

1331.04 TREE REPLACEMENT.

(a) Each tree removed pursuant to Section 1331.03 during the course of development of a parcel shall be replaced by the owner or developer or person in possession of the parcel with a tree of the same caliper size. For example, if a 20" caliper tree is removed, it must be replaced with 20" of calipers which can be accomplished in various ways, such as with ten 2" calipers or five 4" calipers, and being of the same or similar species as approved by the Enforcement Officer.

(b) Failure to replace a tree as required by subsection (a) hereof, within three (3) months, of the approval of the application referred to in Section 1331.03, or by a later date as approved in writing by the Enforcement Officer, is declared a minor misdemeanor for each separate failure to replace a tree and is punishable as set forth in 1331.99. (Ord. 05-78. Passed 12-12-05.)

1331.05 PROCEDURE; PLAN SUBMISSION; CONTENT; APPEALS.

(a) Applicants must submit landscaping plans, consistent with the plan content set forth below, for review and approval by the Enforcement Officer, which may be in consultation with the Shade Tree Commission. Such plans shall be reviewed with the goal of accomplishing the purposes of this Chapter and specific requirements herein. Landscaping plans must be submitted whenever one of the following applies:

- (1) Application is made for a building permit in any area zoned other than A-1, RR, R-1, R-2 or R-3; or
- (2) Application is made for a conditional use, variance, rezoning, subdivision plat, development plan, or zoning certificate in all areas except A4, RR, R4, R-2 or R-3.

(b) No building permit or application shall be granted without approval of the required landscaping plan by the Enforcement Officer. Further, no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Enforcement Officer, unless a performance bond, or a irrevocable letter of credit from a banking institution shall be posted at the time the certificate of occupancy is issued. The amount of the bond or irrevocable letter of credit shall be in an amount determined by the Enforcement Officer to be necessary to complete the required landscaping plus twenty-five percent (25%) for possible cost overruns.

(c) After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be planted and installed no later than six (6) months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Enforcement Officer upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Enforcement and foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with at the end of the approved planting period.

(d) Any landscape plans submitted to and disapproved by either the Enforcement Officer or required Commission may be appealed to the Board of Zoning Appeals in accordance with Chapter 1111 of the City's Codified Ordinances.