

## Chapter E. Protection of Natural Features

### Article I: Landscaping and Tree Protection

#### Section 1: Authority and Purpose

- A. Pursuant to authority conferred by the Georgia Code of laws, having recognized the importance of preserving the natural landscape through the protection of existing trees, and to promote the public health, safety and general welfare, to lessen air pollution, to increase dust filtration, to reduce noise, heat, and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that noise, glare and other distractions of movement in one area do not adversely affect activity within other adjacent areas, to beautify and enhance improved and undeveloped land, to preserve and protect both the natural and historic amenities on the island, to provide for wildlife habitat, to ensure that excessive tree cutting does not reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters, this ordinance is enacted with the purposes of:
1. To establish rules and responsibilities for the placement, protection, care, and maintenance of trees on leased property by lease holders;
  2. Regulating and restricting the variety of plant materials, hardscape materials, walls/ fencing, lighting structures, and general landscaping and maintenance within Jekyll Island State Park;
  3. Regulating and restricting the removal of trees;
  4. Regulating and restricting the trimming of trees;
  5. Providing for mitigation and/or replacement of trees;
  6. Establishing standards for tree protection during land clearing and construction;
  7. Providing certain exceptions and exemptions;
  8. Establishing and defining duties and powers of the tree inspector with respect to these regulations;
  9. Providing appeal procedures and remedies;
  10. Providing penalties for violations of this article; and
  11. Defining certain terms used herein.
- B. The regulations set forth herein shall apply to all lands, leased or otherwise, within the Jekyll Island State Park limits now and in the future.

## Section 2: Definitions and Rules of Construction

### A. Rules of Construction

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural and words in the plural include the singular.
3. The term "shall" is mandatory and not merely discretionary.

### B. For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them:

**Branch collar** – the swelling where a branch joins the trunk of a tree.

**Buildable area** – that portion of a site, exclusive of the minimum required yard (setback) areas and the building site, on which a structure or building may be erected. The term "buildable area" also means the portion of a parcel of land where a building may be located, which shall contain enough square footage to meet the minimum required, and does not include the minimum setbacks, utility corridors, driveways, tree save areas, landscape strips, heritage tree areas, wetlands, stormwater and sanitary sewer easements.

**Building** – any structure built for the support shelter or enclosure of persons, animals, chattel or property of any kind.

**Building site** – that portion of a lot which is occupied by a building or that portion of a site which is proposed to be occupied by a building and for which a building permit has been issued.

**Caliper** – The caliper of the trunk shall be taken at breast height, which is four and one-half (4½) feet above the ground.

**Critical root zone** – the area of tree roots within the crown drip line. The zone is generally defined as a circle with a radius extending from a tree's trunk to a point no less than the furthest crown drip line.

**Crown drip line** – a vertical line extending down to the ground from the end of a tree's longest branches.

**Damage or abuse** – any action which does not follow good arboricultural practices. The term "abuse" also includes excessive pruning, which significantly alters the aesthetic appearance or endangers survivability of the tree, damage inflicted upon roots by machinery, changing the natural grade above the root system or around the trunk, and changing drainage patterns.

**Density factor for the site (DFS)** – a unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size at dbh.

**Diameter at breast height (DBH)** – the diameter of a tree, measured at breast height, which is four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below 4½ feet, the diameter of each trunk shall be measured individually and added together.

**Drip line** – an imaginary vertical line that extends downward from the outermost branches of a tree to the ground.

**Good or Fair Condition Trees** - A tree in fair or good condition must meet the following minimum standards:

- A. An estimated life expectancy of greater than ten (10) years;
- B. A relatively sound and solid trunk with only minor decay and small cavities that comprise an area of depth of less than thirty-three percent (33%) of the adjacent diameter of the tree;
- C. No more than twenty-five percent (25%) of the base of the trunk or primary structural roots exhibiting dieback;
- D. No major insect or pathological problem; and
- E. No more than thirty-three percent (33%) percent of the tree's canopy can be missing limbs or be comprised of major dead limbs.

