PLANNING COMMISSION WORKSHOP  
TOWN COUNCIL CHAMBERS  
Tuesday, January 17, 2017 at 6:00PM

1. CALL TO ORDER

2. DISCUSSION:

   Article VII Landscaping and Tree Protection sections of the Zoning Ordinance

3. PUBLIC COMMENTS

4. BOARD COMMENTS

5. ADJOURNMENT
Board Members:

Please find attached the 1st and 2nd draft of the ordinance changes recommended. You will also find the 3rd draft in ordinance form for review, changes or comments.

Please let me know should you have any questions.

Thank you,

Sabrina Morris
OBJECTIVE: At the 11/4/2016 Town Council workshop, a motion (Samples/Ott) was approved to refer this ordinance to Planning Commission with a request to address:

- the landscaping requirements on residents.
- the restrictive pruning requirements on residents.
- the issue of roots near a foundation (the current requirement is to wait until damage has already been done.)
- the requirements for an arborist to be consulted.
- issues brought by citizens about vacant lots either harboring wildlife and excessive vegetation or having trees in danger of falling. (Staff to consult with the attorney about whether this is the appropriate ordinance for this; it may be more appropriate under Chapter 7, “Health and Sanitation.”) and,
- in general, to SIMPLIFY this ordinance.

A second motion approved at the same meeting (Courtney/Stevens) asks Planning Commission to consider that the fines are excessive and that staff has no discretion regarding fines, and to perhaps separate commercial fines from residential fines.

This draft revision provides a strawman which addresses some of the above issues and is a place to begin. It is subject to change by PC members based on their own opinions or on staff advice, or on anything additional that surfaces in the required public hearing.

For Simplification and clarity: The lengthy Definitions section and the Charts have been removed (unchanged) to the end of the ordinance as references for anyone who needs them. Also many superfluous words have been deleted throughout the ordinance. Using circumference measurements instead of diameter would probably simplify things for the residents. The average homeowner probably doesn’t have a caliper.

As for Council’s concern that policies are way too restrictive to homeowners, the drafter suggests PC try the approach of leaving most of the rules as they are but changing to whom they apply. That is, lighten up on the homeowners while remaining strict for developers, redevelopers and major additions (Remember we need to keep future “tear-downs” in mind.)

Another suggestion is that some requirements for an arborist be eliminated and that the town make more use of the special exceptions authority of the Board of Zoning Appeals. That is, rather than relying on an arborist in the pay of the applicant, the decision should be made by a “jury of residents using common sense.” When appropriate, I would also require developers to request a setback variance from the BZA, rather than leaving it as an option (that they will choose not to use because it may cost a few days).

The list of protected, specimen and landmark trees still needs to be scrutinized; no changes have been made in this draft.
DIVISION 1. - LANDSCAPING

Sec. 17-700. - Intent.

The intent of this division is to provide-for-proper establish requirements for landscaping in the town.

Sec. 17-701. - Findings of fact.

Landscaping is a producer of oxygen, a necessary element for the survival of man. Landscaping appreciably reduces the ever-increasing and environmentally dangerous carbon dioxide content of the air and plays a vital role in purifying the air that man breathes. Landscaping filters dust and other particles of airborne pollutants from the air and creates temporary conditions of calm, allowing airborne pollutants to settle to the ground. Landscaping gives off considerable amounts of water each day and thereby purifies the air much like the air washer devices used on commercial air-conditioning-systems. Landscaping, through its root systems, stabilizes the ground water table and plays an important and effective part in community-wide soil conservation, erosion control and flood control. Landscaping is an invaluable physical and psychological counterpart to the urban setting, making urban life more comfortable by provides shade, cools the air and land, reduces noise levels and glare, and breaks the monotony of man’s development of the land. Therefore, the town has determined that landscaping is not only desirable but essential to the present and future health, safety, and welfare of all the citizens of the town.

Sec. 17-702. - Landscaping defined.

Landscaping shall consist of, but not be limited to, any combination of vegetative materials such as grass, ground covers, shrubs, flower beds, vines, hedges, and trees. Property elevations shall not be raised except with clean soil-fill compatible with the area and by meeting stormwater management regulations. (This last sentence does not belong in this ordinance. Sec 704 already says landscaping must meet other code requirements.)

