



Mayor Brandon Van Hook

ORDINANCE 2023-46

AMENDING THE CITY OF SEMMES, ALABAMA TREE AND NATURAL FEATURE PRESERVATION AND RESTORATION (Ordinance 2015-04)

Section 01 - Title

This article shall be known as and called the "City of Semmes, Alabama Tree and Natural Feature Preservation and Restoration Ordinance."

Section 02 - Jurisdiction

The provisions of this article shall apply to all lands within the corporate limits of Semmes.

Section 03 - Purpose

The purpose of this article is to establish minimum standards for protection and restoration of trees and natural features on disturbed land. Trees provide the City of Semmes with aesthetic value, historical value, increased environmental quality, and increased land values. The objectives of this article are to maintain the current canopy coverage by trees within the City of Semmes and its and to maintain the preserved greenspace areas.

This article does not restrict landowners from cutting trees on their property due to death of trees, disease, or over-crowding.

Section 04 - Exemptions

The following are exempted from compliance with the tree and landscape provisions of these regulations.

- (1) Utility easements for power lines, pipelines, drainage ditches, etc.
- (2) Land currently used for agricultural purposes for the duration of such use

provided that property changed to a purpose other than agriculture shall be subject to the provisions of these regulations.

(3) Trees grown specifically for sale by commercial nurseries or the production of lumber and its byproducts. Buildings and associated parking facilities for these types of operations are not exempt from these requirements. This exclusion does not exempt trees cut and sold for timber in anticipation for development.

(4) Public utility construction activities within the public rights-of-way.

(5) Trees irreversibly damaged or destroyed by natural disaster

Section 05 - Definitions

For the purposes of these regulations, certain words or terms herein shall be defined as follows. Words not defined herein shall be interpreted so as to give them the meaning they have in common usage. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

Caliper: The diameter or thickness of the main stem of a young tree or sapling as measured at six (6) inches above ground.

Circumference: The distance around the periphery of a tree at four and one-half (4½) feet above existing grade.

Diameter breast height (DBH): The diameter, in inches, of a tree trunk measured at four and one-half (4½) feet above existing grade. DBH is also referred to as the diameter of a tree. Measured by caliper or diameter tape (d-tape) or circumference divided by 3.14.

Disturbed land: Any land to be disturbed from its natural features for the purpose of the creation of a subdivision, commercial development, or any clearing of land.

Greenspace: Any area retained as permeable unpaved ground and dedicated to supporting vegetation.

Heritage tree: A healthy, protected native tree and its root system with a diameter at breast height equal to or greater than thirty (30) inches or seven (7) feet ten inches in circumference, whichever dimension is less. Also, redbuds and dogwoods with a diameter at breast height equal to or greater than ten (10) inches or thirty (30) inches in circumference, whichever dimension is less. Any tree determined by the mayor and council, as provided herein, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size.

Overstory trees: Trees which, at maturity, comprise the canopy of a natural forest, which are generally greater than fifty (50) feet at mature height.

Site clearing: Any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.

Site plan: A plan describing a particular site where the building(s), driveway, utility easements, parking, and stormwater management facilities are to be located and where greenspace is to be retained or planted in compliance with these regulations.

Species diversity: A diverse planting or retention of tree species on a site within the city to prevent dominance by any single type of tree. The purpose of this diversity is to prevent the destruction of the entire urban forest in the event of disease or pestilence.

Understory trees: Trees, which, at maturity, comprise the sub-canopy of a natural forest. These are generally less than fifty (50) feet at a mature height.

Section 06 - Natural features

Preservation of outstanding and irreplaceable natural features may be required by the City of Semmes Planning Commission or the Mayor and City Council and shall be determined on a case-by-case basis. These features may include, but are not limited to watercourses, historical lands, wetlands, and protected species habitat.

Section 07 - Heritage trees

Heritage trees are hereby protected and cannot be cut or intentionally harmed without the expressed written permission of the City of Semmes Planning Department. Please see section 05 for definition of Heritage tree. Also, any tree determined by the mayor and council, as provided herein, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size shall be considered a heritage tree.

Section 08 - Heritage tree removal permit

Any person wishing to remove or relocate a heritage tree shall submit a heritage tree removal permit to the City of Semmes Planning Department accompanied by a site plan and a twenty-five dollar (\$25.00) fee for processing. The Planning Department shall review the permit for consistency with the requirements and will either grant or deny the permit in writing within five (5) working days from the permit submittal date. The site plan must identify the location and type of heritage tree to be removed and the location and type of plantings for replacement. The permit may be denied if the tree has aged or grown to an impressive stature for its species or it is considered an integral part of the natural heritage of the City of Semmes. Heritage trees may be removed, subject to review, prior to the permit issued if it is an immediate threat to life, safety and welfare. The following criteria must be established for the permit to be issued:

- (1) The tree is located in an area where a structure or improvement is to be placed in accordance with the proposed plan.
- (2) The tree is diseased, injured, or in danger of falling too close to an existing or proposed structure, interferes with the existing utility service, creates an unsafe vision clearance or conflicts with other ordinances, articles, or regulations.

