

ARTICLE 7. - TREE REMOVAL REGULATIONS^[3]

Sec. 7-010. - Findings of fact.

- (A) Natural vegetative growth and trees add physical, aesthetic, and economic value to the island and should be preserved where possible.
- (B) Trees help stabilize the soil with their root systems and control soil erosion caused by storm damage as well as moderate surface runoff of rainwater.
- (C) Trees make life more comfortable on the island by providing shade, cooling both land and air, reducing noise and air pollution, providing scenic amenities, and provide habitat of desirable wildlife.
- (D) Trees are essential to the present and future health and welfare of residents and visitors to Tybee Island.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-020. - Purpose.

The various sections of this article are adopted for the following purposes:

- (A) To help control the effects of accelerated water run-off and soil erosion due to clearing, and assist in dune stabilization and mitigation of storm drainage.
- (B) To preserve and protect trees for buffers where land use and zoning requirements dictate such buffers.
- (C) To maximize the positive benefits of sitting buildings and parking on land in relationship to mature trees.
- (D) To ensure that responsible public agencies are made aware in timely fashion of proposed tree removal activities.
- (E) To help protect the investments of property owners and buyers, and provide mature native island trees for the enjoyment of future generations.
- (F) To help protect the health and well-being of Tybee Island residents and guests by providing shade and otherwise moderating potential dangerous summer temperatures.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-030. - Applications and exceptions.

The requirements of this article shall apply to all parcels and public rights-of-way within the city. No trees shall be removed within the City of Tybee Island except in compliance with this article, with the following exceptions:

- (A) No permit shall be required for the removal of trees which endanger or obstruct public safety and welfare as determined by the zoning administrator or designated city representative.
- (B) No permit shall be required for the trimming or pruning of trees, provided that such maintenance activity shall not be so extensive as to constitute tree removal as defined above.
- (C) This article shall not apply to utility rights-of-way.
- (D) No permit or mitigation shall be required in the event the zoning administrator or designated city representative determines that a tree is or imminently will cause damage to a structure or to appurtenances such as decks, patios, porches and the like. This subsection shall not have application to potential damage to sidewalks or driveways from tree roots.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-035. - Tree protection during plat and plan approval.

During the subdivision plat approval process and also during the site plan approval process, the existing location of all significant trees shall be considered so as to preserve such trees unless no feasible alternative exists in order to make reasonable, beneficial economic use of the property. To be considered are the locations and the anticipated locations of drainage and utility structures, water and sewer lines, streets, sidewalks, driveways, final site contours, building footprints, and other impacts on existing significant trees. When no feasible alternative exists except to remove existing significant trees, their planned removal shall be noted on the plans, as well as the location, size and types of the trees planned to meet mitigation requirements as outlined in section 7-080.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-040. - Building permit required.

Any person desiring to clear land or remove trees to a density below that required in section 7-050 or remove a significant tree pursuant to this article shall apply for a building permit from the city. See section 9-030 of this Land Development Code for requirements and application procedure. A tree survey must be submitted before a permit can be issued.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-050. - Tree removal requirements.

- (A) Under the limits and conditions set forth below, trees may be removed from a lot or parcel provided that a minimum density of three trees per each 4,500 square feet of area is maintained.
- (B) Except as provided in section 7-060 no significant tree shall be removed from any vacant lot, undeveloped parcel, or public right-of-way within the city.
- (C) If the siting of a building footprint, the associated driveway, and parking areas require the removal of trees to a density less than that stated in subsection (A) [of this section], the city manager or designated city representative may issue a permit to remove trees to a density below this standard under the following conditions:
 - 1. The applicant must show that, within the applicable setback limitations, no locations for building footprints and driveway/parking exist that comply with the density requirement above.
 - 2. Removal of trees shall be limited to either the fewest number or the least total DBH necessary for siting of the building and the least destructive configuration of driveway/parking.
 - 3. Following construction, trees shall be re-planted on the lot/parcel to establish the minimum density as stated in subsection (A) [of this section]. Such planting shall be in accordance with the standards set forth in section 7-090.
- (D) No trees shall be removed from the DNR marsh setback line. Trees in the marsh setback may not be counted as "remaining trees" for mitigation purposes.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-060. - Removal of significant trees.

- (A) Significant trees may be removed only under the following situations or conditions:

1. Upon showing by the applicant that removal of a significant tree is necessary to make reasonable beneficial, economic use of the property; such showing must demonstrate that there is no feasible alternative that would preserve the tree, and must be made for each significant tree the applicant proposes to remove;
 2. For improvements, expansion and/or new construction of infrastructure services, including water/sewer systems and streets, but only if no alternatives are available; and
 3. Prior to the issuance of a permit allowing the removal of a significant tree, the zoning administrator shall confirm in writing that one or more of the situations enumerated herein exists.
- (B) The tree removal permit allowing the removal of significant trees shall require the landowner/permittee to comply with the requirements set forth in sections 7-070 and 7-080 and the additional following conditions:
1. Each removed significant tree shall be replaced with one or more trees of like species having an aggregate DBH at least equal to the DBH of the removed tree, and meeting the requirements of section 7-080; such replacement tree(s) shall be considered to be one tree for the purpose of meeting density requirements established in section 7-050(A); the exception to this provision is a dead tree, or a diseased tree that is a danger to or obstructs public safety and welfare or that might infect otherwise healthy trees.
 2. Native trees left remaining on the site may be counted as replacement trees according to the mitigation schedule. These trees must be noted on the plat and shall be protected as a tree as defined by section 2-010.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-070. - Tree protection during development.

