average, the property owner shall replace trees to equal the pre-development number of DBH inches.~~
- ~~B.A. C. Replacement~~Removal of treesRegulated Trees less than ~~30~~36 inches DBH ~~and permitted for removal shall be as described below~~is permissible if the following replacement requirements are met:
- (1) ~~Existing trees measuring 10 inches DBH to 19 inches DBH shall be replaced with a ratio of one inch replacement per two inches removed and the minimum replacement tree size is 3.5 inch caliper.~~
- ~~(2) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with 75% of inches a ratio of 1.5 inches replacement per two inches removed and the minimum replacement tree size is 3.5 inch caliper.~~
- ~~D. Replacement of (32) Existing trees measuring 30 inches DBH or to 35 inches DBH shall be replaced with a 100% of inches atio of 2 inches replacement per 2 inches removed.~~
- (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the County Landscape Architect.~~greater and than 100 DBH per acre, the property owner shall replace trees equal to 100 DBH per acre~~
- ~~ECB. Removal of Specimen Trees may only be permitted for removal shall be following review and approval by the County's Landscape Architect. Such approval shall be given if: and as described below:~~
- ~~(1) All trees which receive a favorable assessment may be approved for removal by the County's Landscape Architect or his designee under per the following circumstances:~~
- ~~(a) The tree~~(a1) The Specimen Tree does not have a favorable assessment per an Certified aArborist's assessment and confirmed during a pre-development on or off-site review meeting with the County Landscape Architect; and/or
- ~~(b2) The Specimen Tree is located within the proposed building footprint, required fire access, required utility corridors, or code-required parking or drainage areas and; and the applicant demonstrates that an alternative site configuration has been evaluated; and either (a) or (b).~~

- ~~(a) The applicant demonstrates that reasonable alternative site configurations have been evaluated; and~~
- ~~(ba)~~ Preservation of the Specimen Tree would prevent compliance with zoning standards or reduce the site's buildable area or required parking; or
- ~~(eb)~~ Redesign would require elimination or reduction of a permitted principal use or result in disproportionate site inefficiencies not customarily required for similar development.
- ~~(1) — (d3) —~~ The determination of the County Landscape Architect may be appealed to the Development Review Committee. ~~The Specimen Tree materially interferes with the proposed location, service or function of the utility lines or services, or rights-of-way, and~~
- ~~(b) — The tree project site plan and the Specimen Tree cannot be preserved through re-design a redesign of the site infrastructure.~~
- ~~(2) — All trees which receive a favorable assessment (34)~~ If the County Landscape Architect approves removal, then Specimen Trees shall be replaced ~~at a~~ with 200% of inches removed ~~ratio of 3.0 inches replacement for 1 inch for inch removed~~ and the minimum replacement tree size is ~~4.0~~ 3.5-inch caliper.
- ~~FDC.~~ Existing 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:
- ~~(a1)~~ Hatracking a tree; or
- ~~(2b)~~ Destroying the natural habit of tree growth; or
- ~~(e3)~~ 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
- ~~(d4)~~ 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
- ~~(e5)~~ 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
- ~~(f6)~~ Pruning that does not conform to standards or recommendations set by the ANSI A300 Part 1, as updated; or
- ~~(g7)~~ Pruning of live palm fronds which initiate above the horizontal plane; or
- ~~(h8)~~ Overlifting a tree; or
- ~~(i9)~~ Shaping a tree ~~(3) — All trees which receive;~~ or
- ~~(i10)~~ Removing more than 25% of the tree's canopy.
- ~~GED.~~ Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree mitigation. ~~- Replacement trees for these impacted trees will be determined on a case-by-case basis by the County's Landscape Architect.~~
- ~~H. — Regardless of size, any Regulated Tree proposed for removal that receives an unfavorable assessment at the predesign on-site review shall be replaced with a ratio of 1.5 inches replacement per two inches removed and the minimum replacement tree size is 3.5-inch caliper.~~
- ~~EHE.~~ If replanting replacement trees on site is not practical ~~ble~~ per best landscape design practices, then a fee in lieu of planting may be provided as per Section 6.7.10.
- ~~GFJ.~~ Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or Federal authority, ~~shall not be required to replace the DBH of trees removed~~ are exempt from protected tree

removal requirements if such authority demonstrates that such trees conflict with proposed utilities, drainage, or roadway construction.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.9. Replacement trees.

