

Destin Tree Preservation and Protection Regulations Outline

Sec. 1.1 – Title: *Destin Tree Preservation and Protection Regulations*

Sec. 1.2 - Declaration of legislative intent and public policy

Sec. 1.3 – The following words, terms and phrases, when used in the article, shall have the meanings ascribed to them in this article except where the context clearly indicates a different meaning

Sec. 1.4 – Exemptions

- a. Regulations apply to all real property within Destin city limits subject to following exemptions:
1. Owner-occupied single family lot (except for Specimen, Grand or Historic trees and if tree density requirements are met)
 2. Commercial timber operations
 3. Wetlands mitigation
 4. Commercial tree operation exemption
 5. Agricultural exemption
 6. Airports
 7. Utility companies, electric suppliers and governmental agencies (so long as there is a feasible, design plan with the City which identifies saving of Grand trees and minimize trimming and substantial interference with trees, and recognizes, if plan not followed, it creates violation of this ordinance)
 8. Does not prevent ordinary pruning and maintenance of tree, or trimming, cutting, removal of safety hazard

Sec. 1.5 – Tree removal restrictions

- a. No person, organization, society, association or corporation shall cut, damage or cause to damage, destroy or remove any protected tree
- b. When exemption from subsection (a) is claimed, applicant must apply for permit and provide supporting evidence:
1. Any tree on individual, single family dwelling provided not Specimen, Grand or Historic tree and does not reduce tree density requirements
 2. Any tree of palm family, other than Cabbage Palm (Sabal Palmetto), or pine family, other than Longleaf Pine
 3. Any tree located in gardens, nurseries, groves for sale or public purpose
 4. Any tree posing imminent danger
 5. Any tree in city drainage easement, right of way
 6. Any tree located in street right of way, easement from approved final construction plan
 7. Nuisance, invasive trees
 8. Any tree located on individual cemetery plot
 9. Any tree danger to traffic flow or traffic site visibility
 10. Any tree determined to be in a fire break

- c. During emergencies such as hurricane requirements may be temporarily waived
- d. Except authorized by state fire official, no person, firm, etc., shall incinerate, burn trees, brush or other vegetation
- e. This Section shall not apply to agricultural land

Sec. 1.6 – Permit procedure and criteria for tree removal, relocation and replacement of protected trees

- a. Permits for site clearing, removal, relocation shall be obtained; applications shall include:
 - 1. Site plan clearly illustrating requirements of this section
 - 2. Statement explaining why protected trees must be removed/relocated
- b. Applications shall be reviewed by City within 10 to 20 working days, depending if study should be made of the plan
- c. Any person, organization, society, etc., must obtain a permit
- d. Any department, division or agency of City may obtain annual permit to trim or remove protected trees for maintenance purposes
- e. Approval or denial of an application shall be based on:
 - 1. Extent removal decreases environmental quality, values
 - 2. Necessity to remove trees posing hazard to pedestrians
 - 3. Necessity to remove trees which pose safety hazard to buildings
 - 4. Necessity to remove diseased trees, weakened by age, weather, acts of God
 - 5. Extent removal results in damage to property of other owners
 - 6. Proposed landscaping, including plans applicant has for planting
 - 7. Topography, effect of removal on erosion, soil retention
 - 8. Necessity to remove trees to allow access for construction equipment or essential grade changes
 - 9. Land use and natural vegetative ground coverage of surrounding property
 - 10. Extent of damage, hardship to applicant resulting from denial of request
 - 11. Species and size of tree proposed for removal
 - 12. Whether tree is Grand, Historic, and necessity to remove tree
 - 13. Whether tree is located within scenic, historic corridor
- f. Relocation of trees shall be in accordance with accepted industry practices
- g. Protected trees identified for removal shall be replaced with new planted trees, unprotected trees or transplanted trees

Additionally, the following shall apply:

- 1. No replacement will be required for protected trees that are dead or damaged, an exemption requires:
 - (a) Sufficient documentation
 - (b) Verification of dead or deteriorated status
 - (c) Evaluation of tree based on current site conditions and viability
- 2. Replacement trees shall meet minimum standards established by Section 1.7 Standards for Replacement Trees

3. Existing trees two-inch caliper or greater, not protected but are preserved may satisfy tree replacement requirements
4. New protected or non-protected trees used as replacement for removed, protected trees or protected live oaks shall be four-inch caliper or greater
5. Existing protected trees marked for removal from development may satisfy replacement requirements if transplanted to location on site, meeting requirements
6. If tree removal is associated with new development, all tree information shall be shown on submitted plan and subject to inspection
7. Non-protected trees, transplanted trees, new trees used for replacement become protected trees
8. Replacement trees maintained pursuant to the requirements of Section 1.8
9. Replacement trees shall be 10 feet from other trees
10. Replacement trees shall be suitable to the planting site
11. Replacement trees larger than 11.5" DBH shall be shade trees
12. Applicant may provide monetary contribution to Tree Protection and Related Expenses Trust Fund if cannot accommodate total number of required replacement trees on the site
13. Applicant may provide mitigation at off-site locations as alternative to monetary contribution if:
 - (a) Alternative site within City and owned, leased by applicant or government
 - (b) The alternative site is approved by City as good survival location for trees
14. If applicant chooses alternative site, must submit plans for City approval

