



CITY OF SOUTH MIAMI
 Planning & Zoning Department
 City Hall, 6130 Sunset Drive, South Miami, Florida 33143
 Phone: 305-663-6326, Fax: 305-668-7356

APPLICATION FOR TREE REMOVAL

Project Address: _____, South Miami, Florida

Property Owner: _____ Phone: _____

Address: _____

Work To Be Performed By (check one): Contractor _____ Owner/Builder _____

Contractor: _____ Phone: _____

Address: _____

This application is for the removal of (be specific):

Use of property (check one): Commercial _____ Residential _____

Signature of Contractor/Qualifier

Signature of Property Owner

Notary: _____

Notary: _____

Two copies of a site plan and/or tree survey must be included.

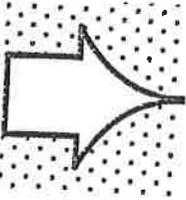
Depending on the type of tree(s), the fee for a tree removal permit is \$75.00 for the first tree and \$35.00 for each additional tree.

This permit may be approved with conditions, limitations, and/or restrictions.

OFFICE USE ONLY				
Tree survey or site plan must be attached (2 copies).				
PLANNING & ZONING DEPARTMENTAL APPROVAL			YES	NO
Does this application involve a Natural Forest Community?				
Does this application involve protected and/or specimen trees?				
Has this application been incomplete for 120 days or more?				
Effective Date:	Expiration Date:	Approved? If yes, by:		

Conditions, limitations, restrictions, if any: _____

- (7) The Environmental Review & Preservation Board [E.R.P.B.] may adjust the requirements of Sections 20-4.5 (D) & (E) under the following procedures:
- (a) The E.R.P.B. on receipt of application for adjustment of landscaping requirements shall have the authority and duty to consider and act upon such application. The application shall be filed by the owner or tenant of the property concerned, or by authorized agents as evidenced by written power of attorney, on forms prescribed by the Planning Division and accompanied by the E.R.P.B. application fee.
 - (b) In the application, the applicant shall state clearly and in detail what adjustment of landscaping requirements are being requested and the reasons such adjustments are warranted, and shall accompany the application with supplementary data, such as sketches, surveys and statistical information to substantiate the adjustment.
 - (c) The E.R.P.B. may approve, modify or deny the requested adjustment, but shall approve or modify such request only if it determines that approval of any adjustment would not be contrary to the public interest and would be in keeping with and would preserve the intent of Section 20-4.5.
 - (d) Procedures regarding Board actions and appeals from the decisions of the E.R.P.B. shall follow the regulations set forth in Section 20-6.



(H) *Tree Removal Permit Applicability.*

- (1) It shall be unlawful for any person, unless otherwise permitted by the terms of Section 20-4.5, to do tree removal work or to effectively destroy any tree, or to effectively destroy any understory in a Natural Forest Community, without first obtaining a permit from the City of South Miami.
- (2) The effective destruction of trees designated to be planted, preserved, or relocated under Section 20-4.5 (D) & (E) shall not be permitted.
- (3) No municipal or County official shall issue a tree removal permit that does not comply with Section 20-4.5. Any such permit shall be void.
- (4) It shall be unlawful for any person to violate or not comply with any of the conditions of a City of South Miami tree removal permit.
- (5) The following activities are EXEMPT from tree removal permits:
 - (a) Removal of trees within the yard area of an existing single-family residence, provided the trees are not within a Natural Forest Community, and are not specimen trees. This exemption does not apply to trees which are growing on public rights-of-way adjoining existing single-family residences;
 - (b) Removal of trees for the construction of a new single-family residence, provided that:
 - i. The lot is one (1) acre or less in size (43,560 square feet), if an AU zoned lot, or one-half acre or less in size (21, 780) square feet, for any other zoned lot; and,