Sec. 17-703. - Area required to be landscaped. (needs review by PC)

(a) In the commercial zones [districts] at least ten (10) percent of total lot square footage shall be landscaped.
(b) In the R-1 low-density residential district at least fifty (50) percent of total lot square footage shall be landscaped and at least twenty (20) percent of the required landscaping shall be located in the front yard.
(c) In the R-2 medium density residential district at least forty (40) percent of total lot square footage shall be landscaped and at least twenty (20) percent of the required landscaping shall be located in the front yard.
(d) In the R-3 high density residential and accommodations district at least twenty (20) percent of total lot square footage shall be landscaped and at least forty (40) percent of the required landscaping shall be located in the front yard.
(e) In the MU mixed use district at least thirty (30) percent of the total lot square footage shall be landscaped and at least thirty (30) percent of the required landscaping shall be located in the front yard.
Sec. 17-704. - Installation of landscaping.

All landscaping shall be installed in a sound, workmanship-like manner according to accepted good planting procedures. In cases of new construction, redevelopment or additions which exceed 48% of value, all elements of landscaping shall be installed prior to the issuance of a certificate of zoning compliance by the code enforcement official in accordance with section 17-206. Furthermore, the installation of landscaping shall meet all other applicable ordinances and code requirements of the town.

Sec. 17-705. - Maintenance of landscaping.

The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris and disease. ("healthy" takes care of disease.)

Secs. 17-706—17-719. - Reserved.
• DIVISION 2. - TREE PROTECTION

Sec. 17-720. - Intent.

It is the intent of this division to afford protection to all existing trees, especially those defined as protected, and specimen and landmark trees, on both developed and undeveloped property. To this end, a zoning permit indicating approval by town staff is required before any certain tree removal or pruning is undertaken in the town.

(Ord. No. 15-0799, 4-28-15)

Sec. 17-721. - Findings of fact.

Trees are an essential environmental resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage and stormwater and sediment control. They also help conserve energy by providing shade and shielding against wind, noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape.

(Ord. No. 15-0799, 4-28-15)

Sec. 17-722. - Definitions. (In furtherance of “simplification,” editor has moved the lengthy definitions to the end.) In addition to the definitions set forth in section 17-007, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section Appendix A, Definitions. All other words, terms, and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. ADD: For clarity, the town categorizes its trees into four (4) types: protected, specimen, landmark, and other.

Sec. 17-723. - Zoning permit required for pruning and tree removal. ADD in bold type: This section applies to existing homes only if the tree(s) are listed by this ordinance as “specimen” or “landmark.” Other than specimen or landmark trees, owners of existing homes may prune their trees as they wish.

This following requirements do apply to all new development, re-development, and additions to existing homes exceeding 48% of value regardless of the type of tree(s) involved.

Under the terms of this article, a zoning permit is required prior to the following activities:

1. A zoning permit is required prior to removal of any tree four (4) inches or greater in diameter. (NOTE: PC should consider whether it is possible throughout the ordinance to measure in something other than “diameter.” The term “circumference” has been suggested as easier for the layman to measure. Relevant parts of this draft are highlighted in turquoise.)

2. A zoning permit is required prior to the pruning of limbs over four (4) inches in diameter.

3. A zoning permit is required prior to the removal of any required tree to include replacement trees, irrespective of diameter, if the result of which if the removal would require the replanting of trees to meet the number or cumulative-diameter requirements of section 17-724.
Electric utilities are exempt from the permitting process for the pruning and or removal of a tree when necessary to correct a hazardous situation or to eliminate tree/wire conflict that has the potential to interfere with power reliability upon notification and approval of the town's code enforcement official.

All requests for the removal of trees and/or the pruning of limbs over four (4) inches in diameter must have the approval of the code enforcement official before any action is taken for removal. In some instances, the code enforcement official may require a tree protection plan. With the exception of a dead or diseased limbs or tree, the permit for removal is subject to the fees enumerated in chapter 13 of the Code of Ordinances. Failure to obtain the required approval and permit(s) shall result in the issuance of a municipal summons for this violation and subject the violator to the penalties prescribed in section 17-740.

(Ord. No. 15-0799, 4-28-15)

Sec. 17-724. - Minimum number of required trees and diameter by district; applicability of provision.