A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required shade trees, buffer trees, and any other required landscaping.

B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, as amended.

C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.

D. Replacement trees shall be Florida native species compatible to the site.

E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear trunk height of 10-foot minimum. The use of palms shall ~~work~~comply with the required palm ratio as required in Section 6.8.10.C.

F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required replacement trees shall be located within the parcel boundaries and shown on the site plan. If space constraints are such that the replacement trees cannot be located within the parcel boundaries using sound horticultural and design principles, then the replacement trees may be located on public property at the County's Landscape Architect's discretion, ~~and as determined at the time of the permit or site development review~~. The public property location shall be specifically designated by the ~~County~~County, and such replacement trees shall be donated to the County. The County will be responsible for planting and maintenance of donated trees on public property.

~~G.~~ G. The preservation of existing Regulated Trees with a favorable assessment will count towards satisfying the required Replacement Tree amount at the following ratios:

(1) ~~(1)~~ Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement tree criteria at a ratio of one (1) inch of replacement value per one (1)-inch preserved.

(~~21~~2) Preserved trees measuring 20 inches DBH to ~~29~~29 inches DBH shall count towards the replacement tree criteria at a ratio of two (~~3~~2) inches of replacement value per one (1) inch preserved.

(~~3~~~~323~~) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement tree criteria at a ratio of three~~four~~ (~~34~~) inches of replacement per one (1) inch preserved.~~three~~

(~~34~~4) Specimen Trees preserved shall count towards the replacement criteria at a ratio of six~~eight~~ (~~86~~) inches of replacement per one (1) inch preserved. ~~six~~

H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by designating existing trees on site which are native tree species and less than ~~10~~20 inches DBH as conservation trees, provided that the property owner takes steps to designate and protect such conservation trees. If the owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those trees or groups of trees requested as conservation trees shall be included in the tree survey.

HJ. A property owner designating conservation trees shall record in the covenant and restrictive deeds~~public records of Marion County~~, a notice to subsequent property owners that the site contains conservation trees, subject to maintenance requirements, with reference to the development plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the County shall be supplied to the ~~Planning/Zoning Manager~~Growth Service Director or ~~his~~their designee prior to the issuance of a Certificate of Occupancy.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.10. Tree mitigation fund.

A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of accepting and disbursing the contributions made to the Board as part of the tree replacement monies deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion County and to enhance the Marion County Parks system.

B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees ~~and for no other landscape or tree planting requirement as stated in this Code.~~

C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree Mitigation Fund at ~~a per tree cost. The amount of such fee shall be determined on a case by case basis through the public solicitation for bids and the amount shall be based on the tree replacement fee as listed in the County's annual fee list~~the per-inch replacement rate provided to the Development Review Committee by the County's Landscape Architect.

~~(1) The wholesale cost of material~~

~~(2) Cost of labor for installation~~

~~(3) Cost of maintenance for two years~~

D. Payment into the Tree Mitigation Fund shall be ~~recommended~~approved by the County's Landscape Architect and approved by the Board prior to issuance of the tree removal permit or development approval.

~~E. Tree mitigation funds shall be used by the County for the installation, establishment, and maintenance of trees on public property within Marion County.~~

E. The County Landscape Architect shall provide an annual report to the Board describing the available funds, annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.11. Tree maintenance and management.

~~A. Unless otherwise permitted by this division, no person shall cause or authorize:~~

~~(1) The removal of any protected tree without first obtaining a tree removal permit as required by this Code.~~