- ii. The lot is being developed as the principal residence of the owner-builder; and,
 - iii. The lot is not within an area designated as a natural forest community; and,
 - iv. The trees are not specimen trees.
- (c) Removal of any dead tree;
- (d) Removal of trees within State-approved plant nurseries and botanical gardens, provided said trees were planted and are growing for the display, breeding, propagation, sale or intended sale to the general public in the ordinary course of business;
- (e) Removal of trees for the establishment, maintenance, and operation of a bona fide grove or bona fide tree nursery, except when the proposed tree removal is to occur in a Natural Forest Community designated under County Resolution No. 1764-84 or under subsequent revisions of the Natural Forest Community maps, or when the proposed tree removal will affect specimen trees as defined herein. Any person desiring to remove trees pursuant to this provision shall obtain written approval from the Planning Division prior to the commencement of any such activities under this exemption;
- (f) Removal of any of the following tree species:
- i. *Melaleuca quinquenervia* (cajeput or paperbark tree);
 - ii. *Casuarina* spp. (Australian pine, beefwood);
 - iii. *Schinus terebinthifolius* (Brazilian pepper), provided it is not within a Natural Forest Community, in which case a permit must be obtained, prior to removal, from the Metro-Dade County Department of Environmental Resources Management;
 - iv. *Bischofia javanica* (bishopwood);
 - v. *Ricinus communis* (castorbean);
 - vi. *Psidium guajava* (guava);
 - vii. *Albizia lebbek* (woman's tongue);
 - viii. *Acacia auriculaeformis* (earleaf acacia);
 - ix. *Schefflera actinophylla* (Queensland Umbrella Tree);
 - x. *Araucaria heterophylla* (Norfolk Island Pine); and,
 - xi. *Metopium toxiferum* (poison wood), provided it is not within a Natural Forest Community, in which case a permit must be obtained, prior to removal, from the Metro-Dade County Department of Environmental Resources Management.
- (g) Removal of any tree which has been destroyed or effectively destroyed by an Act of God, or by acts outside of the control of any person, individually or otherwise, who had or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the

exercise of reasonable care by any such person, individually or otherwise, who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located. Where a tree has been destroyed or effectively destroyed by acts outside of the control of a person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located, which acts could not have been prevented by the exercise of reasonable care by such person, this provision shall be construed to impose joint and several liability upon the person(s) destroying or effectively destroying such tree, and to exempt from liability for such destruction or effective destruction the person who has or had a legal, beneficial or equitable interest in the real property upon which such tree is located;

- (h) Removing, trimming, cutting, or altering of any mangrove tree or removal of any tree located upon land which is wetlands as defined in Section 24-3, Code of Metropolitan Dade County, Florida;
- (i) Removal of tree within a bona fide fruit grove for the express purpose of converting said bona fide fruit grove to another bona fide agricultural purpose;
- (j) Any mortgagee with respect to property upon which any violation of these provisions has occurred shall not be liable for such violation unless, prior to said violation, said mortgagee has foreclosed upon said property or participated in the management or control of said property, or unless said mortgagee has effected or caused violations of Section 20-4.5 occurring on said property.
- (k) Any action which occurred prior to February 21, 1989, shall not constitute a violation of Section 20-4.5 (H) through (L).

(I) *Tree Removal Permits—Submittals.*

- (1) Tree removal permits are required for the removal or relocation of any tree not specifically exempted under § 20-4.5(H)(5). The Planning Division shall provide permit application forms which shall be used by applicants.
- (2) An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the applicant is a lessee or agent of the owner, a statement from the owner indicating that the owner has no objection to the proposed tree removal shall be submitted with the application.
- (3) The permit applicant shall submit to the Planning Division:
 - (a) A completed tree removal permit application form; and,
 - (b) Two (2) sets of site plans which shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees; OR,
 - (c) Two copies of a tree survey as defined in § 20-4.5(A); OR,
 - (d) Two copies of a tree survey prepared by a landscape architect, architect or an engineer registered in the State of Florida, if the submitted site plan (above) does not provide sufficient information to determine which trees will be affected by proposed development.

