



**ORDINANCE 2024-0007**

**CITY OF VON ORMY**

**SUBDIVISION CODE**

# CHAPTER 8

## SUBDIVISIONS & PLATTING

### Section 8.01 General

- A. Purpose. The purpose of this Chapter is to establish a process for the platting of land for which approval of a plat is required for the following activities:
  - 1. a subdivision of land; and
  - 2. the development of land.
- B. Authority. The regulations within this section are formulated under the authority granted by Chapter 212, Subchapters A and B of the Texas Local Government Code.
- C. Applicability. The requirements of this Chapter apply to any non-exempt division of land within the corporate boundaries of the City of Von Ormy and within its extraterritorial jurisdiction (ETJ).
- D. Expiration of Subdivision Plat Approval. Pursuant to Section 245.005 of the Texas Local Government Code, the following shall apply to approved plats:
  - 1. Approved Amending, Minor, Final, or Vacant Plat shall expire two (2) years from the date of final approval by the Board if no progress has been made toward recordation with the County.
  - 2. An approved Preliminary Subdivision Plat shall expire two (2) years from the date of final approval by the Board if no progress has been made towards completion of the project.

### Section 8.02 Types of Plats Required.

- A. Subdivision Plat. Shall mean a map which establishes lots, streets, alleys, open space, dedications, easements, and other provisions concerning a subdivision of land intended for development.
  - 1. Subdivision plat approval and recordation shall be required prior to any subdivision of land which is not exempt per Section 8.03 of this Chapter.
- B. Remainder Plat. Shall mean a map which records the remainder of a parent tract of land, from which a subdivision plat is approved and recorded, and which is not intended for development.
  - 1. A Remainder plat may be approved in lieu of a subdivision plat subject to the conditions of Section 8.06 of this Chapter.

C. Development Plat. Shall mean a map of specific land intended for development, through which development regulations are applied in the same manner as a subdivision plat, but where no land is being subdivided.

1. Development plat approval shall be required for new development on unplatted land, when said development is exempt from subdivision platting.

TABLE 8.02	TYPE OF PLAT		
	Subdivision	Remainder	Development
Subdivision with Development	X		
Subdivision with no Development	X	X*	
Development with no Subdivision			X*
<p style="text-align: center;">X - means permitted. Note *: When exempt from Subdivision Platting</p>			

### Section 8.03 Exemptions

A. Subdivision Plats. Subdivision plat approval and recordation shall not be required for the following subdivisions of land:

1. A subdivision of land into two or more parts provided:
  - a) all parts are five acres or larger; and
  - b) each part will have access; and
  - c) no improvement is being dedicated.
2. A subdivision of land created through inheritance, probate, court order, acquisition by a governmental entity.

B. Remainder Plats. Remainder plat approval and recordation shall not be required for the following subdivisions of land:

1. Subdivisions of land for which a Subdivision Plat has been approved and recorded; and
2. Subdivisions of land which are exempt from subdivision platting per this Section.

C. Development Plats. The following activities are exempt from the requirements of this chapter that apply to development plats:

1. Any development activity located wholly within a lot established by a subdivision plat that conforms to the requirements set forth in this Chapter.

2. Extension or Expansion of a single-family home with a homestead exemption with the County.
3. Construction associated with bona fide agricultural activities.
4. Permits for repair or remodeling of existing buildings and site elements which do not involve expansion.
5. Demolition permits for the removal of buildings or site elements.

## Section 8.04 Developer Required to Provide Surety

- A. Pursuant to Section 212.901 of the Local Government Code, the City shall require that the owner of the development provide sufficient surety to guarantee that claims against the development will be satisfied if a default occurs, before it records an approved subdivision plat or development plat with the County.

## Section 8.05 Subdivision Plats

### A. Form of Subdivision Plats.

1. The form of subdivision plat proposed for approval shall generally be determined according to the activity types specified in Table 8.05 below.
2. In the event that a specific activity is not indicated in Table 8.05, form shall be determined by the City Administrator or Mayor.
3. In the event that an applicant disagrees with the form determination by the City Administrator or the Mayor, an applicant may appeal the decision to the City Council for final determination.

