

**Questions and Answers
about the
Rehoboth Beach Comprehensive Tree Ordinance (CTO)
Passed by the Rehoboth Beach City Commission January 24, 2006**

This guide does not cover all questions you may have about the CTO. It is merely a guide for those who have not read the full ordinance. Citizens are urged to read the full ordinance which was printed in the January 27, 2006 Cape Gazette and is available online at www.cityofrehoboth.com.

Basic questions about “Minimum Tree Density”

Q: The ordinance says that, for every 5,000 square feet of land, a residential lot must have at least three trees. We’ve had a home in Rehoboth for years and our lot doesn’t have any trees. Our next door neighbors bought their house just before the effective date of the ordinance, and they only have 2 trees. What do we and our neighbors have to do?

A: *Nothing at this time. **However, owners as of the effective date of the ordinance are only exempt from the three tree density requirement; all other provisions of the ordinance do apply.** These include:, if they file for a building permit for a structure that is 500 square feet or larger, if they file for a demolition permit or seek to subdivide their property or if they convey or transfer their property they must meet the density requirements. These are called “triggers” for the ordinance to apply and, at that time, trees must be planted to meet the minimum requirements.*

Q: We own a townhouse in a residentially zoned district, another residential property in a commercially zoned district, and a third residential property in a mixed-use zoned district. Do we have to meet the three tree density requirement for each of those properties?

A: *No. The density requirement for these properties is two trees for every 5,000 square feet of land.*

Q: What is a “tree”?

A: *An evergreen tree, such as a pine, a hardwood tree, such as an oak, or a small tree, such as a dogwood or holly tree.*

Q: If I have to plant trees to meet the density requirements how large do they have to be?

A: *Evergreen and hardwood trees must be at least 3 inches in diameter. (For all trees in the ordinance, diameter is measured at 6 inches from the ground.) Other small trees such as dogwoods must be at least 2 inches in diameter.*

Q: There is a tree on our lot line. Does that count toward the tree density requirement?

A: No.

Q: Why does the City have a minimum tree requirement anyway?

A: *This is the one part of the ordinance that is pro-active. It seeks, over time, through a very small requirement, to preserve the tree cover as properties are developed and trees are removed to make way for improvements, and as properties are conveyed or transferred.*

Questions about “Tree Surveys and Tree Protection Plans”

Q: The ordinance has a section that requires the filing of a tree survey/tree protection/tree planting plan. What is that?

A: *It's a plan you must file only when you are applying for a building permit for improvements of 500 square feet or larger, you are applying for a demolition permit, you are seeking permission to subdivide your property, or you are removing a tree. This requirement does not become effective until March 11, 2006. **All other parts of the ordinance became effective on January 27, 2005, including the requirements for obtaining a tree removal permit.***

Q: What is this “plan”? What do I have to file when I do any of these things?

A: *The plan is a drawing of the property showing all existing trees, trees to be removed, the location of structures on the property and other related information, along with any plan to plant additional trees under the requirements of the ordinance. When construction on the property is anticipated another section of the ordinance may require the owner to do certain things to preserve existing trees that must be saved under the ordinance. The Plan does not require a professional to prepare it, although this may be wise for a significant planned development.*

Questions about removing trees

Q: What about removing trees on my property?

A: *A permit is required to remove any healthy tree that is 6 inches or more in diameter (4 inches if it is a small tree, like a dogwood) Such removal is not permitted UNLESS it is within the building footprint for a new house or addition,*

where you need to put a driveway or walks, or where it interferes with utility lines, Removal is also permitted for dead or dying trees.

Q: There are a few very large trees where I want to build. I know I can cut them down under the ordinance, but do I have to do anything to replace them on other parts of the property if I do cut them down?

A: *Yes. There is a category of special trees, called "specimen trees" that must be replaced if they are cut down, even if cutting them down is allowed because they are where a structure or other improvements are allowed. These are evergreen trees, such as a pine, that is 26 inches or more in diameter, a hardwood tree, such as an oak, that is 24 inches or more in diameter, or a small tree, such as a dogwood, that is 4 inches or more in diameter.*

Q: In this case, what are the tree replacement standards?

A: *You must replace the specimen trees with similar trees, one inch diameter per each inch of trees removed, If a specimen tree must be removed because it is dead or dying, it must still be replaced, but only on a basis which is one inch for each two inches removed. The replacement trees can be a combination of three inch diameter trees.*

Q: That could end up being a lot of trees I would have to plant. What if there isn't enough room on my property to plant enough trees to make up for the trees that I have to cut down?

A: *You can ask the City to allow you to plant some of the trees on City property.*

Q: Where will I go within the City government to make sure that I am complying with the ordinance?

A: *If you are applying for a building or demolition permit or asking to subdivide your land you will include the tree ordinance application material with your application to the Building and Licensing Department. Otherwise you will file your applications directly with the Office of the City Arborist. If you have any questions about the ordinance you should contact the Office of the City Arborist.*

Questions about penalties for violations

Q: What are the penalties for violating the ordinance?

A: *\$500, plus \$500 per day. Trees must be replaced with similar trees at a ratio of an inch in diameter for each inch in diameter removed. Licensed tree care professionals who remove the trees will forfeit their City license for two years. Building permits and/or certificates of occupancy may be denied or revoked.*

Permission to demolish or subdivide may be denied or revoked. The City may also seek an injunction.

Questions about Tree Care and Maintenance

Q: Am I restricted in managing my trees, such as by pruning?

A: *There is no regulation of standard tree management and care to maintain trees to keep them neat and healthy. What is not allowed is any cutting, pruning or application of chemicals designed to kill a tree or greatly limit its natural growth.*

Questions about Appealing a Denial of a Tree Removal or Land Clearing Permit

Q: What can I do to appeal the denial of a tree removal or land clearing permit?

A: *You may file an appeal with the City Park and Shade Tree Commission within 30 days of the permit denial. A finding of the City Park and Shade Tree Commission may be appealed to the City Commission. After these appeals and all reasonable attempts to preserve the trees are exhausted, where a property owner can demonstrate undue hardship a permit may be issued upon payment to the City of a fee for the replacement of the removed trees on City property.*