(a) Tree and diameter requirements. The number and cumulative diameter of trees required per lot within the town's zoning districts are provided in Table 17-724. (Appendix B).

(b) Applicability. If at the time of this article's adoption, there exist lots that do not contain the number of trees or cumulative diameter as required by this section, such sites may continue in nonconformity pursuant to section 17-505. Any change of use, new construction, or the issuance of a zoning permit affecting such a lot shall thereupon require compliance with the minimum tree planting (minimum number of trees) requirement of this section. (Editor: Work needed on this paragraph.)

(c) Planned developments. Planned development districts created under this chapter shall, at a minimum, provide and maintain trees consistent with the requirement for "all other districts" as provided in Table 17-724. Where the ordinance creating the planned development district provides more restrictive standards than those contained in this article, the more restrictive standard shall govern.

(Ord. No. 15-0799, 4-28-15)

Sec. 17-725. (Editor's note: This section is about “other” trees. These trees are not listed as protected, specimen or landmark.) Guidelines for tree removal removal of trees not listed in the table at Attachment A, as protected, specimen or landmark, ADD: This section does not apply to existing homes. This section does apply to all new development, re-development, or additions to existing homes exceeding 48% of value.

Trees not listed in Attachment a. as protected, specimen or landmark trees, with a trunk diameter-at-breast-height of eight (8) inches or more that are located within the front, side, or rear required yard space of the applicable zoning district shall not be removed unless the code enforcement official determines:

(1) The tree poses a safety hazard to pedestrian or vehicular traffic;

(2) The tree poses a hazard to buildings or utilities. For the purpose of this article, any tree or root system that poses a hazard to a building or utilities foundation or driveway may be removed with the approval of the code enforcement official;

(3) The tree presents a situation, which prevents the development of a lot or the physical use thereof for proposed development. Tree removal of non-protected trees may be allowed by the code enforcement officials, and only those trees whose removal is determined by the code enforcement official essential for development will be removed;

(4) The tree is diseased, dead, or weakened by age, storm, fire, or other injury which is a source of hazard to people, buildings or other improvements on a lot; or
(5) The property owner wishes to thin or remove existing trees from his property to allow for the proper growth of remaining trees or to enhance the overall appearance of the landscaped area. Thinning may be authorized by the code enforcement official(s) provided thinning is limited to twenty (20) percent of existing trees.

(6) The tree is located within the footprint of the home or addition to be constructed. In these cases, a building permit for the construction must be issued prior to the removal of the tree(s).

(Ord. No. 15-0799, 4-28-15)

Sec. 17-726. - Guidelines for pruning or removal of protected and/or specimen trees.

When there is clear evidence that the protected tree or specimen tree or its limbs poses a hazard, (i.e. roots visibly extending under a habitable structure, trees located within ten (10) feet of the foundation of a habitable structure with roots causing visible foundation damage, tree is dead, diseased, weakened by storm, fire, or other injury) or for trees whose removal is essential for development, tree removal for a protected tree or specimen tree may be allowed by the code enforcement official for those trees. (ADD: The following requirement for an arborist certification applies only to new development, re-development and additions to existing homes that exceed 48% of value. Owners of existing homes may apply to the Board of Zoning Appeals for an exception.) When staff cannot determine whether a tree meets the criteria for removal, a protected tree or specimen tree (including those located in the buildable area) as well as protected and specimen trees located within the front, side, or rear yard setbacks of the applicable zoning district, shall not be removed unless a licensed or ISA certified arborist, (PC should consider if they want to recommend that a member of town staff become an ISA certified arborist) South Carolina registered forester, landscape architect, architect or engineer certifies that:

1. The tree poses a safety hazard to pedestrian or vehicular traffic.

2. The tree poses a hazard to existing buildings or utilities.

3. The tree is diseased, dead, or weakened by age, storm, fire, or other injury, which is a source of hazard to people, buildings or other improvements on a lot.

