

ARTICLE 10
TREE PROTECTION

1000. TREE PROTECTION.

1000.1. Intent. This Article is intended to prevent clearcutting of trees from developed or developing building sites on private and public property, and to recognize trees as a valuable asset to the community, contributing to air and water quality, shade and aesthetics; and to further recognize healthy trees of diameter at breast height (DBH) of eighteen (18) inches or more as entitled to special protection as irreplaceable historic natural resources.

1000.2. Permitted Exemptions.

1000.2.1. Any tree certified by the Zoning Administrator to be hazardous to public health or safety, or a threat to developed or developing property.

1000.2.2. Common forestry practices that would prescribe clearcutting for reforestation.

1000.2.3. For any period of emergency, such as hurricane, tornado or flood, the requirements of this Article may be waived by the Mayor or his/her assignee.

1000.3. Site Plan Review.

Prior to any planned development or improvements which involves the intentional or potential destruction or removal of any trees, the developer shall submit, to the Zoning Administrator, a Site Plan for approval.

This Site Plan shall include:

- (1) Location of all historic trees.
- (2) Approximate location of all other trees on site. Groups of trees may be shown as clusters or clumps, designating predominant types, estimated number, and average circumference.
- (3) Identification of all trees to be protected.
- (4) Location of all improvements, existing and proposed.

1000.4. Protection.

During or after development, trees shall be protected as follows:

- (1) After appropriate permits and approvals have been issued, and before any site work is commenced, the developer shall mark all protected trees with surveyor's flagging tape, and shall instruct construction crews to protect and preserve such trees during development.
- (2) During development, a minimum protective zone shall be established and maintained around all protected trees by utilizing high visibility barrier fencing. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage of materials, within this zone. This zone shall be a minimum of eight (8) feet in circumference from the trunk of a protected tree, extended to fifteen (15) feet in the case of historic trees unless a special permit is granted.

1000.5. Replacement.

If a development results in destruction or removal of protected trees, such trees shall be replaced with trees, of types approved by the Zoning Administrator, having minimum DBH of one (1) inch and minimum height of eight (8) feet, except if flowering trees are approved, they may be smaller, as appropriate.

1000.6. Specific Relief.

In appropriate cases, where literal enforcement would work an economic hardship on the owner, (i.e. prevent any reasonable development as zoned), or cause a result not in the public interest, the Zoning Administrator may permit alternative relief including alternate revegetation, or other landscaping.

1000.7. Violations and Penalties.

If the Zoning Administrator determines that any requirement of this Article has been violated, he/she shall notify the developer and the owner of the property, describing the violation, and the action necessary to correct it. Failure to correct, or to file an Appeal within ten (10) days, to the Board of Appeals, will constitute a violation of this Article and shall be a misdemeanor, punishable by a maximum of two hundred (\$200.00) dollars, or thirty (30) days in jail. Each tree destroyed or removed in violation of this Article, or each day that a violation is allowed to continue after notice, may constitute a separate offense. Any person who participates, commits, or assists in such violation may be found guilty of a separate offense.

Approved May 13, 2013