

TO: Mayor Craft & Members of the City Council

FROM: Lee Jones, Director of Planning & Community Development and Brandan Franklin, Chief Building Official

SUBJECT: **Article VIII Tree Protection**

DATE: August 16, 2021

BACKGROUND

The Tree Protection Ordinance was amended on May 10th of this year. The primary goal of the recent amendment was to remove the exemption from the regulations for single family and duplex lots less than one acre in size. Prior to the amendment, single family lots were being clear-cut, and the City was losing mature trees that help define the unique character of our community. In addition to removing the single family and duplex exemption, the amendment clarified and increased penalties for tree removal without a permit. It also added standards for Tree Removal Permit Review and created a definition and protection standards for “Heritage Trees.”

Since the adoption of the amended Ordinance, the Building Department and Planning and Zoning have been working with developers, homebuilders, and homeowners who are most impacted by the recent changes to explain the standards and the review process and to gather input and feedback. The primary lessons that we have learned are: 1) Tree Removal Permit application submittal requirements for multi-family and non-residential developments should be different from single family houses and duplexes, and 2) Standards for Protected Tree removal on multi-family and non-residential lots should be different from single family and duplex lots.

SUMMARY OF REQUEST

The City of Gulf Shores seeks to amend Article VIII. *Tree Protection* of Chapter 7. *Buildings, Construction and Related Activities* of the City’s Code of Ordinances. This proposed update to the Tree Protection Ordinance outlines the standards and submittal requirements for both multi-family/non-residential developments and single family lots and clearly differentiates the two.

PROPOSAL

The proposed revised Tree Protection Ordinance is attached to this memo. In summary, the amendment:

- Adds to “Heritage Tree” definition to include live oaks with a DBH of 24 inches rather than 30 inches;
- Increases DBH of a Protected Tree from 10 inches to 12 inches (six inch DBH for live oaks and sand live oaks remains);

- Combines “Tree Protection Plan,” “Tree Removal Permit,” and “Tree Replacement & Remediation” sections into a single section in order to eliminate cross-referencing;
- Creates separate standards for single family/duplex lots versus non-residential/multi-family developments;
- Clarifies standards for removal of a Protected Tree without required replacement or remediation for single family/duplex lots versus non-residential/multi-family developments;
- Adds a standard that prevents the removal of a Protected Tree on existing non-residential and multi-family properties unless diseased, injured, or in danger of falling on existing structures; and
- Replaces the requirement for 4ft chain link tree protection fencing with 3ft silt fence and hay bales.

RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

Draft Ordinance