

City of Mary Esther

Protected Tree and Land Clearing Permit Guidelines

A City permit is required for land clearing activities any removal of any tree listed below which meets the size requirements unless otherwise exempt. The building permit application is to be used when applying to remove a protected tree or conduct land clearing activities. Residential single-family permits are valid for 90 days. Subdivisions, multi-family and commercial permits are valid for 180 days. Prior to the issuance of a tree removal permit, an onsite inspection must be conducted. All tree measurements are to be measured in diameter at breast height.

Exemptions:

Protected trees to be removed from the property are exempt from permitting if the property owner obtains documentation prior to the removal of the tree from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect stating that the tree presents a danger to persons or property.

Developed and owner-occupied single-family homes are exempt from these provisions except for removal of protected trees as defined in Appendix A with a DBH greater than twenty-four (24) inches, removal of trees within a designated canopy protection zone, or removal of a historic tree. Code of Ordinances 12.05.02 (D)

Appendix A. Protected Tree List LDC 12.05.05

Species Type A (Small, 4"—7" diameter trunk)

- Dogwood (*Cornus florida*)
- Redbud (*Cercis canadensis*)

Species Type B (Medium 8"—13" diameter trunk)

- American holly (*Ilex opaca*)
- Southern magnolia (*Magnolia grandiflora*)*
- Eastern red cedar (*Juniperus virginiana*)*
- Southern red cedar (*Juniperus silicicola*)*

Species Type C (Large, 14;inch; + diameter trunk)

- Live oak (*Quercus virginiana*)*
- Laurel oak (*Quercus laurifolia*)*
- Sweet gum (*Liquidambar styraciflua*)*
- Sycamore (*Plantanus occidentalis*) *
- Pecan (*Carya illinoensis*)*
- Water oak (*Quercus nigra*)*
- Red maple (*Acer rubrum*)*

Relocation, removal, and replacement of protected trees.

1. Removal conditions. A removal permit for a protected tree, as specified in Appendix A, may only be approved if one or more of the following criteria are met. Even if these criteria are met, a permit must be obtained prior to cutting.

a. Where site-design modification, as determined by preclearing inspection, are not feasible to allow the use permitted, as determined by the specific zoning of the project.

b. Where the trunk of a protected tree is located closer than ten (10) feet from the foundation of the proposed structure and it is not feasible to relocate the structure.

c. Where the location of the tree prevents the construction of utility lines, drainage facilities, onsite sewage disposal systems, roadways, or required parking areas which cannot be practically relocated or rerouted or where the trees cannot be utilized as part of these systems. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria in Section 2 below.

d. Where the location of a tree prevents the direct access to the property from a publicly dedicated and maintained roadway. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria in Section 2 below.

e. Where the tree poses a safety hazard to pedestrians or vehicular traffic, or threatens to cause a disruption of public services, or poses a safety hazard to persons or buildings. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria in Section 2 below.

f. Where the tree is weakened by age, storm, fire, insects, or other injury so as to pose a danger to persons, property, site improvements, or other trees. Removal of the tree pursuant to this criterion shall be exempt from the replacement criteria in Section 2 below.

g. Where necessary for compliance with other city codes.

h. Where the tree or trees reduce the visibility of a nonresidential development more than fifty (50) percent of the linear footage of the lot along the roadway to which the project has primary frontage.

Replacement criteria.

Exclusive of the structure area, when a protected tree must be removed or relocated, an indigenous tree(s) shall be replaced. No protected tree may be removed or relocated without a removal approval from the city.

a. When a removal permit is granted, the developer/owner may choose one of the following options:

(1) The developer/owner shall provide one or more native trees to replace the removed tree where the diameter (dbh) of replacement tree(s) is equal to fifty (50) percent of the diameter of the tree or trees removed.