TABLE 8.05	SUBDIVISION PLAT TYPE				
Activity	Amending	Minor	Final	Preliminary	Vacating
Establishing four or fewer new lots on unplatted Land.		X			
Establishing more than four new lots on unplatted land.			X		
Public Improvements Being Constructed or Dedicated with a proposed plat.			X		

Multi-Phased Subdivision			X	X	
Adding Lots within An Existing Plat			X		
Combing Lots from different subdivisions			X		
Moving or Removing a lot Line; Correcting an Error; Only	X				
Voiding one or more lots in a subdivision.					X

**B. Amending Plat.**

1. Applicability. An amending plat shall mean a subdivision plat that may be approved for the following purposes:
  - a) to correct an error in a course or distance shown on the preceding plat;
  - b) to correct any other type of scrivener or clerical error or omission previously approved by the City of Von Ormy, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - c) to relocate one or more lot lines between one or more adjacent lots if:
    - i. the owners of all those lots join in the application for amending the plat;
    - ii. the amendment does not attempt to remove recorded covenants or restrictions; and
    - iii. the amendment does not increase the number of lots;
  - d) any other purpose specified by Section 212.016 of the Texas Local Government Code.
2. Completeness. An application for an amending plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - a) Completed Plat application with appropriate City fee(s).
  - b) One (1) electronic copy of the plat drawing(s) in pdf format as per Section 8.08(A).
  - c) Recorded deed(s) for all portions of the subject property.
  - d) Copies of all separately recorded Instruments identified in plat drawing.
3. Specifications.

- a) See Section 8.08(B) of this Chapter.
- 4. Approval.
  - a) The responsible Staff shall review the application for administrative completeness subject to timelines prescribed in Section 245.002 Texas Local Government Code.
  - b) Upon determination of administrative completeness, the responsible Staff shall perform technical review of the amending plat and associated documents for correctness and compliance with all other requirements of this Chapter.
  - c) Sooner than thirty (30) calendar days from the date of original submittal or resubmittal (if applicable), the responsible Staff shall deem the amending plat as approved, denied, or approved with conditions; with conditions being limited to only those necessary to achieve compliance with the minimum standards of this Chapter.
- 5. Post Approval & Recordation.
  - a) If approved, the applicant shall be responsible for obtaining all necessary signatures and certifications, including City of Von Ormy officials, and shall also be responsible for recordation of the plat with Bexar County.

C. Minor Plats.

1. Applicability. A minor plat shall mean a subdivision plat that may be approved for the following purposes:
  - a) subdivisions of land involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
2. Completeness: An application for a minor plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - a) All documents required with application for an amending subdivision plat.
  - b) Traffic Generation Worksheet prepared according to International Transportation Engineers (ITE) standards.
  - c) Request for Determination of Apportionment, per Section 212.904 of the Local Government Code.
3. Specifications:
  - a) See Section 8.08(C) of this Chapter.
4. Approval.
  - a) Minor plats shall be approved in the same manner as an amending subdivision plat, unless a variance is necessary for approval.
  - b) If a variance is necessary for approval, the minor plat shall be approved in the same manner as a standard subdivision plat.

5. Post Approval & Recordation.

- a) If the plat is approved, the applicant shall provide the following documents to Staff for review prior to recordation:
  - i. TxDOT Approval Letter, if applicable.
  - ii. Letters of Certification from applicable utility providers.
  - iii. Drainage Study or Letter prepared by professional engineer.
  - iv. Traffic Impact Analysis, prepared according to ITE standards, if applicable.
  - v. Tree Affidavit, Preservation Plan, Mitigation Plan prepared per the requirements of Section 8.15(D) if removing non-exempt trees.
- b) The applicant shall be responsible for obtaining all necessary signatures and certifications, including City of Von Army officials, and shall also be responsible for recordation of the plat with Bexar County.

D. Final Plats.

- 1. Applicability. A final plat shall mean a subdivision plat that may be approved for the following purposes:
  - a) legally subdivide any non-exempt subdivision of land, for which an amending plat or minor plat is not applicable, and that is intended to be subdivided in a single subdivision plat.
  - b) legally subdivide any non-exempt subdivision of land intended to be subdivided with two or more subdivision plats.
  - c) to modify all or a portion of a previously recorded subdivision plat without vacation of the preceding plat if the modification, which shall herein be referred to as a "Replat" meets the following conditions:
    - i. is signed and acknowledged by only the owners of the property being replatted;
    - ii. is approved by the municipal authority responsible for approving plats; and
    - iii. does not attempt to amend or remove any covenants or restrictions.
- 2. Completeness: An application for a final plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - a) All documents required with application for a minor plat
  - b) Street and Utility Schematic
  - c) Public Water and Sewer Study, if public utilities proposed; and
  - d) Groundwater Availability Report (GAR), if water well proposed
- 3. Specifications:

- a) See Section 8.08(D) of this Chapter.