~~(2) Tree abuse which includes:~~

~~(a) Hatracking a tree; or~~

~~(b) Destroying the natural habit of tree growth; or~~

~~(c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or~~

-
- ~~(d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/4 of the length of the line falls on portions of the tree where bark no longer remains; or~~
- ~~(e) 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~~
- ~~(f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or~~
- ~~(g) Pruning of live palm fronds which initiate above the horizontal plane; or~~
- ~~(h) Overlifting a tree; or~~
- ~~(i) Shaping a tree.~~
- ~~(3) Any encroachments, excavations, or change the natural grade within the Tree Protection Zone (TPZ), as defined herein, of a tree unless it can be demonstrated to the County's Landscape Architect prior to commencement of said activity, that the activity will not negatively impact any tree.~~
- ~~(4) Land clearing or the operation of heavy equipment in the vicinity of a protected tree without placing and maintaining a protective barrier around the TPZ.~~
- ~~(5) The storage or use of materials or equipment within the TPZ of any protected tree, or attachments, other than those of a protective and non-damaging nature, to any tree.~~
- ~~(6) Land clearing, including the removal of understory, without first obtaining authorization as herein provided.~~
- B. The following requirements shall be conditions of any tree removal permit which includes a requirement for replacement trees:
- (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.
- (2) All replacement trees shall be maintained in a living, healthy condition ~~for a period of two years following final inspection and approval~~, or else be replaced, by the owner, successor, or assignee. ~~No replacement shall be required beyond such two-year period. After the two-year period, the owner of record shall be responsible for maintaining the replacement trees in a healthy condition.~~
- (3) The permittee or the property owner shall record in the covenants and restrictive deeds ~~public records of Marion County~~, appropriate notice to subsequent owners of the maintenance period or replacement requirement for replacement trees with reference to the development plans on file with the County identifying such trees. A copy of such recorded notice shall be supplied to the Planning/Zoning Manager or his designee ~~County~~ prior to the issuance of a Certificate of Occupancy.
- (4) For ~~residential and mixed-use~~ developments where tree preservation and replacement requirements ~~are approved with any application~~ may be fulfilled by future or subsequent developers or builders, the developer shall require future property owners of lots where protected trees have been preserved to continue to protect and preserve such trees. Such requirements shall run with the parcel until ~~removal~~ replacement of the tree(s) is required due to age, declining health, or for the protection of public safety.
- (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.7.12. Tree inspections.**

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

- 6 A. A ~~preliminary~~ preconstruction inspection shall be conducted by the County's Landscape Architect or ~~his~~ their
7 designee prior to any demolition or site construction in order to confirm that the permittee has marked trees
8 permitted to be removed and has installed tree protection barricades around trees, or groups of trees, to be
9 preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this inspection shall
10 be cause to withhold approval until they are corrected by the permittee and reinspected. Approval, after
11 preliminary inspection, shall be noted by the County's Landscape Architect or ~~his~~ their designee on the permit
12 and shall constitute notice to proceed with tree removal.
- 13 B. A final inspection shall be conducted by the County's Landscape Architect or ~~his~~ their designee after completion
14 of tree removal and replacement in accordance with the approved plans. It is the Owner's responsibility to
15 notify the ~~County Landscape~~ County's Landscape Architect of completion of tree removal activities. Approval,
16 after final inspection, shall be noted by the County's Landscape Architect or ~~his~~ their designee on the permit
17 and shall constitute notice of commencement of the required maintenance period of replacement trees if
18 replacement is required.
- 19 C. During the final inspection, if trees preserved towards tree preservation credits, Shade Trees, or any other
20 preserved Regulated Trees, which are damaged during site construction and deemed unviable by the County's
21 Landscape Architect or their designee, may require replacement at the ratios provided in Section 6.7.9 ~~above~~
22 prior to final approval.

23 (Ord. No. 13-20, § 2, 7-11-2013)

24 **Sec. 6.7.13. Violation and enforcement.**

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

- 28 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or ~~his~~ their designee may
29 issue a stop work order for the ~~affected project area of such unauthorized tree removal~~ project and all related
30 site work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and
31 then submitted to, and approved by the County's Landscape Architect or ~~his~~ their designee.
- 32 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited
33 by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- 34 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved
35 restoration plan have been installed and all site grades restored.
- 36 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and
37 the site grade restored even if project termination occurs before completion of the project. Failure to complete
38 the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will
39 be cited by the County's Landscape Architect or ~~his~~ their designee and referred to the Code Enforcement Board.
- 40 E. In addition to all other remedies provided herein, the ~~Landscape Architect~~ County may seek injunctive relief or
41 the imposition of fines and penalties for any violation of this division, if no restoration plan is submitted. Fines
42 may be assessed by the County based on pre-development density of trees per acre discovered through aerial

1 photos and at the same rate established by the County for use in the Tree Mitigation Replacement Rate in
2 6.7.10.C. Fines shall be assessed at up to 100" per acre across entire site affected by unauthorized tree
3 removal.
4 (Ord. No. 13-20, § 2, 7-11-2013)