Sec. 1.7 – Standards for replacement trees

a. General criteria for replacement trees:

1. Shade trees shall be species having average mature crown (top part of tree which features branches, leaves and reproductive structures extending from the trunk) no less than 30 feet
2. Palm trees shall be minimum clear trunk height of eight feet, measured from ground level to base of fronds (clear trunk (C.T.) is a measurement from the base of the live fronds to ground level)

Sec. 1.8 – Maintenance of replacement trees

- a. Tree pruning requirements
- b. Protection of replacement trees

Sec. 1.9 – Credit for existing trees

Requirements of Section may be satisfied by preserving existing trees provided all requirements are met:

- a. Existing trees may be used subject to following:
 1. Area within drip line shall be preserved or covered with landscape material of one foot diameter trees
 2. The trees shall not be damaged from skinning, barking, bumping

3. Trees are healthy
 4. Trees in existing hammock, a dense stand of broad-leafed trees, may be used to satisfy any requirement for trees
 5. If City determines requirements have not been met, tree may be used if certified by proper authorities as having good chance of survival
- b. Within a year of construction completion if trees are dead or damaged, tree shall be replaced with a tree as originally would have been required

Sec. 1.10 – Landscape plan requirements as to trees

Prior to the issuance of any building or paving permit, a landscape plan shall be filed, reviewed and approved by the City

Sec. 1.11 – Tree protection during development

All protected trees shall be protected from injury during any land clearing or construction:

- a. Prior to land clearing, interfering tree limbs shall be removed and barriers installed around all trees
- b. No materials, trailers, equipment or chemicals shall be placed or used in protected areas
- c. National guidelines will be used when removing branches from protected trees

Sec. 1.12 – Tree protective barriers required

- a. Tree protective barriers during development activities shall follow these standards:
 1. Protective barricade requirements for tree 23” or less DBH
 2. Protective barricade requirements for tree greater than 23” DBH
- b. Construction within the protective barricade
 1. Changes in grade or construction within protected zones must be approved by City
 2. A minimum setback will be determined by using following guidelines:
 - (a) Eight to 16” DBH, eight feet clearance
 - (b) Seventeen to 23” DBH, 10 feet clearance
 - (c) Grand, Historic trees, 12 feet required plus additional one-foot clearance for every three inches DBH over 24”
 - (d) All roots outside protective barricade to be removed during development shall be severed clean and two-inch layer of mulch applied
 - (e) All pruning of protected trees during approved development shall be done by qualified tree service
 - (f) Requirements may be waived by City where barrier would intrude over sidewalk or impervious surface

Sec. 1.13 – Minimum tree density requirements

All sites within the City shall maintain minimum tree density of 20 units, a unit is an expression of basal area determined by a standardized formula and illustrated in Section 1.13.

Sec. 1.14 – Establishment and uses of Destin’s Tree Protection and Related Expenses Trust Fund

- a. The City tree commission shall establish tree trust fund
- b. Uses of tree trust fund
- c. All persons, developers, etc., may choose to contribute to the fund for replacement value of trees removed in excess of trees replaced
- d. The Trust Fund shall be used for management and protection of City’s trees only, not for other City use.

Sec. 1.15 – Visual clearance along rights of way and sight triangles at intersections

- a. Following areas are designed to allow visibility between three and nine feet above grade:
 - 1. At the intersection of two public rights of way
 - 2. At the intersection of private driveway and public right of way
 - 3. Unusual topography of traffic patterns may need additional visibility requirements

Sec. 1.16 – Violations of the tree protection standards of this section are subject to mitigation and fines

- a. Failure to install or maintain tree protection barricades per approved plans will be fined
- b. Failure to obtain City permit before removing protected tree will be fined
- c. Damage to protected tree by topping, “hat racking”, or extreme pruning will be fined
- d. Substantial injury or destruction of protected tree will be fined

Sec. 1.17 – City of Destin utility clauses

- a. Utility companies, electric suppliers and governmental agencies standards and exemptions
- b. Utility line restriction
- c. Existing utility easements
- d. Standards and permitting for protected tree pruning and removal as necessary to maintain utility lines, shall be obtained by application to City
- e. Development activity in a conservation or preservation area
- f. Minimizing removal of protected trees

Sec. 1.18 – Contractor requirements

- a. Contractor registration required for all companies performing tree care services
- b. Contractors annual registration fee required
- c. Contractors/or property owners permitting required
- d. Contractors required to provide general liability insurance
- e. Contractors required to provide worker’s compensation coverage
- f. Contractors provide signed document adhering to City’s Tree Preservation and Protection Regulations
- g. Contractors provide signed form adhering to OSHA requirements
- h. Contractors show proof of maintaining traffic training through State of Florida