

CITY OF ABBEVILLE TREE REMOVAL APPLICATION



Date: _____

Applicant Name & Address: _____

Phone #: _____

Options for tree preservation: Preservation of existing trees
 Planting of new trees
 Payment into tree mitigation fund

Location of Tree to be removed: _____

Number of trees to be removed: _____

Type of tree/trees to be removed: _____

Number of replacement tree/trees: _____

Size of replacement tree trees: _____

Type of replacement tree/trees: _____

Location of replacement tree/trees: _____

I hereby certify that I have read this application and agree to comply with all provisions of laws and ordinances governing the above proposed work.

Electronic Signature Agreement

I understand and agree that my application will be signed electronically when I type my name in the signature box **AND select the check box below. I also understand that my electronic signature means that I intend to apply for this permit/application and have provided the City of Abbeville with accurate information.**

I understand that under penalty of perjury that I have examined all the information on this application, and it is true and correct to the best of my knowledge. I understand that anyone who knowingly gives a false or misleading statement about a material fact in this electronic application or causes someone else to do so, commits a crime and may be sent to prison or may face other penalties, or both.

Signature

Date

I have read and agree with the statements above.

● **ARTICLE VII. – TREES [5]**

Footnotes:

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Editor's note— Ord. No. 13-03, adopted Apr. 2, 2013, repealed §§ 5-201—5-212 of the former art. VII, leaving § 5-200 unaffected, and enacted new §§ 5-201—5-218 as set out herein. The former art. VII pertained to similar subject matter and derived from Ord. No. 95-24, adopted Sept. 19, 1995.

● **Sec. 5-200. - Definitions.**

The following definitions shall apply to this article:

Park trees: Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names and all areas owned by the city, or to which the public has free access as a park, including sidewalks, alleys and alleyways, or any tree planted in the ground by the city.

Street trees: Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the corporate limits of the City of Abbeville. (Ord. No. 95-24, 9-19-95; Ord. No. 09-08, 8-18-09)

● **Sec. 5-201. - Applicability.**

- (a) Generally. Unless specifically exempted below, the tree preservation requirements of this section apply to:
- (1) The subdivision of any tract two (2) acres or greater;
 - (2) The development or redevelopment of any commercial site ten thousand (10,000) square feet in size or larger; and
 - (3) Any heritage tree described in section 5-203.

(b) Exemptions.

- (1) Exempt activities.
 - a. Lands used for agricultural purposes.
 - b. The clearing of understory trees and shrubs necessary to perform boundary surveying or to conduct tree surveys or inventories.
 - c. Buildings and uses lawfully existing as of the effective date of this section may be renovated or repaired without providing additional tree conservation and heritage tree preservation, provided there is no change in use of existing floor area, or an increase of less than twenty (20) percent or two thousand (2,000) square feet in expansion or the addition of accessory buildings or structures.
- (2) Exempt trees.
 - a. Any heritage tree or areas of tree canopy determined by the city to be diseased, dying, or dead.
 - b. Any heritage tree or areas of tree canopy determined to be causing a danger or be in hazardous condition as a result of a natural event such as hurricane, tornado, storm, flood or other natural event that endangers the public health, welfare or safety and requires immediate removal.
 - c. Any heritage trees or areas of tree canopy within twenty (20) feet of a residential building.
 - d. Trees or areas of tree canopy that interfere with the clear sight distance for roadways as determined by the city engineer.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-202. - Tree preservation generally.**

- (a) The tree preservation requirements of this section address heritage tree preservation.
- (b) Once the minimum tree preservation requirements have been determined for a site, the applicant may comply with the requirements through one (1) or a combination of the following methods:
 - (1) Preservation of existing trees;
 - (2) Planting of new trees; or

- (3) Payment into a tree mitigation fund.

(c) For the purposes of this section, projects with multiple lots or sites developed under a common development plan may be considered a single site.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-203. - Heritage tree preservation.**

- (a) Heritage trees generally. A heritage tree is any tree or group of trees with the following characteristics:
- (1) Any live oak, southern magnolia, or bald cypress with a DBH of twenty (20) inches or more; or
 - (2) Any tree or group of trees specifically designated by the city council, after recommendation by the city tree board, for protection because of its historical significance, special character or community benefit; [or]
 - (3) Any additional tree designated on the city's heritage tree list as approved by the city council and maintained by the city tree board.

(b) Heritage tree removal.

- (1) The removal of any heritage tree is prohibited unless the city tree board issues a tree removal permit.
- (2) The applicant for a tree removal permit must submit a heritage tree mitigation plan including, but not limited to, the following information:
 - a. Location and type of tree to be removed;
 - b. Number, size and type of replacement trees;
 - c. Location of replacement trees;
 - d. Whether the applicant will pay into to the tree mitigation fund.
- (3) In the case of emergency, when a heritage tree is hazardous or dangerous to life or property, it may be removed without a tree removal permit.