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 new 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. Any removal conducted under an agricultural exemption within five (5) years prior to an application for land use or zoning changes, or site plan approval, shall be presumed to have been conducted in anticipation of development. For any parcel where trees were removed within the preceding five (5) years, the tree mitigation and replacement requirements shall be based on the canopy density and tree count shown in aerial photography provided by the Marion County Information Technology Department, flown between December 2023 and February 2024, representing the legally mandated January 1, 2024 benchmark. To rebut this

presumption, the application must provide a sworn affidavit and evidence (e.g. crop yields, livestock sales, or timber receipts) proving that the clearing was part of a bona fide agricultural operation.

- E. The removal of trees which have a DBH of less than 20 inches, except those trees which have been designated replacement and conservation trees pursuant to Section 6.7.9.G.
- F. The removal of trees on an individual parcel of record used or to be used for single-family or duplex dwelling units.
- G. The removal of trees associated with construction, rehabilitation, or routine maintenance of roads, utilities, and drainage systems within public rights-of-way or easements, by the County or agencies having local jurisdiction.
- H. The removal of trees associated with the rehabilitation or routine maintenance of roads, utilities and drainage systems within private rights-of-way or easements.
- I. Tree removal or trimming for the construction of firebreaks and firelines by the County or agencies having local jurisdiction and surveying associated with this construction.
- J. The removal of trees which pose an immediate and direct threat to persons or property, and the removal of trees that are dead or dying due to natural causes as determined by a Landscape Architect or a Certified Arborist.
- K. Transplanting of any size tree.
- L. Removal of trees required by a development plan which has been fully approved by the County.
- M. Removal of exotic or nuisance tree or plant species as listed by the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.3. Tree Protection, General.

- A. Design for the protection of trees.
 - (1) Site development shall consider tree preservation by balancing the requirements of site and utility design with preserving existing trees in an integrated manner across the site.
 - (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be considered early in the site design process to provide required buffers while preserving habitat and lowering the cost of development.
 - (3) In all cases, a post-development ratio of Shade Trees to of the site must be provided as required in Section 6.7.4.
 - (4) All Regulated trees shall be considered protected trees.
 - (5) After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect shall be made to determine if existing Regulated Trees, or groups of existing Regulated Trees, are suitable candidates for preservation before final site plans are developed. If the applicant proposes preserving existing trees, or if the site contains Specimen Trees, this evaluation shall be submitted with the PUD Master Plan, Site Plan and/or Improvement Plan. The evaluation shall be used to guide decisions about tree preservation, tree protection, and tree removal and shall include:
 - (a) Identification of species of tree(s) proposed for preservation;

- (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations of internal or external signs of disease or impacts, and possible longevity based on species type, site conditions, or location. If no evaluation is provided, all Regulated trees are considered viable;
 - (c) Assessment of the size (DBH) and canopy of the tree(s) to be preserved;
 - (d) Identification of Specimen Trees; and
 - (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- B. Tree protection measures shall be denoted on tree removal permit or site development review plans by illustrating and dimensioning the following:
- (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.

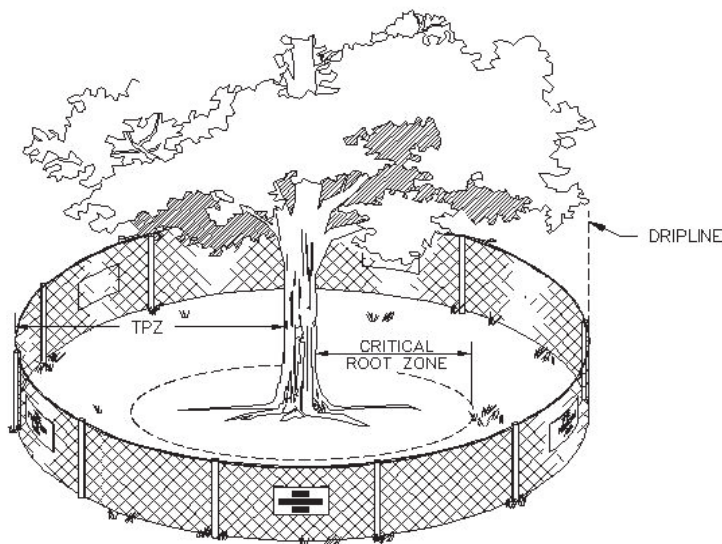


Figure 6.7-1 Tree Protection Zones

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- 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.
- (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.
- 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 assessment; and/or