**Heritage tree** – a tree which is designated upon approval by the tree inspector, a certified arborist, or Authority authorized agents to be of notable historical value or interest because of its age, size, historic association, significant ecological value, or significant aesthetic value. The tree must be in good or fair condition in order to merit this designation.

**Historic tree** – any tree of any native species which has a diameter at breast height (dbh) of twenty (20) inches or larger.

**Land disturbing activity** – any activity which may result in soil erosion from water or wind and movement of sediment, including, but not limited to, clearing, dredging, trenching, grading, excavating, transporting, and filling of land.

**Live oak tree** – any live oak, species *Quercus virginiana* or *Quercus geminata*, that has a diameter at breast height (dbh) of two (2) inches or larger.

**Lot** – a plot or parcel of leased land considered a unit, devoted to a certain use or occupied by a building or group of buildings, and the customary accessories and open spaces belonging to the same.

**Managed natural landscape area** - a variety of landscape management practices that include but are not limited to natural lawns, natural landscapes, native lawns, pollinator gardens, rain gardens, meadow vegetation, native prairie, prairie gardens, monarch waystations, native plantings, native gardens, and butterfly habitat.

**Native tree** – a tree species that is understood by botanical experts to occur in coastal Georgia due to natural processes and not due to human intervention.

**Person** – an individual, corporation, organization, or agency, but specifically excluding the Jekyll Island Authority.

**Protected Trees** – any native tree species, woody, perennial plant which has a diameter at breast height (dbh) of four (4) inches or larger or any live oak, species *Quercus virginiana* or *Quercus geminata*, that has a diameter at breast height (dbh) of two (2) inches or larger.

**Protective barricade** – a physical structure not less than four (4) feet in height, limiting access to Protected Trees. A suitable protective barrier shall be composed of durable material, which ensures protection of Protected Trees during development and/or construction improvements.

**Removal of trees** – any intentional or negligent act which will cause a tree to decline and die, including, but not limited to, such damage inflicted upon the root system of a tree by application of toxic substances, the operation or filling above the root system or around the trunk of a tree, pruning, and damages from injury or fire inflicted on trees which result in or permit pest infestation.

**Replacement tree** – any tree that is planted in order to replace an existing tree which must be removed. Replacement trees must have a minimum diameter at breast height (dbh) of two and one-half (2½) inches in caliper, except that multitrunked trees must have a minimum size of eight (8) to ten (10) feet.

**Root collar** – the point of attachment of major woody roots to the tree trunk, usually at or near the ground line and associated with a marked swelling of the tree trunk.

**Root respiration** – an active process occurring throughout the feeder root system of trees and involving the consumption of oxygen and sugars with the release of energy and carbon dioxide.

**Site** – any plot, lot, parcel or tract of land within the jurisdiction of this Section.

**Soil compaction** – a change in soil physical properties which includes an increase in soil weight per unit volume and a decrease in soil pore space.

**Topping** – a practice of cutting back the entire crown of mature trees to stubs. Topping is a destructive pruning practice that is stressful to mature trees, and may result in reduced vigor, decline or even death of a tree. In addition, new branches that form below the cuts are only weakly attached to the tree and are in danger of splitting out.

**Tree inspector** – the individual or entity with the primary responsibility to administer and enforce the standards set forth in this article, as designated by the Authority.

**Tree mitigation fund** –in lieu of planting replacement trees on a leased site that will continue to meet the minimum density requirement, payment may be made as fair compensation for replacement of trees that are proposed to be removed. Revenue collected in this fund will be used to support tree planting and tree maintenance throughout Jekyll Island.

**Tree replacement plan**– a plan showing the location, species, and sizes of all replacement trees.

**Tree save area** – all areas designated for the purpose of meeting tree density requirements, saving heritage trees, and/or preserving natural buffers.

