

**TOWN OF WRIGHTSVILLE BEACH**  
**APPLICATION FOR TREE ALTERATION/REMOVAL PERMIT (TP-14)**

Any change or changes in development, construction, or land use activities differing from those represented in this application and/or accompanying plans will require a re-evaluation and modification of this permit. Applicants, property owners, authorized agents and/or contractors are responsible for compliance with any and all permit conditions and with all Town of Wrightsville Beach Ordinances.

**PROPERTY OWNER:** \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

LOCATION OF TREE (ADDRESS): \_\_\_\_\_

OWNER PHONE: (        ) \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

UNIT TYPE:                    ( ) MULTI-FAMILY            ( ) DUPLEX                    ( ) SINGLE FAMILY DWELLING

STRUCTURE USE:            ( ) RESIDENTIAL            ( ) COMMERCIAL            ( ) GOVERNMENT

**CONTRACTOR NAME:** \_\_\_\_\_

CONTRACTOR ADDRESS: \_\_\_\_\_ ZIP \_\_\_\_\_

CONTRACTOR PHONE: (        ) \_\_\_\_\_ FAX: \_\_\_\_\_

STATE LICENSE NO. \_\_\_\_\_ EXP. \_\_\_\_\_

**PRINT APPLICANT NAME:** \_\_\_\_\_

**APPLICANT SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Site Plan / Mitigation Plan shall include:**

- 1) Plan showing parcel boundaries, setbacks, location and dimensions of existing/proposed structures as they apply to tree removal
- 2) The common names, sizes (including DBH) and locations of all protected trees on the site, designating the trees which are to be respectfully retained, removed, relocated or replaced. Trees proposed for removal shall be marked with an "X" through the tree symbol on the site plan. Note: Diameter Breast Height (DBH) = tree circumference divided by pi (3.14159), circumference shall be measured 4'6" above grade.
- 3) The location and type of trees that will be planted after development or construction and the time frame for completion of such planting.
- 4) Date, including the month, day and year, that the original drawing was completed and the date for each revision to the original drawing.

*\*This list is not all-inclusive the Code Enforcement Officer or Building Inspector may ask for further information upon plan review.*

**FOR OFFICE USE ONLY**

<b>CONDITIONS :</b>	<b>ZONING PERMIT #</b>

Permit Fee \$50 **PAID(    )**

**RECEIVED COMPLETE BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

- [    ] Site Plan / Survey  
 [    ] Mitigation Plan for tree replacement

**ZONING AUTHORIZATION BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. (2007) 1556

Board of Aldermen  
Town of Wrightsville Beach, North Carolina  
Date: October 11, 2007

AN ORDINANCE OF THE BOARD OF ALDERMEN OF  
THE TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA  
ADOPTING A TREE PRESERVATION ORDINANCE

The Board of Aldermen of the Town of Wrightsville Beach, North Carolina, doth ordain:

1. That the Code of Ordinances, Town of Wrightsville Beach, is hereby amended by adding new sections to be numbered § 153.03 through 153.09 which new sections read as follows and by deleting existing § 153.99 and replacing it with new § 153.99 which reads as follows:

TREE PRESERVATION ORDINANCE

§ 153.03 PURPOSE.

(A) The purpose of the tree preservation ordinance is to protect important trees located at Wrightsville Beach, to provide wildlife habitat, to provide stabilization of sand and soil, and to provide a vital link in natural stormwater management through absorption. Trees act as a filter helpful to maintaining the health and quality of waters.

(B) The objectives of the ordinance are as follows;

- (1) Maintain and enhance property values.
- (2) Preserve and enhance the visual appearance of the Town of Wrightsville Beach.
- (3) Preserve unique and productive coastal habitats.
- (4) Reduce impacts of development on the Town's stormwater system.
- (5) Assist the Town in preserving and enhancing the quality of its estuarine waters.
- (6) Increase tree canopy.

§ 153.04 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning:

Damaged trees: Trees with structural defects are considered to be damaged. Some indicators of damaged trees are:

- (A) Dead tree. If more than 50% of the major limbs are dead or dying and the tree is in a declining state, it shall be removed.

all other acts that cause the death or destruction of any protected tree.

Replacement tree: A tree replanted and surviving for at least one year to compensate for the removal of a tree of greater diameter. Replacement trees shall have a DBH of at least three inches when planted.

Root Protection Zone: The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid in the tree's survival.

Specimen tree: Any heritage tree, such as a live oak or eastern red cedar, which usually has one main stem or trunk and a DBH measurement of at least twenty inches (20").

Threatened Trees: Those trees that may have a problem in later years if left in their current state and are not cared for properly. These are trees which exhibit:

(A) *Stunted growth.* Small distorted leaves and twigs.

(B) *Leaf color.* Abnormal leaf color is an indicator of a problem. Fertilization is usually necessary to correct this problem unless it is a drainage problem.

(C) *Insects and disease.* Leaves, twigs and roots can be affected by insects and diseases. Diagnosis and treatments should be provided by a tree care professional.

(D) *Bark.* Peeling bark is an indicator of damage be it either mechanical, fungal or cold related.

(E) *Excessive cut or fill.* Both are equally damaging and should be evaluated thoroughly. Exposing the root flare to the air or covering the trunk with soil are both detrimental.

Tree protection fence: Any fence material at least three feet in height with integrity to survive the period of construction.

Tree protection plan: An informal tree protection and mitigation plan submitted to the Department of Planning and Parks staff to seek approval for removal of protected trees. The plan is a rough drawing that shows the site information specified in §. 153.06. Tree heights may be estimated on the plan.