- (3) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas; and/or
- (4) Trees as required as tree mitigation replacement trees.
- C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per the tree assessment.
- D. Credits towards the Shade Tree requirement shall be given for preserved existing Regulated Trees as follows:

Preserved Regulated Tree (DBH)	Number of Shade Trees Credited
10" – 19"	One
20" – 29"	One
30" – 35"	Two
36" – 47"	Three
48" and above	Three

- E. Required Shade Trees shall meet the minimum size requirements in Section 6.8.10.D.(3)(a)
(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)

Sec. 6.7.6. Submittal requirements.

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

- A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and Preservation Plan." For development sites with lower density of trees, such information may be indicated on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all Regulated Trees to be removed and trees to be preserved. Preserved trees and replacement trees shall be indicated on the Landscape Plan to demonstrate the final appearance of the site.
- B. Tree calculations shall include:
 - (1) The total numbers of existing Regulated Trees within the site and the respective DBH of each tree; and
 - (2) The pre-development ratio of Regulated Tree inches-per-acre; and
 - (3) The total DBH inches of Regulated Trees to be removed; and
 - (4) The total DBH inches of Regulated Trees to be preserved; and
 - (5) The native status of trees to be preserved.
- C. A tree protection detail which graphically indicates the requirements of tree protection as required by this division.
- D. Listing general prohibitions as stated in Section 6.7.3.E.
- E. Indication of all TPZs on the site plan, grading plan and on whichever plan is used to demonstrate tree preservation and replacement.
- F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall be established by the Board, by resolution. Tree removal permit application fees for projects associated with any development (excluding stand alone permits) shall be included in the overall plan review and application fees available at the Office of the County Engineer.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.7. Review and approval procedures.

- A. During review of tree preservation submittals, the County's Landscape Architect or their designee may determine that modifications of the proposed plans or calculations are necessary. Conditions that may require changes include, but are not limited to, the following:
 - (1) Required preservation of any Specimen Trees;
 - (2) Proposed grading or clearing activities within the TPZ; and/or
 - (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- B. The applicant will be required to revise and update the tree preservation information according to review comments.

(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.
- B. Removal of Specimen Trees may only be permitted 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 assessment per a Certified Arborist's assessment and confirmed during a pre-development on or off-site review meeting with the County Landscape Architect; or
 - (2) The Specimen Tree is located within the proposed building footprint, required fire access, required utility corridors, or code-required parking or drainage areas and the applicant demonstrates that an alternative site configuration has been evaluated; 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 the County Landscape Architect approves removal, then Specimen Trees shall be replaced with 200% of inches removed and the minimum replacement tree size is 3.5-inch caliper.
- C. Existing 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 ⅓ 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
 - (7) Pruning of live palm fronds which initiate above the horizontal plane; or

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- (8) Overlifting a tree; or
 - (9) Shaping a tree; or
 - (10) Removing more than 25% of the tree's canopy.
- D. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by the County's Landscape Architect.
- E. If replanting replacement trees on site is not practical per best landscape design practices, then a fee in lieu of planting may be provided as per Section 6.7.10.
- F. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or Federal authority, are exempt from protected tree removal requirements if such authority demonstrates that such trees conflict with proposed utilities, drainage, or roadway construction.
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.9. Replacement trees.

- A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required shade trees, buffer trees, and any other required landscaping.
- B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, as amended.
- C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- D. Replacement trees shall be Florida native species compatible to the site.
- E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in Section 6.8.10.C.
- F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required replacement trees shall be located within the parcel boundaries and shown on the site plan. If space constraints are such that the replacement trees cannot be located within the parcel boundaries using sound horticultural and design principles, then the replacement trees may be located on public property at the County Landscape Architect's discretion as determined at the time of the permit or site development review. The public property location shall be specifically designated by the County, and such replacement trees shall be donated to the County. The County will be responsible for planting and maintenance of donated trees on public property.
- G. The preservation of existing Regulated Trees with a favorable assessment will count towards satisfying the required Replacement Tree amount at the following ratios:
 - (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement tree criteria at a ratio of one (1) inch of replacement value per one (1) inch preserved.
 - (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement tree criteria at a ratio of two (2) inches of replacement value per one (1) inch preserved.
 - (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement tree criteria at a ratio of three (3) inches of replacement per one (1) inch preserved.

