



SMALL TOWN, BIG BEACH™

## CITY COUNCIL AGENDA ITEM

**SUBJECT:** Tree Protection Ordinance

**STAFF CONTACT:** J. Scott Stephens, Planning Director

**COUNCIL MEETING CYCLE:** Council Work Session: March 16, 2026  
Council Meeting: March 23, 2026

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### **RECOMMENDED COUNCIL ACTION:**

I make the motion to adopt the ordinance as written.

### **BACKGROUND/SUMMARY:**

The City has had some form of a Tree Protection Ordinance for over 25 years, in an effort to protect the native canopy of trees and their benefits in Gulf Shores, but also allowing development to continue with defined regulations for removal, replacement, and remediation. This proposal is a replacement of the current ordinance (Chapter 7, Article VIII of the Code of Ordinances).

The current ordinance was used as the model for the re-write, so many of the existing elements remain unchanged.

Below is a brief summary of the proposed ordinance, please find the full draft ordinance attached to this memo for the complete text.

- Definitions updated to include definitions for Forestry and industry standards for trimming and pruning.
- Protected Trees remain defined as 12” diameter at breast height (DBH) and Heritage Trees remain 30” DBH for all species, with Live Oaks and Sand Lives Oaks remaining 6” DBH for Protected Tree status and 24” DBH for Heritage Tree status.
- Clusters of Sand Live Oak trees was added to Protected Tree and Heritage Tree status. Clustering is a trait of Sand Live Oaks that often occur after damage (e.g. fire) and new trees/trunks emerge from the original root crown. Studies have indicated that clustered trees had greater survival than those growing as individual trees after a hurricane.

- Protected or Heritage Trees that must be replaced, must be replaced with trees from the Preferred tree list (§ 7-155 3.e) that equal or exceed the DBH of the tree or trees removed.
  - Protected or Heritage Pines that are permitted to be removed may be replaced at a 1:1 ratio from the preferred tree list (i.e. a single pine tree removed may be replaced by a single preferred tree, regardless of the diameter of the pine tree).
- If replacement trees are unable to be planted on the same site they are removed, a remediation fee may be remitted to the Tree Protection and Landscaping Account. This account is used for purchasing new trees to be planted in the City.
- New standards for review are set for specific types of developments including:
  - Multi-family and nonresidential developments (to include commercial, industrial)
  - New single-family and duplexes
  - Developed or existing single-family houses and duplexes
  - Newly developing residential subdivisions

The proposed ordinance also creates a Tree Protection Board which will hear and decide appeals from decisions based on the Tree Protection Ordinance. The Tree Protection Board will be composed of the membership of the Board of Zoning Adjustment (BZA). The BZA is already accustomed to hearing appeals of zoning decisions and variance requests.

We are proposing a reduction in the fine amount for violations of the ordinance (from \$1,000 to \$500), but when violations occur, the trees that were improperly removed or damaged will still need to be replaced or remediated to the standards set in the ordinance.

The Tree Protection Ordinance supports *Environmental Resilience*, one of the Core Values in the proposed Vision 2035.

#### **RELATED ISSUES:**

The City's Subdivision Regulations and Zoning Ordinance (Landscaping) support the protection of trees, and the Tree Protection Ordinance often applies and must be considered during the subdivision, site plan, and building permit review process.

**PREVIOUS COUNCIL ACTIONS:**

Previous tree protection ordinances or amendments:

- August 28, 2000 – Ordinance 822
- August 23, 2010 – Ordinance 1618
- May 10, 2021 – Ordinance 2020
- August 23, 2021 – Ordinance 2036
- August 12, 2024 – Ordinance 2126

**FINANCIAL IMPACT:**

The Tree Protection Ordinance provides for a Tree Protection and Landscaping Account. This account is where remediation fees and fines resulting from violation of the Tree Protection Ordinance are deposited. The funds in this account are only used for purchasing new trees and related supplies. An example project funded by this account is the planting of new Willow Oak trees at Johnnie Sims Park in December 2025.

**KEY DATES:**

N/A

**ATTACHMENTS:**

Draft ordinance.