**Yard area** – that portion of any site covered by the front, side and rear yard areas as established by the minimum setback requirements.

### **Section 3: Permit Required**

- A. No person, or any agent or representative thereof, shall directly or indirectly destroy or remove any Protected Tree, without obtaining a permit from the tree inspector, unless otherwise authorized under provisions of this Section.
- B. No person, or agent or representative thereof, shall directly or indirectly prune or remove any branch larger than two (2) inches in diameter on any Protected Tree without obtaining a permit from the tree inspector. This requirement shall apply to live and dead branches unless otherwise authorized under provisions of this Article.
- C. Approval of a permit for tree trimming or pruning may be conditioned upon use of an approved vendor from the Professional Tree Service Company list maintained by the Authority.
- D. No person, or agent or representative thereof, shall impact a tree save area during construction in any way without obtaining a permit from the tree inspector, unless otherwise authorized under provisions of this Section.
- E. Permit applicants shall not directly or indirectly begin any landscaping on the site, including any land disturbing activities or the use of heavy equipment, until the landscaping and tree protection plan has been submitted to and approved by the Authority, or representative thereof.
- F. Requests for permits shall be obtained by contacting the tree inspector by telephone or in writing at the Authority office. Tree permit applications will be approved or denied within ten (10) working days.
- G. Utility companies and electric suppliers constructing or maintaining easements for transmission or rights-of-way will not be exempt from the provisions of this article.

#### **Section 4: Exceptions**

- A. In the event that any tree endangers public health, safety, or welfare, and requires immediate removal without delay, written authorization shall be given by the tree inspector, or their designee and the tree removed.
  - 1. If the tree inspector cannot be reached immediately, photos must be taken of the hazardous tree prior to its removal. The photos can be submitted to the tree inspector or emailed to the Authority.
  - 2. Tree mitigation will be required as stated in Section 6, Mitigation, required.
- B. During the period of an emergency, such as a tornado, hurricane, flood or any act of nature, the requirements of this article may be waived or adjusted as specified by the Executive Director of the Authority.
  - 1. In such case, the cutting and removal of felled trees shall be permitted until such time the Authority deems it necessary.
  - 2. Exceptions for the cutting and removal of trees during emergency periods do not include exemption from mitigation for any removed trees.
  - 3. Any waiver for permitting of tree pruning or removal is only applicable during the official emergency period as determined by the Authority's order.
- C. Trimming palm trees, any tree other than a Protected Tree, and Protected Tree limbs less than two (2) inches in diameter will not require the approval or notification of the tree inspector and shall be exempt from the tree permitting process.

#### **Section 5: Minimum Required Tree Density**

- A. For all leased property, the minimum tree density factor is 200 caliper inches measured at dbh per acre of the leased property. Only Protected Trees and Cabbage Palms trees, as specified in Section 7 Subsection A, Subsection 3, will be counted in order to determine the existing tree density on a leased property.

#### **Section 6: Mitigation Required**

- A. Mitigation is required for removal of all Protected Trees (even if the tree is threatening or damaging a structure) if the minimum tree density factor has not been met or will not be maintained on a leased property. When the tree density factor is not met, any Protected Tree removed must be replaced as specified in Section 15, Tree Removal and Replacement Requirements. Only trees listed in Section 21 may be used for tree replacement and mitigation.
- B. Mitigation is required for removal of historic trees, heritage trees, or live oaks over two (2) inches dbh, even if the property meets minimum tree density factor.

Mitigation will be required even if the tree is diseased, structurally compromised, or dies of natural causes.

- C. Mitigation plantings must occur within 90 days of tree removal or prior to issuance of a certificate of occupancy, whichever is later.