- (4) The Planning Division may deny an application, or approve an application and issue a permit (subject to conditions, limitations or restrictions), for the activity proposed under the permit application, provided that:
- (a) A completed application is submitted and the permit fee is paid;
 - (b) All required plans or covenants are submitted and are in compliance with the standards in Section 20-4.5;
 - (c) All plans clearly specify conditions, limitations and restrictions required, and that the permit applicant acknowledges, understands and fully agrees to comply with all said conditions, limitations or restrictions by signing the permit prior to its issuance; and,
 - (d) A performance bond, if required by the Planning Director, is posted:
 - i. The Planning Director may require the posting of a performance bond to guarantee compliance with all conditions, limitations, and restrictions of the tree removal permit, including, but not limited to, planting of all required replacement trees.
 - ii. The bond shall be equivalent to one hundred fifteen percent (115%) of the estimated cost of the permitted activity and may be in the form of a letter of credit, surety, cash, or certificate of deposit.
 - iii. All performance bonds shall remain in force for a minimum of either one (1) year after the actual completion date of the permitted activity (to ensure that any replanted trees which perish are replaced), or until viability of all replanted trees has been achieved, whichever occurs last.
 - iv. At the discretion of the Planning Director, performance bonds may be partially released in phases based upon partial completion of planting or other permit requirements.
- (5) All tree removal permit applications which remain incomplete for a period of one hundred twenty (120) days shall be denied. A new tree removal permit application shall be required for all work previously proposed under a permit application which has been denied. Approved permits shall expire if work, as specified, is not commenced within six (6) months of issuance.
- (6) Any permits related to a Natural Forest Community shall be approved by the Metro-Dade County Department of Environmental Resource Management [DERM].
- (J) *Tree Removal Permit Replacement Standards.*
- (1) Permit review and applicable sub-sections.
- (a) Reviews of completed tree removal applications shall be conducted by the Planning Division under a standard of reasonableness, using the best available practices from biology, botany, forestry, landscape architecture and other relevant fields, as appropriate for review;
 - (b) On receipt of completed permit applications, the Planning Division shall determine whether the site contains any portion of a Natural Forest Community, trees subject to protection, or specimen tree (s);

- (c) If a site contains any portion of a Natural Forest Community, then the permit must be submitted for review by the Metro-Dade County Department of Environmental Resource Management [DERM];
- (d) If there are trees present on a site [other than any portion of a Natural Forest Community or specimen tree(s)], then the replacement provisions contained under § 20-4.5(J) (2) shall apply; and,
- (e) If a site contains any specimen tree(s), then the replacement provisions contained under § 20-4.5(J) (3) shall apply for the specimen tree(s), while the replacement provisions contained under § 20-4.5(J) (2) shall apply for non-specimen trees on the site.

(2) Non-specimen trees. Procedures for determining tree replacement. The Planning Division shall determine the total number of replacement trees required for the issuance of a tree removal permit according to the following procedural steps:

Step 1: Determining existing tree canopy coverage on-site. The area of existing tree canopy coverage of a site shall be determined by review of aerial photography, on-site inspection, or review of a tree survey.

Step 2: Determining impact area of proposed project. The area of existing canopy coverage which will be affected (impact area) by the applicant's proposed development shall be determined by the Planning Division based on review of the submitted site plan and tree removal permit application form.

Step 3: Determining number of replacement trees required. The total number of trees required for replacement shall be based on the area of impact and category of replacement tree selected by the applicant. Each replacement tree shall compensate for a portion of the tree canopy lost in the impact area, and the following table shall be used as a standard for determining the required number of replacement trees:

<i>Category of Replacement Tree (See Step 6 below for explanation)</i>	<i>Portion of Impact Area for which Each Replacement Tree Compensates</i>
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Shade Tree 1	500 square feet replacement area
Shade Tree 2	300 square feet replacement area
Palm Tree 1	300 square feet replacement area
Palm Tree 2	100 square feet replacement area
Small Tree	200 square feet replacement area

- (a) Any combination of shade trees, palm trees, or small trees is acceptable as replacement, provided the total number of trees from all replacement categories compensate for the lost canopy.
- (b) In the event that a replacement tree actually has more canopy coverage at the time of planting than the amount of credit allowed under the tree replacement formula above, then the applicant shall receive full credit for the actual canopy coverage provided by the replacement tree at the time of planting.

- (c) The applicant shall submit a list of proposed replacement trees.
- (d) When replacement canopy area exceeds ten thousand (10,000) square feet, replacement shall be described in a landscape replacement plan which shall meet the minimum requirements of § 20-4.5(J) (4), and no tree removal permit shall be issued until said plan has been approved by the Planning Division.
- (e) When the total number of replacement trees exceeds twenty (20), then the applicant shall be required to submit a landscape replacement plan consistent with the provisions of § 20-4.5(J) (4), and no tree removal permit shall be issued until said plan has been approved by the Planning Division.

Step 4: Location of replacement trees. Specific placement of replacement trees on-site shall be determined by the applicant. If the site cannot accommodate the required replacement trees because of insufficient planting area as determined by the Planning Division, then the applicant shall be required to plant replacement trees at an off-site location subject to Planning Division approval, or, as a last alternative, shall provide a contribution to Account No. 219.355, Tree Trust Fund, to compensate for those replacement trees which cannot be accommodated on site.