(2) The developer/owner may relocate or transplant the protected tree elsewhere on the same lot or parcel of land if there is a source of water and adequate irrigation system on site to assure viability of the transplanted tree; or

(3) The developer/owner may relocate or transplant the protected tree to public land within the City of Mary Esther or donate the tree to the city with approval of the council; or

(4) On a heavily wooded lot, the developer may pay a fee equal to fifty dollars (\$50.00) per inch of diameter (dbh) of the tree or trees to be removed up to a maximum of two thousand dollars (\$2000.00) per acre in lieu of replacement, where said fee will be deposited into the city's environmental trust fund as outlined in Section 12.05.08.

(5) No replacement is necessary if the removal is done pursuant to the criteria in Section C.1.c, C.1.d, C.1.e, or C.1.f above.

Pruning a protected tree.

Prior to cutting, removing, trimming, or in any way damaging a protected tree in the canopy tree protection zone or in the road right-of-way tree protection zone, an owner, developer, or agent must submit a copy of an accurately scaled drawing prepared by a registered land surveyor, landscape architect, engineer, architect, or landscaper that includes the following information:

a. Location of the subject protected tree, noting species, size, and general condition.

b. An annual permit may be issued to public utilities to waive requirements for pruning/cutting within the right-of-way. In times of emergency, the requirements of this code are waived for utility companies for restoration of services and cutting/pruning of downed trees and limbs on private property. In no instance, however, shall a utility company remove a healthy tree on private property or prune more than thirty (30) percent of the canopy without the permission of the landowner. No preventative maintenance may occur, even during times of natural disaster, without landowner permission. If such pruning or cutting occurs, the company will be held to the penalties of this code requirement as specified in Section 12.05.04.

c. Private property owners shall be exempt from this provision for normal pruning activities, with the condition that such pruning shall not remove more than thirty (30) percent of the existing tree material.

Land clearing.

Prior to land clearing activities, a land clearing permit shall be obtained. Land clearing means the removal of vegetation from any site, parcel, or lot prior to development or redevelopment of the land, except as necessary to maintain vegetation in a healthy, viable condition. A permit may be obtained for anticipation of construction and development of the site. A landscape plan shall be submitted with each application that includes the following:

- A scaled site plan or survey that shows the location of all protected trees, noting species, size, and general condition.
- Location by species and size of all trees, shrubs and landscape material to be cleared and removed, retained and placed on the site.

- Location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.
- Landscape and tree protection techniques proposed to prevent damage to vegetation during construction and after construction is completed.
- A minimum of 20% of the site shall be open space landscaped.

On sites proposed for development where no existing protected trees are identified, the owner or his agent shall be required to plant one native tree species identified in the protected tree list (Appendix A) or the tree replant list (Appendix B), a minimum of two (2) inches in diameter (dbh) for each one-tenth of an acre. New trees or replacement trees shall be planted within a time appropriate to the growing season of the species in question, not to exceed one year.

For new residential single-family dwellings, the property owner of each lot shall plant one tree identified in Appendix A or Appendix B in the front yard within ten (10) feet of the right-of-way, provided there is not an existing tree in the front yard.

The location of existing protected trees on the lot or the proposed location of new protected or replant species, when required, shall be identified on the landscape plan and the plat submitted as part of the information required for the approval of a building permit.

Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of three (3) inches in diameter (dbh).

Fines for violation.

No after the fact permits shall be issued by the City of Mary Esther to correct violations of the requirements of a tree permit or land clearing permit. Fines for such illegal land clearing shall be five thousand dollars (\$5,000.00) per acre, or fraction thereof, cleared. If protected trees are illegally removed from the site, the fine shall be five hundred dollars (\$500.00) per tree in addition to the five thousand dollars (\$5,000.00) per acre penalty.

Fines for violation of a stop work order will be five hundred dollars (\$500.00). Each day of violation of a stop work order continues shall constitute a separate offense.

$$\text{Diameter} = \frac{\text{Circumference}}{3.14 (\pi)}$$

Measurement is taken at breast height

Fees

Inspection \$20.00
 Permit \$15.00/tree

Example: 1 tree to be removed \$35.00
 2 trees to be removed \$50.00
 10 trees to be removed \$170.00