### **Section 7: Mitigation and Fees for Tree Removal and Replacement**

- A. Tree Replacement. Tree Replacement is required for the following trees and shall be calculated as follows:

1. Live oak, exceeding 2-inches dbh:
  - a. Healthy live oak trees in good condition, exhibiting only minor structural defects, will require a one-to-one (1:1) caliper-inch replacement ratio.
  - b. Live oaks in fair condition will require a one-half-to-one (½:1) caliper-inch replacement ratio.
  - c. Live oaks in poor condition, exhibiting significant structural defects, or posing a clear safety issue to persons or property, will require planting a minimum of one two and one-half (2½) inch dbh replacement live oak, regardless of the overall size of the existing tree.
  - d. All live oak replacement trees must be live oak and a minimum of two and one-half (2½) inches in dbh.
  - e. Tree health assessments must be made or endorsed in writing by the Authority's tree inspector.
2. Non-Live Oak Protected Trees, four (4) inch dbh or larger, are to be replaced with any native tree two and one-half (2½) inches dbh or larger, or a multitrunked native tree that is a minimum size of eight (8) to ten (10) feet.
3. Cabbage palm (Sabal palmetto), any size with an identifiable trunk at 4.5 feet off the ground will require replacement, if the overall density of trees on the lot is less than the minimum density factor for the site or if the palm is located within the national landmark "historic" district. For density factor calculations, each Cabbage palm with an identifiable trunk at 4.5 feet off the ground will count only as one (1) inch DBH, regardless of actual size, unless otherwise approved in writing by the tree inspector. Cabbage palms, with an identifiable trunk at four and a half (4.5) feet off the ground, within the historic district must be replaced on a one palm for one palm ratio regardless of the overall density of trees on the lot. Cabbage palms may only be used to replace other Cabbage palms.
4. Historic trees. Each Historic Tree permitted to be removed will require a one 2.5" DBH replacement with a native tree approved by the tree inspector.

5. Heritage trees. The property owner or lessee must attempt all practicable efforts to design around the tree in its existing location prior to being given permission for its removal. All heritage trees permitted to be removed will require a three-to-one (3:1) caliper inch replacement of same species, or as otherwise approved by the tree inspector.
  6. Prohibited trees. Trees listed in Section 21.B are prohibited and shall not be used for mitigation or otherwise planted.
  7. Tree sizes shall be measured in caliper inches according to the American Nursery Stock Standards (ANSS) and total number of inches (dbh) removed from site is measured at four and one-half (4½) feet above the ground.
  8. All replacement trees must be grade A quality with a dominant leader, dense foliage, and free from injury, pest, disease or nutritional disorders.
  9. All replacement trees must survive for at least five (5) years; otherwise, the replacement trees must be replaced at the owner's or lessee's expense.
- B. **Tree Mitigation Fund**. Owners and leaseholders who are granted a permit to remove a Protected Tree shall make every effort to mitigate for the loss of the tree by replanting replacement trees on their leased property.
1. If the property meets the minimum tree density factor and will not reasonably sustain the number of replacement trees needed to satisfy the entire mitigation requirement, a mitigation fee may be paid to the Jekyll Island Tree Mitigation Fund.
  2. Mitigation of tree removal through contribution to the Tree Mitigation Fund will not be considered until the minimum required tree density is satisfied on a lease property.
- C. **Combined Mitigation**. Mitigation of tree removal, when the minimum required tree density is maintained on a lease property, can be accomplished through contribution to the Jekyll Island Tree Mitigation Fund, or through replacement of trees as described above, or a combination of both.
- D. **Residential mitigation fee**. The mitigation fee to be paid for residential properties shall be determined by the following formula:
1. \$200.00, multiplied by the number of inches at dbh of tree to be removed.
  2. Heritage tree mitigation fees on residential properties will be \$600.00, multiplied by the number of inches at dbh of tree to be removed.
- E. **Commercial mitigation fee**. The mitigation fee to be paid for commercial properties shall be determined by the following formula:
1. \$400.00, multiplied by dbh of tree to be removed.