On each lot or tract where construction is ongoing pursuant to a validly issued building permit, protective barricades shall be placed around trees at the tree drip line which are to be retained, and shall remain in place throughout construction. The areas within the protective barricades shall remain free of all building materials, construction debris, vehicles, and development activities. Penalties for violation of this section shall be the same as found in section 7-090.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-080. - Standards for tree planting and replacement.

- (A) *Pursuant to building permit*. Trees planted or replaced, or left remaining on the site pursuant to a validly issued building permit in accordance with this article shall be botanically compatible with local conditions, healthy, disease and pest free, and may have a minimum size of two inches, caliper measure. The permittee/landowner shall choose the species of replacement trees from the native species list for Tybee Island. At least one replacement tree or remaining tree shall be of the same species as the tree(s) that are planned to be removed. Ideally, planting should be done immediately following construction or in the earliest growing season thereafter.
- (B) *Pursuant to citation of violation*. Replacement trees planted pursuant to citation of violation shall be of the same type (species) as the tree being removed and shall be the maximum DBH that is commercially available. The aggregate DBH of trees planted as replacement shall equal the DBH of the tree that was removed in violation of this article.
- (C) *[Survival of replacement trees.]* All replanted or replacement trees must survive at least two full calendar years for the permittee/landowner to be considered to be in full compliance with this article. If the replanted tree

becomes unhealthy or dies, it must be removed from the site and replaced as soon as conditions permit. This duration is not to exceed one calendar year.

- (D) *Off-site tree planting option* . If it is not possible to replant trees to the specifications required in these regulations, the applicant may choose to plant the required trees on city property in a location specified by the zoning administrator. A donation may be made to the trees for Tybee fund. All significant trees may be mitigated at a cost of \$50.00 per inch.
- (E) *[Definition of replanted, remaining, and replacement trees.]* All replanted, remaining, or replacement trees shall be considered a "tree" as defined in section 2-010.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-090. - Penalties for unlawful tree removal.

Violation of this article shall be subject to the following fines and restrictions:

- (A) Any person who violates any provision of this article or fails to comply with any notice issued pursuant to the provisions of this article, upon being found guilty of violation, shall be subject to a fine not to exceed \$1,000.00 for each unlawfully removed tree.
- (B) In addition to the penalties imposed in subsection (A) herein above, the party or parties found to be in violation of this article shall be required to plant or replace trees, pursuant to the requirements of section 7-080. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violations of this article.
- (C) Where violation of this article is associated with construction, pursuant to a city building permit, a certificate of occupancy may not be issued until such violation has been remedied and trees are planted or replaced, pursuant to the requirements of section 7-080, as necessary to meet the requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violation of this article.

(Ord. No. 12-2012, 4-26-2012)

Sec. 7-100. - Appeals of actions.

Appeals of decisions of the city administrator, city marshal, or his designee, pursuant to this article shall be made to the mayor and council pursuant to city council meeting procedures.

Significant Species Common Name and Scientific Name	Mitigation Equivalent Per One Inch Live Oak For New Plantings	Minimum DBH Required for Remaining Trees	Special Note
Red cedar <i>Juniperus virginiana</i>	1:1	4"	
Live oak <i>Quercus virginiana</i>	1:1	4"	

Laurel oak, water oak, etc. <i>Quercus sp.</i>	NA	4"	Water oaks left only in naturalized area
<i>Magnolia grandiflora</i>	1:1	4"	
Sugarberry <i>Celtis laeirgata</i>	1:1	4"	
Red bay <i>Persea borbonia</i>	1:1	4"	
Sycamore <i>Plantanu occidentalis</i>	1:1	4"	
Sweetgum <i>Liquidamber syraciflora</i>	NA	4"	
Native hollies <i>Ilex sp.</i>	1:1	3"	
Native maples <i>Acer sp.</i>	1:1	3"	
Toothache tree <i>Xanoxylum clava-hercules</i>	1:2 (1 inch toothache = 2 inch Live Oak)	3"	
Eastern redbud <i>Cercis Canadensis</i>	1:1	3"	
Devilwood (wild olive) <i>Osmanthus americanus</i>	NA	3"	
Carolina laurelcherry <i>Prunus caroliniana</i>	2:1	4"	
Carolina willow <i>Salix caroliniana</i>	1:1	4"	
Tough bumelia (buckthorn) <i>Bumelia tenex</i>	1:2	3"	
Sparkleberry <i>Vaccinium arboretum</i>	1:2	3"	

Palm numerous scientific names	1:1	3"	
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(Ord. No. 12-2012, 4-26-2012)