Step 5: Minimum species diversity standards. When more than ten (10) trees are required to be planted, in accordance with provisions of § 20-4.5 (J), a diversity of species shall be required. The number of species to be planted shall be based on the overall number of trees required. The applicant shall be required to meet the following minimum diversity standards:

<i>Required Number of Trees</i>	<i>Minimum Number of Species</i>
11-20	2
21-50	4
51 or more	6

- (a) When native trees are removed, then all replacement trees shall be native species; otherwise, a minimum of fifty (50) percent of all replacement trees planted shall be native to Dade County.
- (b) Permittees shall not be required to plant in excess of six (6) species. The number of trees of each species planted shall be proportional to the number of species required.
- (c) As an alternative to the minimum species diversity required herein, an applicant may propose an alternative species diversity in an alternative landscape enhancement plan described in § 20-4.5(J) (5).

Step 6: Minimum standards for replacement trees. The Planning Division maintains a list of species for each category of replacement tree; and, this list may be amended from time to time. All replacement trees shall have a minimum quality as required for a Florida No. 1 grade or better. Replacement tree heights shall be determined by the overall height measured from where the tree meets the ground to the top-most branch, frond or leaf.

- (a) All category 1 replacement shade trees shall be a minimum of twelve (12) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
 - (b) All category 2 replacement shade trees shall be a minimum of eight (8) feet in height at the time of planting and at maturity should have a canopy coverage of five hundred (500) square feet under normal growing conditions.
 - (c) All category 1 replacement palm trees shall be a minimum of ten (10) feet in height at the time of planting and at maturity should have a canopy coverage of three hundred (300) square feet under normal growing conditions.
 - (d) All category 2 replacement palm trees shall be a minimum of three (3) feet in height at the time of planting and at maturity should have a canopy coverage of one hundred (100) square feet under normal growing conditions.
 - (e) All small trees shall be a minimum of six (6) feet in height at the time of planting and at maturity should have a canopy coverage of two hundred (200) square feet under normal growing conditions.
- (3) Specimen Trees. The standards to be applied in reviewing tree removal permit applications involving specimen trees are as follows:
- (a) Specimen Tree Preservation. Specimen trees shall be preserved whenever reasonably possible, and, upon receipt of an application to remove (a) specimen tree(s), the Planning Division shall consider the following factors in evaluating said application:
 - i. Size and configuration of the property;
 - ii. Size and configuration of any proposed development;
 - iii. Location of the tree relative to any proposed development;
 - iv. Whether or not the tree can be preserved under the proposed plan or any alternative plan;
 - v. Health, condition and aesthetic qualities of the tree; and,
 - vi. Whether the tree poses a threat to persons or property.
 - (b) Alternate plans. If, after review of above, the Planning Division determines that (a) specimen tree(s) cannot reasonably be preserved under a proposed plan, then the applicant shall provide an alternate plan, which shall include preservation of the specimen tree(s) and design alternations consistent with the scope and intent of the initially-proposed plan. These alterations may include, but shall not be limited to:
 - i. An adjustment of building orientation on a site; and,
 - ii. An adjustment of lot lines within a site proposal for more than one lot when the adjustment will not cause unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.

- (c) Specimen tree relocation. If preservation of the specimen tree(s) and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the Planning Division may issue a permit to relocate the specimen tree(s). If a tree removal permit requires relocation, then the applicant shall be required to relocate the tree in accordance with the standards in § 20-4.5 (K).
 - d) Removal of specimen trees. If relocation of the specimen tree(s) is not feasible due to the size, health, location, species or any other factor, then a permit may be issued for the removal of the specimen tree(s), and tree replacement shall be required.
 - e) Replacement requirements for specimen trees. As a condition of the issuance of a tree removal permit for the removal of specimen trees, tree replacement requirements shall be twice those specified for the replacement of non-specimen trees under § 20-4.5(J) (2).
 - (f) Fee. In the event that replacement is not feasible on site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution to Account No. 219.355, Tree Trust Fund, for the full value of replacement trees.
 - (g) Exemptions from specimen tree replacement requirements. Applicants may be exempt from the replacement requirements above, but subject to the tree replacement requirements contained in § 20-4.5(J) (2), under the following circumstances:
 - i. Upon submittal of a statement from a landscape architect registered in the State of Florida which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical factor, does not provide the aesthetic or environmental contribution associated with a specimen tree. Said statement shall include the specific reasons(s) for the claimed exemption from these provisions;
 - ii. When preservation of the specimen tree would cause a foreseeable risk to property; or,
 - iii. When a site contains more than one (1) specimen tree, and fifty (50) percent or more of the existing specimen trees and at least fifty (50) percent of the existing specimen tree canopy area is preserved.
- (4) Landscape Replacement Plan. Landscape replacement plans may be required under the provisions contained in § 20-4.5(J) (1). All landscape replacement plans shall be submitted by the applicant and must meet the following minimum standards:
- (a) The number of trees, number of species of trees, and size of trees proposed for planting shall be consistent with § 20-4.5(J) (2) & (3);
 - (b) The site plan shall include proposed replacement locations for all tree replacements and relocations, and all property lines, proposed and existing structures, driveways and utility easements; and,