2. Heritage tree mitigation fees on commercial properties will be \$1,200.00 multiplied by dbh of tree to be removed.
- F. Funds from collected mitigation fees shall be expended only for the following purposes:
1. In support of planting live oaks or other native trees on public property within the state park. Such expenditures may include the cost of purchasing and planting trees, planting amendments, and the cost of watering and/or installing irrigation improvements.
  2. In support of the care, maintenance and preservation of existing native trees on public property. This may include the cost of fertilization, aeration of tree roots, pest prevention or treatment, and general tree structure maintenance such as dead wooding and pruning broken and structurally weak branches.
  3. In support of ecological restoration or enhancement activities that reestablish or create native plant communities consistent with priorities expressed in conservation planning documents approved by the Authority.
  4. The Authority shall prepare an annual report accounting for the balance in the tree mitigation fund and summarizing the funds use for the preceding year.

**Section 8: Standards for Tree Trimming and Pruning of Native Trees**

- A. All pruning must be performed to the pruning specifications as provided by the National Arborist Association (NAA) Pruning Standards for Native Trees.
- B. All branches that are removed shall have their finished cuts made immediately beyond the bark ridges, preserving the branch collar. Stub cuts cannot be made more than one (1) inch or more beyond the branch collar. Finish cuts must be made adjacent and not through the branch collar in order for the resulting tree wounds to heal properly.
- C. Pruning cuts that result in a one-third ( $1/3^{\text{rd}}$ ) reduction of the total biomass of a tree's canopy, or finish cuts that exceed one-half ( $1/2$ ) of the size of the diameter of the tree trunk or branch at the point in which the finish cut is made will require mitigation.
  1. For every caliper inch in width of the branch at the location of the final finish cut as defined by the National Arborists Association (NAA) Pruning Standards, each caliper inch shall be mitigated at a ratio of one-inch of replacement DBH for each two-inches of diameter cut, a 1:2 ratio.
  2. For Heritage Trees each caliper inch shall be mitigated at a ratio of three inches of replacement DBH for each two-inches of diameter cut, a 3:2 ratio.

3. If several tree limbs are removed, each cut will be assessed as a separate mitigation requirement.
  4. However, in no circumstance will the mitigation requirement exceed more than one-half (1/2) of the overall dbh of the tree.
- D. Creating stub cuts, random branch removal, and topping of native trees are prohibited. Because these practices defeat the primary aim of ensuring long-term tree health and create hazards, they are subject to the mitigation requirements set forth in this Article.
- E. Pruning and removal of trees in utility easements or rights of way shall be the minimum necessary to protect public safety and the property of the applicable utility company. Pruning shall be performed to the pruning specifications as provided by NAA Pruning Standards for Native Trees. All branches removed must be finish cuts or pruned back to the branch collar of the adjoining main branch or trunk of the tree. Cutting into the branch collar will not be permitted as the collar helps the tree heal after pruning. The applicable utility company shall notify the Authority to coordinate in advance of the time and location of any tree pruning or removal activities in rights-of-way easements prior to conducting such activities and regarding appropriate and acceptable operations including equipment limitations. Aerial, boom saws, or other mass trimming equipment is prohibited.

#### **Section 9: General Landscaping – Plant Materials and Design**

- A. Plantings listed in Section 21 and 22 are approved to be used for landscaping.
- B. Prohibited plantings listed in Sections 23 shall not be used for landscaping.
- C. Turf grasses shall be restricted to active-use areas such as golf courses or lawns.

#### **Section 10: General Landscaping – Upkeep and Maintenance**

- A. The built environment and designed landscapes, such as lawns, patio areas, and planting beds, within leased areas shall not be allowed to become overgrown giving the appearance of abandonment. All plantings shall appear as planned, intentional, and maintained including native and nonnative plant material.
- B. Any leaseholder may convert or maintain any area of a leased parcel to a managed natural landscape not to exceed 50% of the yard area within the lease, excluding preexisting wooded areas, provided that:
  1. Firewise® standards are followed.
  2. All herbaceous vegetation is cut back at least once annually to a height not to exceed 24 inches.
  3. The front door or entryway providing access to the front door of the primary structure remains visible from the street frontage.

