

**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	<b>PAID(    )</b>
<b>RECEIVED COMPLETE BY:</b> _____	<b>DATE:</b> _____
<input type="checkbox"/> Site Plan / Survey <input type="checkbox"/> Mitigation Plan for tree replacement	
<b>ZONING AUTHORIZATION BY:</b> _____	<b>DATE:</b> _____

## **Section 155.9.23 Tree Preservation.**

### *(A) Purpose.*

(1) The purpose of this section 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 storm water management through absorption. Trees act as a filter helpful to maintaining the health and quality of waters.

(2) The objectives of this section are as follows:

- (a) Maintain and enhance property values;
- (b) Preserve and enhance the visual appearance of the Town of Wrightsville Beach;
- (c) Preserve unique and productive coastal habitats;
- (d) Reduce impacts of development on the town's storm water system;
- (e) Assist the town in preserving and enhancing the quality of its estuarine waters; and
- (f) Increase tree canopy.

### *(B) Tree Protection Permit Required.*

(1) 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:

- (a) Clearing or maintenance of town rights-of-way.
- (b) Clearing or maintenance required by the town in accordance with Section 2.6 (Site Visibility Triangle).
- (c) Emergencies. During the period of an emergency such as a hurricane, tropical storm, flood, ice storm or any other act of nature that causes damage to a tree such that it imperils life, property, or other trees.
- (d) A permit shall not be required in order to remove minor tree limbs or to do other minor pruning.
- (e) Hazardous trees. In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, verbal authorization may be

given by the Planning and Inspections Department and the trees removed without obtaining a written permit as herein required.

(2) Public utilities removing trees or cutting trees in conjunction with construction, maintenance or repair of utility lines shall be subject to the following requirements:

(a) A public utility shall submit a tree protection plan and shall acquire a tree protection permit before removing any protected tree within a utility easement or right-of-way. There shall be no charge for such permit.

(b) A public utility shall submit a tree protection plan and shall acquire a tree protection permit before undertaking any tree trimming or pruning activities in connection with the construction, maintenance or repair of utility lines within a utility easement or right-of-way. There shall be no charge for such permit.

(C) *Tree Protection Permit Application and Procedure.* A tree removal application and tree protection plan must be filed with the town and approved by the UDO Administrator or their designee prior to protected tree removal. Requests for multiple tree removal shall be specified on the application. A permit will be issued for any approved plan. The fee for submission of a plan is set forth in the schedule of fees.

(1) Tree protection plans submitted in connection with applications for permits for the removal, relocation or replacement of trees shall include the following information and details which shall be summarized on the plan:

(a) Name of property owner.

(b) Date, including the month, day, and year that the original drawing was completed and the month, day, and year for each revision to the original drawing.

(c) Location of all existing or proposed structures, improvements and site uses, property dimensions and referenced property lines, setback and yard requirements as they apply to tree removal.

(d) 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.

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

(2) The UDO Administrator or his or her designee will review the tree protection plan according to the requirements in this section.

(D) *Standards for Plan Approval or Denial.* Protected trees are to be retained and protected to the maximum extent feasible. The UDO Administrator or his or her designee shall issue or deny a tree permit within five 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:

(1) 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:

- (a) Need for access to the building site for construction equipment;
- (b) Essential grade changes for surface water drainage and utility installations;
- (c) Location of proposed structure and required driveway(s); and
- (d) Location of proposed parking spaces and associated circulation required to be installed by [Article 155.9](#), Part I.

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

(3) 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.

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

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

(6) 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 subsection [155.9.23\(F\)](#).

(E) *Tree Protection During Construction.* Tree preservation is a pre-planning activity and will be thoroughly considered prior to development of engineering and/or architectural plans and prior to initiation of construction projects. Protected trees shall be guarded during development against the following:

- (1) Unnecessary cutting, breaking or skinning of roots.
- (2) Skinning and bruising of bark.
- (3) Excessive vehicular and foot traffic within drip lines.
- (4) Parking vehicles within drip lines.

(5) During the land clearing and construction stage of development, the developer shall erect and maintain protective barriers (to the Building Inspector's specifications consistent with good management practices) around all trees or groups of trees to

be protected. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the protective barrier.

(6) During the construction stage of development, the developer shall not allow the cleaning of equipment or material within the drip line of any tree or groups of trees to be protected. Neither shall the developer allow the disposal of waste materials such as paint, oil solvents, asphalt, concrete, mortar and so on within the drip line of any tree or groups of trees.

(7) No attachments or wires other than those of a protective nature shall be attached to any tree.

(8) Soil disturbances within the drip line of a protected tree shall be limited to two inches in depth removed or two inches in depth added. Any soil added under the drip line of the tree shall be a loamy soil mix to ensure minimal compaction.