#### § 153.05. TREE PROTECTION PERMIT REQUIRED.

(A) No protected tree shall be removed or be caused to be removed, through injury or damage, from public or private property without first obtaining and having an approved tree removal permit. Removal of any protected tree is prohibited except in accordance with an approved tree protection plan. The following tree removal activities may be undertaken without an approved tree protection plan and that is consistent with good horticultural practices:

(1) Clearing or maintenance of Town rights-of-way.

(4) The common names, sizes and location of all protected trees on the site, designating the trees which are respectfully to be retained, removed, relocated, or replaced. Trees proposed for removal shall be marked with an "X" through the tree symbol in the document. Trees not marked shall be conserved.

(5) The location and type of trees that will be planted after development or construction and the time frame for completion of such planting.

(B) The Director of Planning and Parks or his/her designee will review the tree protection plan according to the requirements in the Tree Preservation Ordinance.

§ 153.07 STANDARDS FOR PLAN APPROVAL, OR DENIAL.

Protected trees are to be retained and protected to the maximum extent feasible. The Director of Planning and Parks or his/her designee shall issue or deny a Tree Permit within five (5) business days of receiving application for such. No permit shall be issued for the removal of protected trees unless one of the following conditions exists:

(A) The tree is located in the buildable area of a yard area where a structure or improvements may be placed and it unreasonably restricts the permitted use of the property and such trees cannot reasonably be relocated elsewhere on the property. Necessity to remove trees in order to construct proposed improvements as a result of the following:

(1) Need for access to the building site for construction equipment,

(2) Essential grade changes for surface water drainage and utility installations,

(3) Location of proposed structure and required driveway(s), and

(4) Location of proposed parking spaces and associated circulation required to be installed by the Zoning Ordinance.

(B) The tree cannot be relocated on or off the site because of the age, type or size of the tree.

(C) The tree is diseased, injured, in danger of falling, too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations.

(D) Where tree removal is consistent with an approved subdivision plat or site plan.

(E) It is in the welfare of the general public that the tree be removed for a reason other than set forth above.

(F) If a plan is approved that allows the removal of protected trees, the approval shall be conditioned upon compliance with a mitigation plan meeting the standards of the mitigation policy in § 153.09.

(A) All protected trees removed shall be replaced in accordance with the following criteria:

(1) All trees required by the Landscape Ordinance, all trees on Town-owned property and other protected trees, excluding specimen trees, shall be replaced in a one-to-one ratio with trees that at maturity will be of comparable DBH and height of the tree removed. All replacement trees shall have a DBH of at least three inches when planted.

(2) Specimen trees shall be replaced on a two-to-one ratio with trees of the same species. All replacement trees shall have a DBH of at least three inches when planted.

(3) All mitigation shall occur on the property where the tree was removed. Mitigation in connection with construction shall be completed prior to issuance of a certificate of occupancy.

(B) Tree loss mitigation shall not take effect when a tree removed is that lost to natural causes, such as age, disease, or storm, or other causes beyond the control of the landowner and property developer, such as a car crash or fire for which no party is found responsible. Tree loss mitigation shall take effect for all other trees allowed to be removed by permit from the Code Enforcement Officer or by variance from the Board of Adjustment as well as for those trees altered or removed in violation of this chapter.

(C) A developer or property owner may be excused from the requirement to install new required trees that would cause the lot in question to contain more than five (5) total protected trees, to include new and existing trees, if the Code Enforcement Officer determines that the size of a given property and presence of existing vegetation is such that the introduction of a significant number of new trees may be detrimental to both existing vegetation and proposed trees. The decision of the Code Enforcement Officer in such matter shall be final.

#### § 153.10 APPEALS AND VARIANCES.

(A) Any applicant dissatisfied with a decision of the Director of Planning and Parks or his or her designee may appeal such decision to the Board of Adjustment by delivering written notice of appeal to the Town Manager within 10 days of receipt of the written decision of the Director of Planning and Parks or his or her designee. The decision of the Board of Adjustment in this matter shall be final.

(B) Should the provisions of this chapter create an undue hardship, a request for variance shall describe in detail why a variance is sought and what alternative tree preservation measures will be employed. The Board of Adjustment shall render a decision on the request.

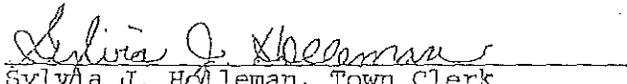
4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Wrightsville Beach, North Carolina, and shall be in full force and effect from and after its adoption.

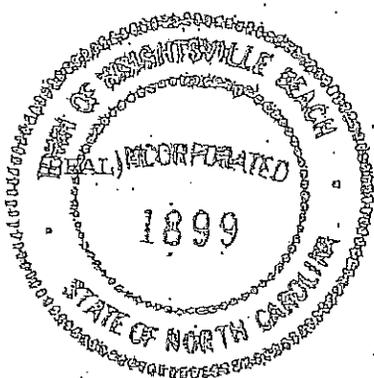
This Ordinance adopted this <sup>11<sup>th</sup></sup> ~~27<sup>th</sup>~~ day of <sup>October</sup> ~~September~~, 2007.

54

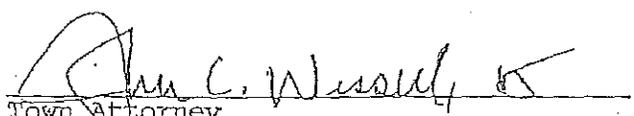
  
Robert A. O'Quinn, Mayor

ATTEST:

  
Sylvia J. Hilleman, Town Clerk



APPROVED AS TO FORM:

  
Town Attorney