4. All exterior property shall be maintained to avoid the appearance of abandonment of property.
  5. Exterior property shall be kept free from non-native rodent infestation. Where such infestation occurs it shall be promptly addressed by legal and humane means which shall not be injurious to human or non-target wildlife health. Anticoagulant rodenticides are strictly prohibited.
- C. Natural areas on leased property shall be maintained in accordance with priorities expressed in conservation planning documents approved by the Authority.
- D. Firewise<sup>®</sup> standards for landscaping should be followed as stated below:
1. Eliminate dead vegetation and other fire fuels within ten (10) feet of any structure on the property and from below decks and porches made of flammable materials. This includes clearing any dead wood or timber that could ignite or provide fuel for fire. Eliminating dead standing timber should be considered.
  2. Dispose of cuttings and debris properly.
  3. Maintain woodpiles at least ten (10) feet from the house.
  4. Trees overhanging structures should be kept free of dead material.

#### **Section 11: General Landscaping – Hardscape**

- A. All paving materials in developed areas are recommended to be pervious or designed to allow for the infiltration of stormwater between paved surfaces into the ground below, subject to approval by the Design Review Group.
- B. Connections to existing bike paths from development property shall be of a functionally and aesthetically compatible material to that of the existing bike path, unless otherwise approved by the Design Review Group.
- C. Construction of impervious surfaces shall not be permitted within the critical root zone of a protected, historic or heritage tree, unless special construction methods, including but not limited to tree feeders, porous paving materials and shell walks, are installed only upon advance approval, documented in writing, by the Authority's tree inspector.

#### **Section 12: General Landscaping – Walls and Fencing**

- A. Walls or Fencing shall not exceed a height of forty-two (42) inches from its base for front yard fences and shall not exceed a height of seventy-two (72) inches from its base for rear yard fences.
- B. Installation of any new wall or fencing bounding leased property shall only be permitted by written approval of the Authority.

- C. Chain link fencing bounding residential front yards will not be permitted.

**Section 13: General Landscaping – Lighting**

- A. Lighting installed on leased property shall be designed to prevent illumination of beaches, natural areas or adjacent properties. The Jekyll Island Beach Lighting Ordinance shall be strictly adhered to in all applicable situations and shall supersede the requirements in this Section, where there is a conflict.
- B. Site lighting throughout the island shall be kept to a minimum and used only to illuminate roads, pathways, signage, and buildings within developed areas.

**Section 14: Tree protection during new construction**

**A. Application and Scope.**

1. For new construction and related infrastructure including roads, parking areas, and utilities proposed to service new construction, a tree survey must first be conducted to identify all trees on the site. The tree survey must illustrate the location, species (differentiating among different species within a genus, i.e., laurel oak and live oak), health status, and size (dbh) of all trees exceeding four (4) inches dbh, and all live oaks exceeding two (2) inches dbh. Inventoried trees shall be tagged with a durable numbered tag that will remain affixed to the tree and readable throughout project construction.
2. For a property owner or lessee making an application for an addition to an existing building, the addition must follow the three-to-one (3:1) ratio rule as described within subsection (B)(1) below.
3. Encroachment of a building addition shall not be permitted within the critical root zone of a protected, historic or heritage tree, unless special construction methods, including but not limited to beam foundations, are used, and authorized by the Authority's tree inspector. The owner or lessee will bear full responsibility to any future damage the tree may cause such as cracking or foundation upheaval if it occurs.