(c) Heritage tree mitigation. Mitigation of the removal of a heritage tree may occur in one (1) of the following ways:

- (1) On-site replacement. When an applicant is proposing to mitigate the removal of a Heritage Tree with on-site replacement, the following standards apply:
 - a. Replacement tree criteria.
 - i. Each Heritage Tree must be replaced at a ratio of 3:1 replacement tree DBH to heritage tree DBH.
 - ii. The replacement trees must be a minimum of two (2) inches DBH at the time of planting.
- (2) Payment to tree mitigation fund.
 - a. When heritage tree replacement is infeasible, the applicant may request that the city tree board allow a payment-in-lieu of tree replacement to the tree mitigation fund.
 - b. The request for payment-in-lieu of tree replacement must be presented to the city tree board for review and recommendations approval or denial.
 - c. The city tree board may approve or deny an application for a payment-in-lieu of tree replacement to the tree mitigation fund as provided in section 5-210, Tree mitigation fund.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-204. - Planting in clear sight distance.**

- (a) A clear sight distance must be established at the intersection of a driveway and a street and on all corner lots (the intersection of two (2) streets) as required by the city engineer in accordance with prevailing sight triangle requirements.
- (b) All established street trees interfering with the clear sight distance must be maintained by the abutting property owner and must be kept free of foliage for seven (7) feet measured up from the base of the tree. Shrubs within the clear sight distance area

may not exceed thirty (30) inches in height, with the actual height to be determined by the city engineer.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-205. - Plant protection.**

(a) Tree protection during construction.

- (1) Existing trees remain[ing] on the site must be [protected] from vehicular movement and material storage over their root spaces during construction. An undisturbed area with a porous surface must be reserved below the drip line of each tree or group of trees.
- (2) Trees designated for protection must be completely enclosed by a temporary fence. Fencing must be in place prior to any clearing or site work. Fencing must remain in place until all construction has been completed.

(b) Root protection zone.

- (1) A root protection zone, defined by an average radius extending outward from the trunk of the tree a distance of one (1) linear foot for each inch (DBH), must be established around the trunk of each tree preserved or planted.
- (2) No cutting, filling, trenching, root disturbance, soil disturbance, or construction impacts may occur closer to the trunk than one-half (½) the root protection zone radius. In parking areas where approved alternative materials and methods are used, construction may be as close as five (5) feet from the root flares on one (1) side of the tree.
- (3) The root protection zone may be shifted and clustered as long as there is no construction closer to the trunk than one-half (½) the root protection zone radius. The construction of sidewalks is allowed in the root protection zone, as long as excavation does not exceed three (3) inches.
- (4) The area contained within a root protection zone required under this subsection must be left in a pervious condition after construction and development are completed unless approved alternative construction methods are used.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-206. - Administrator.**

The administrator of this article shall be the mayor or other official as designated by the mayor.

(a) General authority. The administrator is responsible for:

- (1) The implementation and administration of this article;
- (2) Maintaining written records of all actions taken under this article; and
- (3) Making interpretations of this article.

(b) Review authority. The administrator is responsible for review and recommendations regarding:

- (1) The tree mitigation fund;
- (2) Heritage-free removal permit.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-207. - Creation and establishment of a city tree board.**

The city tree board is hereby created and established for the City of Abbeville. The planning commission shall serve as the city tree board.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-208. - Compensation.**

Members of the city tree board shall serve without compensation.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-209. - Duties and responsibilities.**

(a) General authority. The city tree board is established to oversee the care, preservation, removal and planting of trees, shrubs, and grasses in accordance with this article.

(b) Authority for final action. The city tree board is responsible for final action regarding:

- (1) The tree mitigation fund;
- (2) Tree species list;

(3) Tree maintenance; and

(4) Heritage tree removal permit.

(c) Review authority. The city tree board is responsible for review and recommendations regarding the acceptance of payment-in-lieu of heritage tree preservation requirements.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-210. - Tree mitigation fund.**

(a) Fund established. The mayor is hereby directed to establish a dedicated account to be entitled the tree mitigation fund.

(b) Fund administration and management.

(1) The tree mitigation fund is to be administered by the city tree board with the authority of the city council.

(2) The record keeping, and day-to-day management of the tree mitigation fund is the responsibility of the administrator.

(c) Use of funds. The funds collected from mitigation fees may only be used by the city to pay for the planting, pruning, and general maintenance of trees. Generated funds may be used by the city for trees on public or private property.

(d) Funds to be kept separate. The balance of the tree mitigation fund must be recorded and accounted for in a manner that distinguishes them from other general funds and must be disbursed in a manner consistent with the purposes for which the fund has been established.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-211. - Tree species to be planted.**

The city tree board will develop a list of desirable trees for planting.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-212. - Distance from curb and sidewalks.**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with previously passed ordinances adopted by the city council.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-213. - Utilities and fireplugs.**

No street trees may be planted under any overhead utility wire or within ten (10) feet of any fireplug.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-214. - Public tree care.**

(a) The city shall have the right to plant, prune, maintain or remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The city tree board may recommend to the city council to remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which may by reason of its nature be injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with all of the ordinances previously adopted by the city council.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-215. - Tree topping.**

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be

exempted from this article at the determination of the city council or the mayor.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-216. - Pruning; corner clearance.**

(a) Every owner of a tree overhanging any street or right-of-way within the city should prune the branches so that such branches shall not severely obstruct the light from any streetlamp or obstruct the view of any street intersection. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near utility rights-of-way may be trimmed or pruned by the city or any public utility company in compliance with any applicable franchise agreements.

(b) All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-217. - Interference with city tree board.**

It shall be unlawful for any person to prevent delay or interfere with the city tree board and any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or tree on public grounds, as authorized in this article.

(Ord. No. 13-03, 4-2-13)

● **Sec. 5-218. - Review by city council.**

The city council shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council, who may hear the matter and make final decisions.

(Ord. No. 13-03, 4-2-13)