

ORDINANCE NO. 2025-11

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, TO ADOPT CHANGES TO THE CITY TREE REMOVAL ORDINANCE REGULATIONS CONTAINED IN THE LAND DEVELOPMENT CODE TO ADD PINE TREE SPECIES TO THE SIGNIFICANT TREE LIST, AMEND THE LAND DEVELOPMENT CODE ARTICLE TWO-DEFINITIONS TO ADD PALM AND PINE TREE SPECIES TO THE DEFINITION OF SIGNIFICANT TREES, AND TO ESTABLISH AN EFFECTIVE DATE

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the "City") is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, an amendment to the species included on the significant tree list in Article 7.-Tree Removal Regulations requirements and to modify the definition of significant trees in Article 2.-Definitions is appropriate in order to emphasize that pine tree species, especially those that are native to Tybee Island, are deserving of protection,

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island, that the Code of Ordinances will be amended as follows:

SECTION 1

Sec. 7-080. - Standards for tree planting and replacement, subsection (A) of the Land Development Code, will hereafter read as follows:

Pursuant to building or tree permit. Trees planted or replaced, or left remaining on the site pursuant to a validly issued building or tree permit in accordance with this article shall be botanically compatible with local conditions, healthy, disease and pest free, and shall have a minimum size of two inches DBH, caliper measure. The permittee/landowner shall choose the species of replacement trees from the significant species list for Tybee Island. At least one replacement tree or remaining tree shall be of the same species as the tree(s) that are planned to be removed. In no case may palm trees or pines trees be used as a replacement for any tree except a palm or pine to be removed. Ideally, planting should be done immediately following construction or in the earliest growing season thereafter.

The **Significant Tree List**, formerly located after Section 7-100.-Appeals of Actions in the Land Development Code, will hereafter be located after Sec. 7-060(B) in the Land Development Code, and will hereafter read as follows:

Significant Species Common Name and Scientific Name	Mitigation Equivalent Per One Inch Live Oak For New Plantings	Minimum DBH Required for Remaining Trees	Special Note
Red cedar <i>Juniperus virginiana</i>	1:1	4"	
Live oak <i>Quercus virginiana</i>	1:1	4"	
Laurel oak, water oak, etc. <i>Quercus sp.</i>	NA	4"	Water oaks left only in naturalized area
<i>Magnolia grandiflora</i>	1:1	4"	
Sugarberry <i>Celtis laeirgata</i>	1:1	4"	
Red bay <i>Persea borbonia</i>	1:1	4"	
Sycamore <i>Plantanu occidentalis</i>	1:1	4"	
Sweetgum <i>Liquidamber syraciflora</i>	NA	4"	
Native hollies <i>Ilex sp.</i>	1:1	3"	

Native maples <i>Acer sp.</i>	1:1	3"	
Toothache tree <i>Xanoxylum clava-hercules</i>	1:2 (1 inch toothache= 2 inch Live Oak)	3"	
Eastern redbud <i>Cercis Canadensis</i>	1:1	3"	
Devilwood (wild olive) <i>Osmanthus americanus</i>	NA	3"	
Carolina laurelcherry <i>Prunus caroliniana</i>	2:1	4"	
Carolina willow <i>Salix caroliniana</i>	1:1	4"	
Tough bumelia (buckthorn) <i>Bumelia tenex</i>	1:2	3"	
Sparkleberry <i>Vaccinium arboretum</i>	1:2	3"	
Cabbage Palm <i>Sabal palmetto</i>	1:1	3"	
Pines <i>Pinus spp</i>	1:1	3"	

The **definition for significant trees**, located in Article Two - Definitions of the Land Development Code, will hereafter read as follows:

Significant trees means trees having a DBH of ten inches or greater of the following variety: southern red cedar, Juniperus silicola, or hardwoods native to [the] Georgia coast. Hardwoods: dicotyledon plants with woody stem including (but not limited to) oaks (Quercus), Magnolia grandiflora, hickories (Carya), sugarberry or hackberry (Celtis laeirgata), red bay (Persea borbonia), spiny ash or toothache (Xanoxylum clava-herculis), sycamore (Platanus occidentialis), tupelo (Nyssa), sweetgum (Liquidamber styraciflora), American holly (Ilex opaca). Significant Trees shall also include cabbage palm (Sabal palmetto) and pine (Pinus spp) trees with a DBH of ten inches or greater.

SECTION 2

If any section, subsection, clause, or provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance which is not invalid or unconstitutional. Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provision shall be enforced.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

This Ordinance shall become effective on ____ day of _____, 2025.

ADOPTED THIS ____ DAY OF _____, 2025

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____