**B. During Development.**

1. Protective barricades required. Protective barricades shall be placed around all Protected Trees prior to the commencement of any land disturbing activity and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt or other construction materials, debris, vehicles and development activities. Barricades shall be erected at a minimum distance from the base of Protected Trees according to the following standards:

- a) For Protected Trees the protective barricades must be placed according to the three-to-one (3:1) ratio rule. The radius of the protective barricades will be set at a minimum distance of one (1) foot for every three (3) inches of dbh, as measured from the outermost perimeter edge of tree's trunk, typically the root collar, or, where practicable, at the canopy drip line.
  - b) For Heritage Trees a semi-permanent protective barricade, such as chain-link, shall be required.
2. No encroachment of construction within the protective barricade. The area fenced off shall not be used as a storage or staging area in connection with the development. Changes in grade, land disturbance, or construction of impervious surfaces or utilities within the required protective barricade shall be subject to the following guidelines:
- a) Compaction of the soil within the protective barricade shall be avoided. No heavy equipment can be operated or parked within the protective barricade.
  - b) Any brush, earth and other debris to be removed from within the protective barricade shall be handled in a manner which prevents injury to the Protected Tree. Oil, gas, chemicals or other substances that may be harmful to trees shall not be stored within the protective barricade of any Protected Tree.
3. Trenching. The installation of utilities through the critical root zone shall occur by way of tunneling rather than trenching. If roots must be cut, proper root-pruning procedures must be employed. Wherever feasible, trenching shall occur in a radial direction to or from a tree in order to minimize damage to tree roots. In no circumstances will trenching be allowed within the critical root zone. Tunneling and selective excavation within this area may occur only upon advance approval, documented in writing, by the Authority's tree inspector.
4. Grade changes. Moderate fill shall not exceed six (6) inches within a critical root zone without the prior installation of an aeration system, which may be installed only upon advance approval, documented in writing, by the Authority's tree inspector.
5. Where the tree inspector determines that irreparable damage has occurred to trees within tree save areas, the trees must be removed and mitigated. Removal shall avoid causing additional damage within tree save areas.
6. Remedial procedures. Remedial site reclamation and tree care procedures shall be implemented in accordance with a notice of violation, issued by the

Authority, when encroachment within protective zones has caused damage to either a Protected Tree or its critical root zone.

### **Section 15: Submission of Site Plans**

- A. Where application for a building permit is submitted, a site plan for the development or improvement of any parcel of land shall be submitted to the Authority, if the building permit is for new construction or for construction outside of the current footprint of the existing structure. The site plans shall include a landscaping and tree protection plan to show the following information:
1. The building site;
  2. The buildable area;
  3. The yard areas;
  4. Proposed landscaping improvements or alterations, including plant species and layout to be used;
  5. Proposed hardscaping improvements or alterations, including materials to be used;
  6. Proposed improvements or alterations to walls and fencing, including materials to be used;
  7. Proposed improvements or alterations to outdoor lighting fixtures, including fixture types to be used;
  8. Proposed improvements or alterations to pedestrian bridges or boardwalks, including materials and design to be used;
  9. A registered survey of all existing trees, consistent with Section 14(A)1, with a dbh greater than four inches, and including Live Oaks with a dbh of two (2) inches or greater, and a calculation of the existing tree density;
  10. Identification of any historic trees;
  11. Identification of trees to be preserved within the buildable area and yard area with location for each to be shown with reasonable accuracy. If grading is proposed, the plan must show proposed contours;
  12. Location and material of tree protective barricades;
  13. A tree replacement schedule showing the location, species and size of any replacement trees to be planted;
  14. Specifications and/or provisions for maintenance and upkeep of trees upon completion of the project.

- B. No building permit shall be issued until the site plan has been reviewed and approved by the tree inspector. The inspector shall tentatively approve, approve with conditions, or disapprove the plan. If the plan is disapproved or approved with conditions, the reasons for such action shall be provided in writing. One copy of the reasons shall be retained by the Authority, and one copy given to the applicant. On conditional approval, the tree inspector may require the applicant to resubmit the plan with all recommended changes before granting final approval.

