



CITY OF TYBEE ISLAND TREE REMOVAL PERMIT APPLICATION

Address of Property _____	
Owner's Name _____	Applicant's Name _____
Owner's Address _____	Applicant's Address _____
Owner's Telephone _____	Applicant's Telephone _____

REQUIREMENTS FOR TREE REMOVAL

- Must maintain a density of 3 trees per 4,500 square feet. All trees with a 6" diameter at 4.5 feet above ground count toward the density count.
- Significant trees may be removed only under certain circumstances and must be replaced inch-for-inch in like species with minimum 2-inch diameter trees or be otherwise mitigated. (See reverse side for definition.)
- By accepting the Tree Removal Permit, the property owner and the applicant agree to comply with all requirements of the Tree Ordinance including mitigation requirements, planting specifications and tree survival requirements.

APPLICATION REQUIREMENTS

- _____ Scaled plot plan showing location, size and species of all trees on the lot which have a diameter of 6 inches or more at 4.5 feet above ground, all existing improvements, all proposed improvements, and property setbacks.
- _____ Mark all trees proposed for removal.
- _____ Mark the planting location, size and species for all proposed replacement trees. (If replacement is proposed for another parcel of land, a plot plan of that parcel is required with the same information notated.)

EXPLAIN NEED TO REMOVE TREE(S) _____

I have reviewed the Tybee Island Land Development Code, Article 7, Tree Removal Regulations, and hereby agree to comply with the provisions thereof. I understand a Tree Removal Permit Application may require 5 days to process.

Owner or Applicant Signature _____ Date _____

Owner or Applicant Printed Name _____

City Official _____	Permit Fee _____	<input type="checkbox"/> APPROVED
Date _____	Palms Up _____	<input type="checkbox"/> DENIED
	TOTAL _____	

MITIGATION PLAN

Mitigation Required?

YES NO

TREE REMOVAL REGULATIONS

Permit Not Required

- Trees endangering or obstructing public safety and welfare, as determined by Zoning Administrator or designee.
- Trimming or pruning, provided it is not to the point of causing permanent damage or de facto removal.
- In utility rights-of-way by the utility company.

Permits Required

- Any significant tree: 10 inches or more DBH (diameter at 4.5 feet above ground) of these species.

Southern red cedar <i>Juniperus silicola</i>	Spiny Ash <i>Xanthoxylum clava-herculis</i>
Oak <i>Quercus</i>	Toothache tree <i>Xanthoxylum clava-herculis</i>
Magnolia <i>grandiflora</i>	Sycamore <i>Platanus occidentalis</i>
Hickory <i>Carya</i>	Tupelo <i>Nyssa</i>
Sugarberry <i>Celtis laevigata</i>	Sweetgum <i>Liquidamber styraciflua</i>
Hackberry <i>Celtis laevigata</i>	American Holly <i>Ilex opaca</i>
Red Bay <i>Persea borbonia</i>	Other native hardwoods <i>Angiosperms</i>
- Land clearing or removing trees 6" DBH or larger to a density below 3 trees per 4,500 square feet. Six inch pines and local palms plus other 6" trees count toward meeting density requirements.

Conditions for Receiving Permit to Remove SIGNIFICANT Tree

- Removal necessary to make reasonable beneficial, economic use of property; no feasible alternative determination for each significant tree proposed for removal.
- For infrastructure improvement (water/sewer systems, streets, etc.), no alternatives available.
- City manager or designees must confirm this in writing.
- Each significant tree removed must be replaced inch for inch in the same species.
- For each significant tree cut, its replacement trees shall be considered as only one tree for purpose of calculating post removal density. In other words, the replacement must be inch-for-inch, not tree-for-tree.

Requirements for Receiving Permit

- Must maintain minimum tree density of 3 trees per 4,500 square feet or the pre-removal density if it is less than 3 trees per 4,500 square feet.
- Tree survey on sketch/plat showing all trees 6 inches DBH (diameter at 4.5 feet above ground).
- Note trees to be removed.
- Note location, size and type of replacement trees.
- Subdivisions and site plan reviews show all significant trees plus all drainage and utility structures, water/sewer lines, streets, sidewalks, driveways, final site contours, building footprints and other impacts on significant existing trees.

Mitigation Required

- When any significant tree is cut.
- When tree is cut prior to receiving a permit.
- When cutting trees reduces the density below the required minimum of 3 trees per 4,500 square feet.

Standards for Tree Planting and Replacement

- Cut after valid permit:
 - Replacement trees must be botanically compatible with local conditions, healthy, disease and pest free, at least 2 inches DBH.
 - Property owner/permittee may select species of replacement trees from native species list (currently the significant tree list plus pines and locally native palms).
 - Replacement trees must be planted immediately after construction or in the earliest growing season thereafter.
- Cut without permit:
 - Must replace trees with like species and size to those cut.
 - If the above is not possible, one 2" replacement tree for each 2" of trees cut shall be selected from the approved species list (currently the significant tree list plus pines and locally native palms).
- All moved or replacement trees must survive at least 2 calendar years for full compliance with Code; replanted trees that become unhealthy or die must be removed and replaced during good planting conditions within 1 year.
- Off-site planting option: if not possible to replace the removed trees inch-for-inch on site, applicant may:
 - Plant required trees on city property in location specified by the Zoning Administrator or designee.
 - Make a monetary donation to Palms Up fund per established fee schedule.

Penalties for Removing Trees Without Permit: These penalties are mandatory, not discretionary.

- Fine not to exceed \$1,000 per tree upon being found guilty of violation.
- In lieu of or in addition to the above, required replacement of cut trees in compliance with all above standards for replacement.
- When associated with construction, pursuant to a building permit, no Certificate of Occupancy shall be issued until violation is corrected.

Appeals: City staff decisions made under the Tree Ordinance may be appealed to the Mayor and Council under established procedures.

ARTICLE 7. TREE REMOVAL REGULATIONS

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.

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. of 9-22-2005)

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. of 9-22-2005)

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 impactson 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. of 9-22-2005)

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.

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 sitting 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 sitting 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. of 9-22-2005)

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. of 9-22-2005)

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.

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. of 9-22-2005)

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 lieu of, or 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.

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.

TABLE INSET:

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 laeigata</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 (one 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"	

(Ord. of 9-22-2005)