

Exhibit B-2
to
Cove Pointe Declaration of Covenants,
Conditions, Restrictions and Easements
and to
Design Guidelines

Cove Pointe
Tree Mitigation Plan

Design Guideline DG.2 requires that plans submitted to the Cove Pointe ARB for approval of the development of each Lot include a specific plan to replace trees which are impacted by development activity. To that end, the Owner will be required to meet OR EXCEED (as determined by the ARB in its sole discretion) the tree mitigation standards set forth in section 5-5.9.5 of the Panama City Land Development Code, for all protected trees which are removed, including without limitation, those which are located within the footprint of the residential structure. Owners will be required to provide mitigation in accordance with the standards set forth in section 5-5.9.5 regardless of whether the removal of the tree would otherwise be exempt under section 5-5.9.3 of the Panama City Land Development Code. Section 5-5.9.5 provides in pertinent part, as follows:

"Replacement of removed trees.

"a. Any protected trees removed by an owner or developer shall be replaced at the expense of the owner or developer with a species identified on the tree replant list.

"b. Each removed tree shall be replaced with a new tree or trees having a total tree caliper equivalent to that of the diameter at breast height of the tree removed.

"c. Single-trunk replacement trees shall be a minimum of one-inch caliper and a minimum of six feet in overall height.

"d. A replacement tree may be a tree moved from one located to another on the site.

"e. Mitigation. If in the judgment of the director of engineering services the site cannot accommodate the total number of required replacement trees required as a result of insufficient planting area, the applicant shall make a monetary contribution to the tree protection and related expenses trust fund. The amount of such contribution shall be determined as follows:

"i. for every diameter inch of replacement trees required, the contribution shall be equal to the retail [retail] value of a two-inch caliper, nursery-grown shade tree

plus the cost of planting. The retail value and planting cost per diameter inch shall be calculated by the city by taking the average published price of container-grown or balled and burlapped two-inch caliper laurel oak. The retail and planting value per diameter inch shall be adjusted annually. The city may permit the planting of trees upon city property in lieu of monetary contributions.

"ii. [not applicable].

"f. Any replacement tree, planted for credit, which dies within one year of planting, shall be replaced by a tree having not less than a three-inch diameter at the time of planting, at the expense of the owner or developer responsible for the replacement of the tree removed.

"g. No replacement tree trees with the potential to reach a height of 18 feet or greater shall be planted or otherwise located under or within ten feet on either side of overhead utility lines."

In determining whether the approved development plan for a Lot must either meet the mitigation requirements of section 5-5.9.5 of the Panama City Land Development code or exceed them, the ARB will consider the overall effect of the proposed improvements for each Lot on a case-by-case basis, including such factors as the number, species and condition of trees remaining on the Lot, the location, number, species and condition of trees on adjoining property, the lengths to which the Owner's proposed design and placement of improvements went to minimize impacts to trees on the Lot, and the species of replacement trees proposed by the Owner. In most instances, the ARB will require an Owner to exceed the requirements of section 5-5.9.5 of the Panama City Land Development code.