

# ARTICLE 13: TREE PROTECTION

## Section

- 13:1 Purpose
  - 13:2 Protected Trees
  - 13:3 Exceptions
  - 13:4 Tree Survey
  - 13:5 Tree Protection and Replacement
  - 13:6 Significant and Landmark Trees Removed Without Permits
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### **§ 13:1 PURPOSE.**

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, to beautify and enhance the environment, enhance wildlife habitat, moderate climate, and enhancement of real estate value.

### **§ 13:2 PROTECTED TREES.**

Within the area established as the bufferyard as defined by Sections 12:8 and/or 16:3 of this Ordinance neither Significant nor Landmark trees shall be removed, cut above ground or otherwise disturbed without a tree removal permit. Furthermore, within the area of the entire development site, no tree designated as a Landmark tree shall be removed, cut or otherwise disturbed unless the Development Services Representative (DSR) determines that the tree is hazardous, in decline, diseased, infectious; the removal of the tree is necessary to maintain the appearance, health or vigor of the remaining trees or no other practical alternatives for reasonable use of the property exist. If a determination is made that certain healthy, Significant or Landmark trees may be removed, they shall be replaced in accordance with the requirements of Section 13:5 of this Article.

## Criteria for Significant and Landmark Trees

### Significant Trees

Species	Common Name	Minimum Diameter at Breast Height (DBH)
<i>Aesculus pavia</i>	Red Buckeye	8"
<i>Carya glabra</i>	Pignut Hickory	8"
<i>Carya illinoensis</i>	Pecan	8"
<i>Carya ovata</i>	Shagbark Hickory	8"
<i>Carya tomentosa</i>	Mockernut Hickory	8"
<i>Cercis canadensis</i>	Eastern Redbud	6"
<i>Chionanthus virginicus</i>	Fringe Tree	8"
<i>Cornus florida</i>	Flowering Dogwood	6"
<i>Diospyros virginiana</i>	Persimmon	8"
<i>Fagus grandifolia</i>	American Beech	8"
<i>Fraxinus</i> sp.	Ash	8"
<i>Gordonia lasianthus</i>	Loblolly Bay	6"
<i>Ilex opaca</i>	American Holly	8"
<i>Juglans</i> sp.	Walnut	8"
<i>Juniperus virginiana</i>	Eastern Red Cedar	8"
<i>Liriodendron tulipifera</i>	Yellow-poplar	8"
<i>Magnolia grandiflora</i>	Southern Magnolia	8"
<i>Magnolia virginiana</i>	Sweet Bay	6"
<i>Nyssa aquatica</i>	Tupelo	8"
<i>Nyssa biflora</i>	Black Gum	8"
<i>Platanus occidentalis</i>	American Sycamore	6"
<i>Prunus caroliniana</i>	Carolina Cherry Laurel	8"
<i>Quercus alba</i>	White Oak	8"
<i>Quercus falcata</i>	Southern Red Oak	8"
<i>Quercus laurifolia</i>	Laurel Oak	25"
<i>Quercus stellata</i>	Post Oak	8"
<i>Quercus virginiana</i>	Live Oak	8"
<i>Sabal palmetto</i>	Cabbage Palm	10"
<i>Taxodium distichum</i>	Baldcypress	8"
<i>Ulmus american</i>	Elm	8"

### LANDMARK TREES

Species	Common Name	DBH
<i>Quercus virginiana</i>	Live Oak	25"
<i>Magnolia grandiflora</i>	Southern Magnolia	25"
<i>Taxodium distichum</i>	Bald Cypress	25"
<i>Ilex opaca</i>	American Holly	14"
<i>Carya</i>	Hickory and Pecan	25"

### **§ 13:3 EXCEPTIONS.**

Commercial timber, tree farms and nurseries, public utilities and agricultural operations are exempt from the protective requirements of this Section. Property cleared under the exemptions of this section shall not be redeveloped and the county shall withhold any development permit for a period of seven (7) years. If any tree is determined by the DSR to be diseased, injured or located in a manner that endangers the public health, safety or welfare, the DSR may authorize immediate removal.

### **§ 13:4 TREE SURVEY.**

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey by a registered professional (surveyor, arborist, or forester) identifying the location of all significant and landmark trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

### **§ 13:5 TREE PROTECTION AND REPLACEMENT.**

- (1) **Prior to Development.** Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any significant or landmark tree, as defined by this Ordinance, without prior approval of the DSR, which approval shall not be unreasonably withheld, shall be prohibited.
- (2) **During Development.** During development, a minimum protective zone, marked by barriers, shall be established (erected) at the “drip line” as amended by section (3)c and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, and operation of equipment or vehicles, or storage materials within this protected zone.
- (3) **After Development.** No person shall break, damage, remove, cut, kill or cause to be killed any significant tree, except for the following:
  - a. In the event that any tree shall be determined to endanger the public health, safety or welfare, including airport operations, and require removal, written authorization may be given by the DSR and the tree or parts thereof (i.e. dead limbs) removed.
  - b. During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the DSR may waive the requirements of this section.
  - c. Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the DSR may adjust the requirements as necessary to moderate the constraint.
  - d. Trees involved in wetland mitigation.

- e. Pine trees may be cut and removed from any site without regard to DBH dimensions (size).
- f. Diseased (unhealthy) or nuisance trees, with approval of the DSR.

**§ 13:6 SIGNIFICANT AND LANDMARK TREES REMOVED WITHOUT PERMITS.**

Where Significant or Landmark trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the DSR, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

1. Three (3) replacement trees are planted for each Landmark Tree removed and one (1) replacement tree planted for each Significant Tree removed. At least one (1) tree replaced shall be of the same species removed for a Landmark tree.
2. Individual replacement trees are a minimum of 2" DBH.
3. If a Landmark tree is removed without permission from the Zoning Administrator, the county may seek retribution for the appraised value of the tree. Appraisal should be conducted by a certified arborist following the guidelines set forth in the Guide for Plant Appraisal 9<sup>th</sup> Edition.