(9) During land clearing and construction stage of development, the UDO Administrator shall periodically inspect the site to insure compliance with the provisions of this section.

(10) Tree location and replacement activity permitted or required under this section shall be done in accordance with standard forestry practices and procedures, and all such plantings shall be reasonably maintained and attended to promote successful establishment thereof.

(F) *Tree Loss Mitigation Policy.* To offset negative impacts to natural environment, aesthetics, and property values of Wrightsville Beach and to uphold the intent of this section, the following tree replacement schedule shall be followed, which shall be in addition to any and all fees and/or fines paid or incurred by a party that removes or alters a tree, the effect of which is to eliminate it.

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

(a) All trees required by this section, 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.

(b) 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.

(c) 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.

(2) 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 UDO Administrator or by variance from the Board of Adjustment as well as for those trees altered or removed in violation of this section.

(3) 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 total protected trees, to include new and existing trees, if the UDO Administrator 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 UDO Administrator in such matter shall be final.

(G) *Penalties.*

(1) Any person who violates the provisions of [Article 155.9](#), Section 9.23, Tree Preservation, shall be deemed guilty of a misdemeanor or infraction punishable as provided in NCGS 14-4 and shall be subject to a maximum fine upon conviction of up to \$2,500. Additionally, conviction thereof shall be grounds for the revocation or suspension of any permit granted for the construction or remodeling of any building or structure on the site so involved.

(2) The violation of the provisions of [Article 155.9](#), Section [155.9.23](#), Tree Preservation, shall subject the offender to a civil penalty for each violation as follows:

(a) The removal of each protected tree, excluding specimen trees, without first obtaining an approved tree removal permit, shall subject the offender to a civil penalty in the amount of \$500.

(b) The removal of each specimen tree without first obtaining an approved tree removal permit shall subject the offender to a civil penalty in the amount of \$1,000.

(c) The violation of any other provision of [Article 155.9](#), Section [155.9.23](#), Tree Preservation, shall subject the offender to a civil penalty of \$50 for each violation.

(d) Each day that a violation of [Article 155.9](#), Section [155.9.23](#), Tree Preservation, as described in subsection (G)(2)(c) above continues shall constitute a separate and distinct offense and shall be subject to a fine of \$50 per day.

(3) No building permit or certificate of occupancy shall be issued for any improvements upon a property where the provisions of [Article 155.9](#), Section [155.9.23](#), Tree Preservation, have not been complied with. A stop work order shall be issued until violations of the provisions of [Article 155.9](#),

Section [155.9.23](#), Tree Preservation, are corrected and until all fines and penalties are paid.

(4) The UDO Administrator may defer any civil penalty levied under the provisions of [Article 155.9](#), Section [155.9.23](#), Tree Preservation, if the offender obtains an approved tree permit and if the offender replants the disturbed area in accordance with an approved tree protection plan meeting the requirements of [Article 155.9](#), Section [155.9.23](#), Tree Preservation.

(5) Damages to protected trees shall be repaired to the maximum extent possible. Each tree removed, destroyed, or damaged in violation of [Article 155.9](#), Section [155.9.23](#), Tree Preservation, shall be considered a separate offense.

(Ord. 1695, passed 11-8-12)

**Section 155.9.24 Recommended Plant List.**

The following is a recommended plant list to be utilized in the preparation of Landscape Plans to meet vegetation requirements. NOTE: Native vegetation is preferred. Plants not listed may be accepted by the UDO Administrator if they meet the standards defined by this section. Some plants are listed under multiple categories as many of these plants are offered in numerous varieties. Mature height and spread of each plant is contingent on the variety. It is highly recommended that Landscape Plans be prepared by or in consultation with a Registered Landscape Architect or qualified landscape design professional.

Key:

E = EVERGREEN N = NATIVE

D = DROUGHT TOLERANT

S = SALT TOLERANT (MODERATE TO HIGH)

Botanical Name	Common Name	
<b>Shade Tree</b> - installed at 12-14 foot height and 2-inch caliper, mature height greater than 30 feet		
Fagus grandifolia	American Beech	N
Ginkgo biloba (male only)	Ginkgo	D, S
Gleditsia tricanthos inermis	Thornless Honeylocust	N, S
Liquidambar styraciflua	American Sweetgum	N, D
Magnolia grandiflora	Southern Magnolia	E, N, D, S
Nyssa sylvatica	Black Gum	N, S
Quercus nigra	Water Oak	N, D, S
Quercus shumardii	Shumard Oak	N, D, S

Quercus phellos	Willow Oak	N, D, S
Quercus virginiana	Live Oak	E, N, D, S
Taxodium distichum	Bald Cypress	N, D
Ulmus parvifolia	Lacebark Elm	D, S