(c) The canopy spread of any tree that is proposed for preservation shall be shown on the plan. Where a portion of the canopy of a tree or trees shall be removed without removal of the tree(s), a notation shall be made on the plan indicating the situation and canopy area.

(5) Alternative Landscape Enhancement Plan. Instead of replacing all affected trees pursuant to provisions contained in § 20-4.5(J) (2) & (3), an applicant may propose to relocate existing trees or propose a unique project design which provides reasonable assurance that the project complies with the intent to maintain tree canopy.

Replacement credit may be granted for planting shrubs or ground covers, based upon the following table, provided, however, that a minimum of fifty (50) percent of the required canopy replacement is achieved by using shade trees and palm trees as required under § 20-4.5(J) (2) & (3).

<i>Category of Tree Alternative Shrub or Ground Cover</i>	<i>Portion of Impact Area for which Each Shrub / Ground Cover Compensates</i>
Shrub 1 (including small palms)	60 square feet replacement area
Shrub 2/ Ground Cover	30 square feet replacement area

- (a) All category 1 shrubs shall be a minimum of two (2) feet in height at the time of planting and at maturity should have a canopy coverage of sixty (60) square feet under normal growing conditions.
- (b) All category 2 shrubs and ground covers shall have a root system sufficient to sustain growth at the time of planting and at maturity should have a canopy coverage of ten (10) to twenty (20) square feet under normal growing conditions.
- (c) The applicant shall have the burden of demonstrating that a design meets the intent of § 20-4.5(J) (2) & (3). At a minimum, an alternative landscaping enhancement plan shall include, without limitation:
 - i. A sealed statement, prepared by a landscape architect, registered in the State of Florida, which indicates that the intent of § 20-4.5(J) (2) & (3) can be effectively met through the submission of the alternative design; and,
 - ii. A site plan, prepared by said landscape architect, registered in the State of Florida, that includes the proposed location, scientific name or description of vegetation to be preserved or planted, property lines, proposed and existing structures, driveways and utility easements; and,
 - iii. A tabulation that identifies any deviations from the requirements of § 20-4.5(J) (2) & (3) and explicitly provides tree replacement alternatives.
- (d) The Planning Division may approve an alternative landscape enhancement plan when:
 - i. The design preserves and incorporates existing vegetation; and,
 - ii. The design exceeds the minimum requirements or equivalent of § 20-4.5(J) (2) & (3).

(K) *Tree Removal Permit Relocation Standards.* The relocation of any tree that is subject to the provisions of Section 20-4.5 shall be consistent with the following minimum standards:

- (1) Trees other than palms:
 - (a) Tree roots shall be severed in such a manner as to provide a root ball which is sufficient to ensure survival of the tree when relocated. A sufficiently-sized planting hole shall be provided at the relocation site to ensure successful re-growth;
 - (b) After root severing, adequate time shall be allowed prior to replanting to ensure survival of the tree(s). After root severing and prior to relocation, tree(s) shall be watered a minimum of twice weekly; and, after relocation, said tree(s) shall be watered a minimum of twice weekly until the tree(s) are established;
 - (c) During removal and transportation of the tree, the root ball and vegetative portions of the tree shall be protected from damage from wind or injury; and,
 - (d) Any tree that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in § 20-4.5(J) (2) & (3).
- (2) Palms:
 - (a) A ball of earth at least one (1) foot from the base of the trees shall be moved with the tree;
 - (b) Fronds shall be securely tied around the bud prior to relocation and shall remain securely tied around the bud during the entire relocation process and for a minimum of one (1) week after relocation; and,
 - (c) Any palm that dies or becomes nonviable within one (1) year of relocation shall be replaced according to the standards set forth in § 20-4.5(J) (2) & (3).
- (3) Preservation credit for relocated trees. Permittees who successfully relocate trees shall receive full credit for the relocated trees and the tree replacement requirements herein shall not apply to such relocated trees. All relocated trees shall meet the standards set forth above.