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- (4) Specimen Trees preserved shall count towards the replacement criteria at a ratio of six (6) inches of replacement per one (1) inch preserved.
- H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by designating existing trees on site which are native tree species and less than 20 inches DBH as conservation trees, provided that the property owner takes steps to designate and protect such conservation trees. If the owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those trees or groups of trees requested as conservation trees shall be included in the tree survey.
- I. A property owner designating conservation trees shall record in the covenant and restrictive deeds, a notice to subsequent property owners that the site contains conservation trees, subject to maintenance requirements, with reference to the development plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the County shall be supplied to the Growth Service Director or their designee prior to the issuance of a Certificate of Occupancy.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.10. Tree mitigation fund.

- A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of accepting and disbursing the contributions made to the Board as part of the tree replacement monies deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion County and to enhance the Marion County Parks system.
- B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees.
- C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree Mitigation Fund at the per-inch replacement rate provided to the Development Review Committee by the County's Landscape Architect.
- D. Payment into the Tree Mitigation Fund shall be approved by the County's Landscape Architect and approved by the Board prior to issuance of the tree removal permit or development approval.
- E. The County Landscape Architect shall provide an annual report to the Board describing the available funds, annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.11. Tree maintenance and management.

- A. The following requirements shall be conditions of any tree removal permit which includes a requirement for replacement trees:
- (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.
 - (2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner, successor, or assignee.
 - (3) The permittee or the property owner shall record in the covenants and restrictive deeds appropriate notice to subsequent owners of the maintenance period or replacement requirement for replacement trees with reference to the development plans on file with the County identifying such trees. A copy of such recorded notice shall be supplied to the County prior to the issuance of a Certificate of Occupancy.

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- (4) For developments where tree preservation and replacement requirements may be fulfilled by future or subsequent developers or builders, the developer shall require future property owners of lots where protected trees have been preserved to continue to protect and preserve such trees. Such requirements shall run with the parcel until replacement of the tree(s) is required due to age, declining health, or for the protection of public safety.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.12. Tree inspections.

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

- A. A preconstruction inspection shall be conducted by the County's Landscape Architect or their designee prior to any demolition or site construction in order to confirm that the permittee has marked trees permitted to be removed and has installed tree protection barricades around trees, or groups of trees, to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected. Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or their designee on the permit and shall constitute notice to proceed with tree removal.
- B. A final inspection shall be conducted by the County's Landscape Architect or their designee after completion of tree removal and replacement in accordance with the approved plans. It is the Owner's responsibility to notify the County's Landscape Architect of completion of tree removal activities. Approval, after final inspection, shall be noted by the County's Landscape Architect or their designee on the permit and shall constitute notice of commencement of the required maintenance period of replacement trees if replacement is required.
- C. During the final inspection, if trees preserved towards tree preservation credits, Shade Trees, or any other preserved Regulated Trees, which are damaged during site construction and deemed unviable by the County's Landscape Architect or their designee, may require replacement at the ratios provided in Section 6.7.9 prior to final approval.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.13. Violation and enforcement.

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

- A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or their designee may issue a stop work order for the project and all related site work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the County's Landscape Architect or their designee.
- B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved restoration plan have been installed and all site grades restored.

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- D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and the site grade restored even if project termination occurs before completion of the project. Failure to complete the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will be cited by the County's Landscape Architect or their designee and referred to the Code Enforcement Board.
 - E. In addition to all other remedies provided herein, the County may seek injunctive relief or the imposition of fines and penalties for any violation of this division, if no restoration plan is submitted. Fines may be assessed by the County based on pre-development density of trees per acre discovered through aerial photos and at the same rate established by the County for use in the Tree Mitigation Replacement Rate in 6.7.10.C. Fines shall be assessed at up to 100" per acre across entire site affected by unauthorized tree removal.

(Ord. No. 13-20, § 2, 7-11-2013)