4. Approval.

- a) The responsible official shall review the application for administrative completeness subject to timelines prescribed in Section 245.002 Texas Local Government Code.
- b) Replats meeting the following conditions shall be subject to the additional administrative requirements of Section 212.015 of the Texas Local Government Code:
  - i. during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
  - ii. any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
  - iii. If a proposed replat requires a variance or exception.
- c) Upon determination of administrative completeness, the responsible official shall perform technical review of the subdivision plat and associated documents for correctness and compliance with all other requirements of this Chapter.
- d) Sooner than thirty (30) calendar days from the date of original submittal or resubmittal (if applicable), the Board shall deem the Final plat approved, denied, or approved with conditions; with conditions being limited to only those necessary to achieve compliance with the minimum standards of this Chapter.
- e) If the Final plat is a replat, and the following conditions apply, the Final Plat may be approved in the same manner as a minor plat:
  - i. Replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
  - ii. Replats meeting the conditions set forth by Section 212.0145 of the Texas Local Government Code, that does not require the creation of any new street or the extension of municipal facilities.

5. Post Approval & Recordation

- a) If the plat is approved, the applicant shall provide the following documents to Staff for review and approval prior to recordation:
  - i. All post approval documents required to be submitted for a minor plat.
  - ii. Construction Plans for Proposed or Required Public Improvements (if applicable)
  - iii. TCEQ Approval Letter (if applicable)
  - iv. Cost estimates and surety for Proposed Public Improvements (if applicable)



- v. Approved Flood Plain Development Permit from Bexar County (if applicable)
  - vi. Approved permits from Bexar County, for water well or OSSF (if applicable)
  - vii. Approval letter from Bexar County for new street names (if applicable)
  - viii. Tree Mitigation Plan prepared per the requirements of Section 8.15(D), if removing non-exempt trees.
- b) Construct and Inspection of Improvements; or
  - c) Acceptance of Improvements by the Board in the manner prescribed by Chapter 212 of the Texas Local Government Code.
  - d) The applicant shall be responsible for obtaining all necessary signatures and certifications, other than City of Von Ormy officials, and shall also be responsible for recordation of the plat with Bexar County.

E. Preliminary Plats.

1. Applicability. A preliminary plat shall mean a preliminary subdivision approval which shall be required when a tract of land is proposed to be subdivided in two (2) or more Final Plats (units).
2. Completeness. Application for a preliminary plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - a) All documents required with application for a final plat.
3. Specifications:
  - a) See Section 8.08(E) of this Chapter.
4. Approval.
  - a) Preliminary plats shall be approved in the same manner as an amending subdivision plat, unless a variance is necessary for approval.
  - b) If a variance is necessary for approval, the preliminary plat shall be approved in the same manner as a standard subdivision plat.

F. Vacating Plats.

1. Applicability. A vacating plat shall mean a subdivision plat that may be approved for the following purposes:
  - a) to abandon or render without effect, all or a portion of a previously approved subdivision plat.
2. Completeness: An application for a minor plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - a) all documents required with application for an amending subdivision plat.

- b) authorization of all owners of lots within the plat.
- 3. Specifications:
  - a) See Section 8.08(F) of this Chapter.
- 4. Approval.
  - a) Vacating plats shall be approved in the same manner as the previously approved subdivision plat.

## **Section 8.06 Remainder Plats**

- A. Applicability. A remainder plat may be approved in lieu of a subdivision plat for the following purposes:
  - 1. To record a remainder tract larger than five acres, created by the subdivision platting of a portion of a parent tract provided the remainder tract shall have frontage and access to an existing or proposed public street.
- B. Additional Provisions applying to Remainder Plats.
  - 1. Approval of a remainder plat does not constitute approval for development.
  - 2. Dedication or reservation of right-of-way or easements may be required with a remainder plat, in accordance with the City's Master Thoroughfare Plan.
- C. Completeness: An application for a remainder plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - 1. All documents required with application for an amending plat.
- D. Specifications.
  - 1. See Section 8.08(G) of this Chapter.
- E. Approval.
  - 1. Remainder plats shall be approved in the same manner as an amending subdivision plat.