(L) *Tree Protection Required Barriers.* During site development, protection requirements for trees designated for preservation under an approved tree removal permit shall include, but not be limited to, the following:

- (1) Protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six (6) feet (in radius) from the trunk of any protected tree cluster or preservation area unless a lesser distance is specified by the Planning Division.
- (2) Protective barriers shall be a minimum of four (4) feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed. Protective barriers shall be in place prior to the start of any construction.
- (3) Understory plants within protective barriers shall be protected.

- (4) No excess oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waster material such as paints, oils, solvents, asphalt, concrete, mortar or any other material harmful to trees or understory plants within the areas surrounded by protective barriers.
 - (5) Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.
 - (6) Natural grade shall be maintained within protective barriers. In the event that natural grade of the site is changed as a result of site development, such that the safety of the tree may be endangered, tree wells or retaining walls are required.
 - (7) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by techniques such as tunneling or overhead utility lines.
 - (8) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.
 - (9) Trees that are effectively destroyed, shall be replaced according to the standards of § 20-4.5(J) (2) & (3).
- (M) *City of South Miami Tree Trust Fund.*
- (1) Creation of the tree trust fund. There is hereby created a tree trust fund, under Account No. 01-02-19.335, the purpose of which is to acquire, protect, and to plant trees on public property.
 - (2) Disbursement and maintenance of the tree trust fund. Monies obtained for the tree trust fund shall be disbursed for the acquisition, maintenance, management, protection, or planting of trees on public property.
 - (3) Source of monies for the tree trust fund. Said tree trust fund shall consist of contributions in lieu of, or in conjunction with, required replacement plantings under Section 20-4.5. The Planning Division shall collect funds designated for the tree trust fund when the replacement planting requirements of § 20-4.5(J) (2) & (3) cannot be met.
 - (4) Decisions to grant or deny tree removal permits shall be made without consideration of the existence of this fund or offers of donations of monies thereto.
- (N) *Violations of Section 20-4.5.*
- (1) The Planning Division shall charge and collect permit fees and trust fund contributions. Applications from government agencies for tree removals in areas dedicated to public use may be exempted from permit fees.
 - (2) The Planning Division and Building Division shall have the right to inspect any lands affected by Section 20-4.5 and to issue cease and desist orders and citations for violations.

- (3) Failure to install or maintain landscaping according to the terms of Section 20-4.5 shall constitute a violation of this Code.
- (4) Failure to plant, preserve, or maintain each individual tree shall be considered a separate violation of this Code.
- (5) Each day in which either landscaping or individual trees are not installed or maintained, according to the terms of Section 20-4.5, shall constitute a continuing and separate violation of this Code.
- (6) Any person, firm or entity violating any provision under Section 20-4.5 shall be subject to a fine of up to two hundred fifty dollars (\$250.00) per day per tree, pursuant to provisions of this Code and State.

(Ord. No. 3-96-1603, § 2, 4-2-96; Ord. No. 7-98-1655, § 1, 4-21-98)

20-4.6 Environmental review standards.

The following standards shall be utilized by the environmental review and preservation board in their review and evaluation of all site and landscape plans as required by this Code.

(A) Natural Environment.

- (1) Proposed development shall be designed in such a manner so as to preserve and protect existing environmentally-sensitive lands and natural resources, such as and including soils, ground water, surface water, shorelines, vegetative communities, fisheries and wildlife habitats.
- (2) Natural landscaping shall be retained, insofar as is practical, and additional landscaping shall be added, if necessary, to improve the overall visual quality of the proposed development.

(B) Buildings and Other Structures. Proposed structures shall be related harmoniously to the natural terrain, existing buildings and surrounding neighborhood.

(C) Circulation and Parking.

- (1) With respect to vehicular and pedestrian circulation, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas.
- (2) Such areas shall be safe and convenient and not detract from the design of proposed buildings and neighboring properties.

(D) Storage.

- (1) Exposed storage utility areas, utility buildings and structures and similar accessory areas and structures shall be subject to such placements, screen plantings or other screening methods as shall be required to prevent their being incongruous with existing or contemplated environment or surrounding properties.

(Ord. No. 15-92-1510, 9-1-92; Ord. No. 12-96-1612, § 2, 7-30-96; Ord. No. 19-96-1619, §§ 6, 7, 10-1-96)

Editor's note—Section 2 of Ord. No. 12-96-1612, adopted July 30, 1996, renumbered § 20-4.6(E) and (F) as § 20-4.9.