#### **Section 16: Relocation of Mature Trees**

- A. The relocation of a mature tree is a labor and cost-intensive undertaking that may fail even under the best of conditions. However, mature trees may be relocated, providing the relocation meets all of the following criteria:
  - 1. The property owner or lessee has made all reasonable efforts to design around the tree in the existing location;
  - 2. The tree is in good condition for relocation, to be determined by a licensed arborist or the Authority's tree inspector;
  - 3. There must be another suitable location for the tree on the leased property;
  - 4. The future location must not require removal of additional existing trees in good condition and/or healthy understory vegetation;
  - 5. Trees shall only be dug and moved between October 1 through June 1;
  - 6. The owner or lessee must employ an experienced tree moving company;
  - 7. The applicant must submit a detailed tree care plan including both pre-move and post-move care specifications to be approved by the tree inspector; and
  - 8. The owner or lessee is aware, that should the relocated tree die, mitigation planting will be required per Sections 6 and 7 above.

#### **Section 17: Violations and Penalties**

- A. Removal, destruction, or damage to any Protected Tree is considered a violation of this ordinance.
- B. Failure to install landscaping in accordance with the landscaping plan approved as part of a building permit is considered a violation of this ordinance.
- C. If the tree inspector finds that any of the provisions of this article are being violated, the Authority shall in writing notify the owner or lessee of the property and may also notify the landscaper or the general building contractor, if appropriate. Written notification shall indicate the nature of the violation and/or the action necessary to correct the violation.

- D. Failure to mitigate the removal of Protected Trees within twelve (12) months of the removal of trees shall be deemed as a violation of this ordinance. Each tree removed shall be identified as a separate offense.
- E. Any person who violates any of the provisions of this article, for each such violation, shall be subject to a fines and mitigation requirements. Repeated violations may result in land lease default. Each tree or branch removed or destroyed in violation of this article represents a separate offense.
  - i. Failure to obtain any required authorization shall result in a fine of \$500 for each violation.
  - ii. Failure to mitigate as required shall result in a fine not to exceed \$50.00 per day per mitigation requirement until mitigation is accomplished.
- F. Any owner, lessee, or any agent or representative thereof who commits, participates, or assists in such violation may each be found guilty of a separate offense and be subject to the penalties herein provided.

**Section 18: Appeals**

- A. In the event that an owner, applicant, or contractor alleges that there is error in any order, requirement, decision or determination made by the tree inspector in the enforcement of this article, an appeal must be submitted in writing to the Executive Director within thirty (30) days after the order, requirement, decision, or determination.
- B. As a condition to submission of any appeal, consistency with the objectives and general intent of the standards and faithful implementation of these regulations must be demonstrated by the applicant.
- C. In deliberating an appeal request, the Executive Director shall apply one or more of the following options:
  - 1. Make a finding and determination on the appeal request;
  - 2. Appoint an Ad-Hoc Appeals Committee with a meeting called by the Executive Director to hear, review and make recommendations on the appeal request.
    - a. The Appeals Committee shall consist of five (5) members appointed by the Board of Directors of the Jekyll Island Authority:
      - i. Two (2) residents of Jekyll Island;
      - ii. Two (2) staff members of the Authority; and
      - iii. The Executive Director of the Authority, who shall serve as Chair of the Committee.

- b. In considering the appeal, the Ad-Hoc Appeals Committee may recommend other mutually beneficial requirements in place of the requirement that is the subject of the appeal.
  - c. The Ad-Hoc Appeals Committee has the authority to recommend deviations from the requirements contained in these standards in appropriate circumstances, such as those that would create an unreasonable hardship or burden for the owner, applicant, contractor, tenant or resident.
3. Refer the appeal request to the Board of Directors for final decision.

**Section 19: Reserved**