## **Section 8.07 Development Plats**

- A. Applicability. A development plat shall be approved prior to the development of any tract of land that is not already platted and is exempt from subdivision platting per Section 8.03 of this Chapter.
- B. Completeness: An application for a remainder plat shall be considered administratively complete when the following documents have been submitted to City Staff:
  - 1. All documents required with a Final Plat application.
- C. Specifications.

1. See Section 8.08(H) of this Chapter.

**D. Approval.**

1. Development plats shall be approved in the same manner as an amending subdivision plat.

**E. Post Approval & Recordation**

1. If the plat is approved, the applicant shall provide the following documents to Staff for review and approval prior to final authorization to begin construction.
  - a) All post approval documents required to be submitted for a minor plat.
  - b) Letter of Certification from the County that construction plans and surety have been submitted and approved. (if applicable)
  - c) TCEQ Approval Letter (if applicable)
  - d) Approved Flood Plain Development Permit from Bexar County (if applicable)
  - e) Approved permits from Bexar County, for water well or OSSF (if applicable)
  - f) Approval letter from Bexar County for new street names (if applicable)

**Section 8.08 Plat Specifications**

**A. Specifications Applicable to All Plats.**

1. 18" x 24" digital sheets with a minimum 0.5" margin (initial submittal)
2. 18" x 24" mylar sheets with a minimum 0.5" margin (recording document)
3. Index sheet showing entire subdivision when more than one sheet is necessary.
4. Date of preparation and north arrow
5. Scale of the plat, not to exceed one inch to 100 feet,
6. Subdivision boundary indicated with heavy lines.
7. Title Block identifying the following:
  - a) Type/form of plat (i.e. final plat, development plat, remainder plat)
  - b) name of subdivision
  - c) legal description of the property to be subdivided
  - d) reference to original survey
  - e) total acreage of the plat, including land proposed to be dedicated,
  - f) acreage of original tract
  - g) deed references of the original tract.
8. Vicinity Map identifying the following:

- a) subject property
  - b) nearby primary thoroughfare
  - c) nearby rivers or tributaries
  - d) city limit boundaries
  - e) ETJ boundaries
9. Bearing and distance, dimensions, locations, labels, names, and acreage of each lot, block, street, alley, open space, parkland, easement, and all other portions of land, existing and intended to be established.
10. City Limits and ETJ Boundary if applicable.
11. Adjoining subdivision, lot, block, and ownership information.
12. Approval Certification which states as follows:

*Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the City of Von Ormy, Texas.*

\_\_\_\_ / \_\_\_\_ / \_\_\_\_ \_\_\_\_\_  
*Date Mayor*

\_\_\_\_ / \_\_\_\_ / \_\_\_\_ \_\_\_\_\_  
*Date City Administrator*

13. Name, address, and signed, notarized certifications for the following parties:

- a) Owners and Lien holders
- b) Surveyor or Engineer

**B. Amending Subdivision Plats.**

- 1. All specifications required above for all Subdivision Plats
- 2. A statement on the plat describing the nature of the amendment.

**C. Minor Subdivision Plats.**

- 1. All specifications required above for all Subdivision Plats; and
- 2. Dedication Certification which states as follows;

*State of Texas §*

*County of Bexar §*

*Know all parties by these presents:*

*The owners of the land shown on this plat whose names are subscribed hereto, and in person or through a duly authorized agent, hereby dedicate to the use of the public*

*forever all streets, parks, water courses, drains, easements, and public places thereon shown for the purposes and considerations therein expressed”*

3. Monuments with descriptions set at each corner of the boundary of the subdivision, with a minimum of two corners of the subdivision referenced to State Plane Grid Coordinates.
4. Statement indicating ownership and maintenance of any common areas (if applicable).
5. Boundaries of areas located within a FEMA designated floodway and 100-year floodplain, and the following flood plain notes (as applicable):
  - a) No portion of any lot on this plat is within a special flood hazard zone according to the adopted flood maps of the City of Von Ormy.
  - b) All or a portion of the subdivision falls within the 1% chance floodplain.
6. A statement that finished floor elevation must be a minimum of ten (10) inches above final adjacent grade and the lot be graded in accordance with the approved grading plat.
7. Drainage Easement Statement which states as follows:

*No structures, walls, landscaping, fences, or other type of modifications or obstructions of any kind shall be placed within the limits of the drainage easements shown on this plat. The City of Von Ormy shall have right of ingress and egress over grantor's adjacent property to remove any obstructions and to make any modifications or improvements within the limits of said drainage easements.*

8. Deflecting angles and radii, area and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

D. Final Subdivision Plats.

1. All specifications required above for Minor Subdivision Plats.
2. A statement on the plat describing the purpose for the replat (if applicable)

E. Preliminary Subdivision Plats.

1. All specifications required above for all Subdivision Plats.
2. Contour lines showing existing elevations at a two-foot contour interval for slopes up to 10 percent and at a five-foot contour interval for slopes greater than 10 percent on the Preliminary Plat. Contour lines shall be gray-scaled to avoid confusion with the subdivision lot lines, right-of-way boundaries, etc.
3. A reference indicating the datum used for the vertical control to develop the contours shown on the plat.

F. Vacating Subdivision Plats.

1. All specifications required above for Vacating Subdivision Plats.

G. Remainder Plats.

1. All specifications required above for all Subdivision Plats.
2. A plat note which states the following:

*This Remainder Plat is a record of property approved by the City of Von Ormy, Texas for the purpose of sale or conveyance only. No building permit shall be issued, nor development begin, nor permanent public utility service provided until a subdivision plat is approved and filed of record in accordance with the Code of Ordinances of the City of Von Ormy, Texas."*

H. Development Plats.

1. All specifications required above for Final Plats.
2. Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement.

## **Section 8.09 Tree Preservation**

- A. The purpose of this Section is to protect and enhance the existing tree canopy within the City and the City's ETJ, in effort to lower average temperatures and energy consumption, and protect air quality, quality of life, and the aesthetic character of the region.

## **Section 8.10 Tree Classifications**

- A. DBH. Shall mean the diameter of the trunk at breast height (4.5 feet above ground level).

- B. Native Trees. Shall mean any of the following trees:

American Elm	Chinkapin Oak	Montezuma Cypress
Bald Cypress	Lacey Oak	Pecan
Big Tooth Maple	Live Oak	Shumard Oak
Bur Oak	Mexican Sycamore	Southern Catalpa
Cedar Elm	Mexican White Oak	Sycamore

- C. Protected Trees. Shall mean any native trees greater than 30" DBH which:

1. is located within the City limits on private property; or
2. is located in the City's ETJ, within a development that requires subdivision plat or development plat approval.

- D. Exempt Trees. Shall mean trees meeting the following criteria:

1. Any non-native tree located within the City limits or City's ETJ.
2. A native tree located on an owner occupied single-family parcel which:
  - a) Is not a protected tree; and
  - b) is located in the footprint of a permitted new dwelling or addition.
3. Any native tree located in the City's ETJ, not located within a development requiring subdivision plat or development plat approval.
4. A native tree not requiring mitigation per Section 8.11 (A) below.
5. A native tree, 4" DBH or less, not located within a group of other native trees.
6. A native tree that is dead, diseased, or dying.
7. A native tree necessary to be removed due to an emergency situation.

### Section 8.11 Removal

- A. Native Trees. The removal of any native tree meeting the characteristics listed below shall require mitigation and permit approval:
1. Greater than 4" DBH located within 20 feet of a property line abutting a public street.
  2. Greater than 6" DBH located within 10 feet of any property line.
  3. Greater than 8" DBH located within other property areas within a building setback.
  4. Greater than 12" DBH located within buildable areas established by building setbacks.
  5. Groups of native trees with an average DBH of 4" or greater.
- B. Protected Trees. The removal of a protected tree within the City or ETJ shall only be authorized with approval of a variance by the Board of Commissioners.
- C. Exempt Trees. The removal of an exempt tree shall not require permit approval.

### Section 8.12 Mitigation

- A. Mitigation for Removal. Removed native trees shall be mitigated per Table 8.12 below.