<b>Small Tree</b> - installed at 8-10 foot height and 1-inch caliper, mature height less than 30 feet		
Acer buergerianum	Trident Maple	D, S
Amelanchier canadensis	Shadblow Serviceberry	N
Cercis canadensis	Eastern Redbud	N, D
Cornus florida	Dogwood	N
Fraxinus americana	White Ash	N
Ilex cassine	Dahoon Holly	E, S
Ilex latifolia	Lusterleaf Holly	E, D
Ilex opaca	American Holly	E, N, D,
Ilex vomitoria	Yaupon Holly	E, N, D,
Ilex x attenuate 'Fosters'	Foster's Holly	E, D, S
Ilex x 'Nellie Stevens'	Nellie Stevens Holly	E, D
Koelreuteria paniculata	Goldenraintree	D
Lagerstromia	Crapemyrtle	D, S
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	E, N, D,
Magnolia virginiana	Sweetbay Magnolia	N
Magnolia x souangiana	Saucer Magnolia	D
Osmanthus americanus	Devilwood	E, N, S
Oxydendrum arboretum	Sourwood	N, S
Persea borbonia	Redbay	E, N, S
Prunus caroliniana	Carolina Cherrylaurel	E, D, S
Quercus geminate	Sand Live Oak	E, N, S
Vitex angus-castus	Chastetree	D, S
Ilex cornuta	Holly	E, D, S
Ilex vomitoria	Yaupon Holly	E, N, D,
Ligustrum japonicum	Wax Leaf Privet	E, D, S
Ligustrum lucidum	Glossy Privet	E, D
Mahonia bealei	Leatherleaf Mahonia	E
Myrica cerifera	Southern Waxmyrtle	E, N, D,



Nerium oleander	Oleander	E, S
Osmanthus x fortunei	Fortunes Osmanthus	E, D
Photina serulata	Chinese Photina	E
Pittosporum tobira	Japanese Pittosporum	E, D, S
Podocarpus macrophyllus	Chinese Podocarpus	E, D, S
Raphiolepis umbellata	Indian Hawthorn	E, S

<b>Intermediate Shrub</b> - installed at 36-inch height, maintained height at 4-6 feet		
Abelia x grandiflora	Glossy Abelia	E, D
Acuba japonica	Japanese Acuba	E, D, S
Clethera alnifolia	Sweet Pepperbush	N, S
Hydrangea macrophylla	Bigleaf Hydrangea	D, S
Ilex cornuta	Chinese Holly	E, D, S
Ilex crenata	Japanese Holly	E, D, S
Ilex glabra	Inkberry Holly	E, N, D
Juinperus chinensis	Chinese Juniper	E
Loropetalum chinensis	Chinese Fringe-Flower	E
Nerium oleander	Oleander	E
Raphiolepis indica	Indian Hawthorn	E, S
Sabal minor	Dwarf Pаметto	E, N, D
Viburnum suspensum	Sandwanka Viburnum	E, S
Yucca filamentosa	Yucca	E, N, D, S

<b>Small Shrub</b> - installed at 18-inch height, maintained height at 3-4 feet		
Abelia x grandiflora (dwarf var.)	Glossy Abelia	E, D
Acuba japonica (dwarf var.)	Japanese Acuba	E, D
Berberis thunbergii	Japanese Barberry	D
Buxus microphylla var. koreana	Korean Boxwood	E, D
Euonymus japonicus 'Microphyllus Variegatus'	Var. Boxleaf Euonymus	E
Gardenia jasminoides 'Radicans'	Cape Jasmine	E, D
Ilex crenata 'Soft Touch'	Japanese Holly	E, D, S
Ilex cornuta 'Carissa'	Carissa Holly	E, D, S
Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	E, N, D, S
Itea virginica	Virginia Sweetspire	N, D

Jasminium nudiflorum	Winter Jasmine	E, D
Juniperus chinensis	Chinese Juniper	E, S
Nandina domestica	Dwarf Nandina	E, D
Pieris japonica	Japanese Pieris	E
Pittosporum tobira	Japanese Pittosporum	E, S
Raphiolepis indica	Indian Hawthorn	E, D, S
Spirea japonica	Japanese Spirea	D
Spirea nipponica	Snowmound Spirea	D
Yucca filamentosa	Yucca	E, N, D, S

### **Section A.3 Definitions.**

#### ***Heritage Species***

Any live oak tree or eastern red cedar tree.

#### ***Protected Trees***

The following shall be considered protected trees and shall be subject to the provisions of this Ordinance.

(1) Trees planted or retained in order to meet the requirements of Article 9, Part III;  
or

(2) Any heritage tree having a DBH measurement of at least eight inches on town-owned property, any public right-of-way, or private property.

#### ***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 20 inches.