

**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.

(e) A landscaping plan required by this Chapter shall be drawn to scale of not less than "one inch equals forty feet" and shall include the following:

- (1) Name and dimensions of all existing and proposed property lines, easements, buildings, driveways, parking areas and other physical improvements;
- (2) Botanical name and common name of all existing and proposed landscaping material as defined in Section 1331.06(d);
- (3) Botanical name and common name as well as caliper size of all existing trees or wooded areas. Wooded area may be identified with a general description stating size of area and general caliper size and type of trees;
- (4) Typical elevations and/or cross sections, and details as may be required;
- (5) Existing landscaping within ten (10) feet of the site shall be noted on the plan. The requirements of subsection (e)(3) hereof shall apply to this area also;
- (6) Title Block with the pertinent names and addresses, property owner, developer, person drawing the plan and applicable Zoning district;
- (7) Site grading with a minimum of one-foot contour intervals must be included; and
- (8) Such additional information as the Enforcement Officer deems necessary to accomplish the purpose of this Chapter as set forth herein.  
(Ord. 05-78. Passed 12-12-05.)

#### 1331.06 LANDSCAPING STANDARDS.

(a) General Requirements. For all development following the effective date of this Chapter, the following requirements shall apply and be met regardless of whether a specific written plan is required by Section 1331.05.

- (1) Individual lots under RR, R1, R2, R3, PUD, and PND districts. There shall be tree plantings equal to one-half inch in caliper for every 500 square feet of surface covered by the structure. Such plantings shall be required within the lot. The Enforcement Officer may grant the applicant credit toward the tree planting requirements of this section for other proposed landscaping materials as defined by subsection (c) hereof which is to be located within the lot. Such credit shall be within the discretion of the Enforcement Officer with the intention of accomplishing the purpose of this Chapter set forth herein. No such credit shall be given for the street tree requirements of subsection (d) hereof, and, street tree planting requirements shall be fulfilled as outlined therein.
- (2) All other zoning districts except individual lots RR, R1, R2, R3, PUD, and PND. In addition to the requirements of subsection (b) hereof, the following shall apply: there shall be landscaped areas equal to twenty (20) square feet for every 1,000 square feet of building surface coverage area, or fraction thereof, and one inch in tree size for every 1,500 square feet of building surface coverage with a minimum tree caliper of 2 inches, whichever is greater. Such landscaped areas shall contain trees, planting beds, hedges, earthmounds, or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.