TABLE 8.12	Mitigation Requirements	
Native Trees Removed (DBH)	Tree Replacement Rate*	Optional Fee-In-Lieu (\$ per Caliper Inch)
Less than 4"	1 for 1 Tree	\$100

4" – 12"	.5" Caliper per 1" DBH	\$200
12" – 24"	.75" Caliper per 1" DBH	\$300
24" – 30"	1" Caliper per 1" DBH	\$400

Note \*: All replacement trees shall be a native trees and shall be minimum 2.5" caliper.

B.

## Section 8.13 Protection

### A. Maintenance.

1. Regular maintenance, such as trimming or pruning, which does not intentionally or unintentionally damage or impair any exempt or non-exempt trees, is allowed without a permit.
2. Pruning.
  - a) Native Oak Trees shall not be pruned between February 1 and June 30.
  - b) Pruning cuts to Native Oak Trees shall be painted within 30 minutes of pruning.
  - c) All other Native Trees may be pruned at any time and cuts shall not be painted.

### B. Construction.

1. No construction activities, waste, or debris shall be permitted within the drip-line of a protected tree and or non-exempt tree proposed to be retained.
2. Protective Fencing. All protected trees and non-exempt trees proposed to be retained shall have temporary protective fencing installed:
  - a) prior to commencement of any construction activities; and which shall be
  - b) located along the drip-line of the tree; and
  - c) be a minimum 4-feet in height.

## Section 8.14 Credits

- A. Landscaping Credits. Native trees retained may be credited toward the Landscaping requirements of the City's Zoning Code. Credits shall be applied for the preservation per Table 8.14 below:

**TABLE 8.14**



Native Trees Preserved (DBH)	Credit per 1" DHB Preserved (Calipers)
Less than 4"	1 for 1 Tree
4" – 12"	1.5"
12" – 24"	2"
24" – 30"	3"

## Section 8.15 Procedures

### A. Tree Removal Permit.

1. A tree removal permit shall be obtained prior to the removal of any non-exempt tree and shall be submitted with at least one of the following, as determined by this section:
  - a) tree affidavit; or
  - b) tree protection plan; or
  - c) tree mitigation plan.
2. Tree removal permits shall be posted on site.

### B. Tree Affidavit.

1. Applicability. A tree affidavit shall be required in the following instances:
  - a) prior to removal of a non-exempt tree on an owner-occupied single-family parcel; or
  - b) with application for a building permit that involves site work; or
  - c) with application for a subdivision plat or development plat.
2. Completeness. At a minimum, a tree affidavit shall contain the following:
  - a) a written statement certifying that no non-exempt trees will be removed; or
  - b) a written statement specifying the species, quantity, and total inches in DBH proposed to be removed; and
  - c) if an owner-occupied single-family parcel, a survey or hand drawn site plan indicating the locations of non-exempt trees to be removed.

### C. Tree Protection Plan.

1. Applicability. A tree protection plan shall be required in the following instances:

- a) with application for a building permit that involves site work on a lot or tract containing protected or non-exempt trees; or
  - b) prior to recordation of a subdivision plat or development plat of a tract containing protected or non-exempt trees; or
2. Completeness. At a minimum, a tree protection plan shall contain the following:
- a) A tree survey prepared by a registered surveyor or certified arborist, specifying the location, quantity, types, and DBH of all protected and non-exempt trees.
  - b) A plan showing existing and proposed buildings and site elements, construction material staging areas, areas of proposed cut and/or fill, and protection tree fencing.

D. Tree Mitigation Plan.

1. Applicability. A tree mitigation plan, prepared according to Table 8.12 shall be required in the following instances:
- a) with construction plans for a building permit, subdivision plat, or development plat that proposes the removal of non-exempt trees; or
2. Completeness. At a minimum, a tree protection plan shall contain the following:
- a) All documents and contents required with a tree protection plan; and
  - b) A plan specifying the following:
    - i. all trees to be removed, with reference to the tree survey; and
    - ii. locations and calculations for all proposed placement trees, or reference to an associated landscape plan; or
    - iii. calculations for fee to be provided in-lieu of mitigation.

## **Section 8.16 Penalties & Enforcement**

- A. Removal, damage, or impairment of any non-exempt tree, without a permit, shall be considered a violation of this ordinance per Section 8.09 – Section 8.15.
- B. Each non-exempt tree removed, damaged, or impaired without a permit shall be considered a separate incident and citation and each incident shall carry a separate fine of \$500.00.
- C. Penalties for citations shall be assessed in addition to any mitigation measures required for said removal, damage, or impairment.