If removal is allowed, mitigation procedures from Section 10 should be followed

Section 09 – Protected trees

Protected trees are healthy, native trees that if cut must be replaced or mitigated according to Section 10 (Mitigation). Below is a table of species and minimum DBH:

PROTECTED TREES	PROTECTED MINIMUM DBH	MATURE HEIGHT/DBH (Informational)
Oak	10"	80' x 45"
Cypress	6"	80' x 25"
Hickory	10	80' x 40"
Birch	10	80' x 35"
Magnolia	10	90' x 40"
Maple	6	50' x 30"
Pecan	10	60" x 40"
Longleaf Pine	18	120' x 36"

Requests to remove protected trees shall be submitted to the Planning Department, along with a site plan and tree survey showing which trees will be removed and a plan of mitigation.

Section 10 – Mitigation

Replacement: Replacement of trees shall be required for the removal of all protected trees. The requirement is to plant as many 2" (min) DBH plantings of the same species in order to equal the DBH of the removed tree. The replacement trees shall correspond to the tree removed. For example, a protected live oak shall be replaced by live oak plantings. The site plan shall show the placement and species of the proper number of required new trees.

Tree Preservation Fund: If it is demonstrated to the satisfaction of the planning department that the site is not suitable for onsite tree mitigation or does not have the capacity to hold all of the required mitigation, then the applicant shall contribute a fee, as approved by City Council, twenty (20) dollars per inch DBH, to be used by the City of Semmes for the acquisition and/or planting of protected trees on city owned lands or to be placed in the Parks Department budget for future beautification projects. The applicant may opt to pay a lump sum for land clearance if the planning department deems it necessary.

Lot Clearance Sliding Scale

1-5 acres	\$10,000
6-10 acres	\$20,000
10-15 acres	\$30,000
16-20 acres	\$40,000

****For any parcel larger than 20 acres, it will cost an additional \$10,000 per five acres.

Section 11 - Tree survey

(a) General requirements.

(1) All reasonable steps shall be taken to preserve protected and heritage trees. A written justification shall accompany the tree survey for the removal of all protected trees. A heritage tree removal permit shall be submitted for the removal of each heritage tree.

(2) Native trees in floodplains and wetlands shall be left in natural state unless otherwise directed or permitted by state or federal agencies.

(3) The tree survey conducted by the surveyor, contractor or owner shall be submitted along with the land disturbance permit application. The tree survey shall include a review fee of fifty dollars (\$50.00) for developments under five acres or a review fee of one hundred dollars (\$100.00) for developments five acres or greater. The tree survey shall be reviewed by the Planning Department for compliance.

(b) Developments five (5) acres or greater shall detail the following: (1) All protected and heritage trees to be preserved and to be removed;

(2) Areas of tree preservation in common areas and/or buffers;

(3) Areas of tree plantings to include replacement protected and heritage plantings and plantings per the requirements.

(c) Developments under five (5) acres shall detail the following:

(1) All protected and heritage trees to be preserved and to be removed;

(2) Existing trees, shrubbery, and other vegetation to be preserved in common areas, buffers and/or yards;

(3) Trees, shrubbery, or other vegetation to be planted to complete the final landscaping of the property.

Section 12 - Tree density

Residential subdivisions, commercial and industrial developments shall have a minimum tree density of ten (10) protected trees per acre. All preserved and planted trees shall be included in the tree density, which includes trees located in the buffers, parking areas, perimeter, individual lots, and common areas.

Section 13 - Tree planting

The following standards shall apply to all trees planted as required as part of these regulations:

- (1) All tree plantings shall be installed to current nursery industry standards.
- (2) Trees selected for planting must be non-invasive, free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
- (3) Replacement tree plantings and overstory trees shall measure a minimum diameter at breast height (DBH) of two (2) inches and shall measure a article shall be defended by the city attorney until the final determination of the proceedings therein.

Section 14 - Repealer Clause

If this Ordinance conflicts with any prior ordinance adopted by the City, this Ordinance shall prevail.

Section 15 - Severability

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16 - Effective date

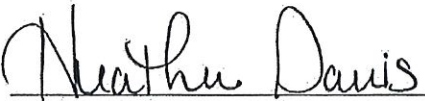
This ordinance shall be in full force and effect from and after its adoption and publication, as required by law.

Adopted and approved this the 20th day of June, 2023.

ATTEST:



Brandon Van Hook – Mayor



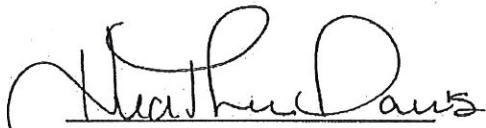
Heather Davis, CMC
City Clerk



City of Semmes, Alabama, Certificate of Publication.

This is to certify that Ordinance No. 2023-46, was published by posting on at least three (3) bulletin boards in the City on June 26 2023.

- 1) City Hall
- 2) Public Works Facility
- 3) Semmes Public Library


Heather R. Davis, CMC