4. The tree presents a situation which prevents the development of a lot or the physical use thereof for proposed development. Should this situation exist, tree removal for a protected or specimen tree may be allowed by the code enforcement official for only those trees whose removal is essential for development. In these cases a building permit for the construction must be issued prior to the removal of the tree(s). The board of zoning appeals may grant a variance to minimum yard setbacks to save specimen trees when feasible. (ADD: Application to the Board of Zoning Appeals for a setback variance may be required by staff, in which case staff will assist the applicant with the application and expedite it to the extent possible. (Ord. No. 15-0799, 4-28-15)

Sec. 17-727. - Guidelines for pruning or removal of landmark trees. (ADD: This section applies to all, except that in the case of existing homes the following requirement for an arborist certification is not required. Owners of existing homes may simply apply to the Board of Zoning Appeals for an exception.)

Landmark trees shall not be removed, or branches above 4" diameter pruned, unless a licensed ISA certified arborist, landscape architect or professional engineer certifies:

1. The tree poses a hazard (i.e. roots visibly extending under habitable structure).

2. Trees located within ten (10) feet of the foundation of a structure causing visible foundation damage.

3. The tree poses a safety hazard to pedestrian or vehicular traffic.

4. The tree poses a hazard to existing habitable buildings or utilities.
(5) The tree is diseased, dead, or weakened by age, storm, fire, or other injury, which is a source of hazard to people, buildings or other improvements on a lot.

Tree removal for a landmark tree may be allowed by the code enforcement official for only those trees whose removal is essential for development (trees located within the footprint of the building). In these cases, a building permit for the construction must be issued prior to the removal of the tree(s). The board of zoning appeals may grant a variance to minimum yard setbacks to save specimen landmark trees when feasible. Application to the Board of Zoning Appeals for a setback variance may be required by staff, in which case staff will assist the applicant with the application and expedite it to the extent possible. (Ord. No. 15-0799, 4-28-15)

- **DIVISION 3. - ENFORCEMENT**

- **Sec. 17-740. - Penalties.**

Any person or entity who violates any provision of this article shall have committed a misdemeanor. The code enforcement officer shall institute appropriate legal action including imposition of the fines set forth herein.

Where applicable, the fines are as follows: *(NOTE: as revised, many of the requirements no longer apply to owners of existing homes, so the fines won’t apply either.)*

Fine for removing limbs over four (4) inches in diameter without **required permit** approval

.....$500.00

Fine for removing unprotected trees without a **required permit** .....$500.00

Fine for removing protected or specimen trees without a **required permit** .....$500.00

per four-inch caliper for each tree

Fine for removing landmark trees **without a required** permit shall be .....$10,000.00

Fine for failure to obtain a permit .....$500.00

In addition to the fines, violators shall be subject to all of the provisions established in **section 1-16.** General penalty; continuing violations, of the Town's Code of Ordinances. Issuance of a fine or penalty does not relieve any party of complying with the mitigation requirements set forth in section 17-736.

All fines collected as a result of the enforcement of this article shall be placed in the tree mitigation fund and used by the town for tree-related activities including but not limited to: the purchase of trees or tree care products, planting activities, irrigation equipment and supplies, preservation and care of trees, and education about trees in the Town of Surfside Beach.

(Editor: I didn’t get a clear reading from Town Council if they want to have this fund or not.)

(Ord. No. 15-0799, 4-28-15)
• Sec. 17-741. - Mitigation required for removal of trees without a permit.

Any tree removed without a permit must be replaced with twice the inches removed and shall be replaced with species listed in Table 17-724 of the Town’s Code of Ordinances. (Suggest PC consider if this requirement on top of a fine is too burdensome.)

(Ord. No. 15-0799, 4-28-15)

**APPENDIX A: Definitions (These still need to be reviewed by PC.)**

- **Caliper** shall mean the diameter of the stem of a tree as measured six (6) inches above the ground for trees up to four (4) inches in diameter and twelve (12) inches above the ground for larger diameter trees. Caliper inch(es) is used as a measurement standard for replacement trees and trees less than ten (10) feet in height.

- **Diameter at breast height (DBH)** shall mean the diameter, in inches, of a tree trunk as measured four and one-half (4½) feet above the ground. If the tree splits into multiple trunks below four and one-half feet, the trunk is measured at its narrow point beneath the split. Diameter-at-breast-height is used as a measurement standard for all trees, excluding replacement trees and trees less than ten (10) feet in height.

- **Protected and specimen trees.** The following trees are designated by the Town of Surfside Beach as either protected or specimen trees when the diameter is attained as indicated in Table 17-722 below.

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Protected @</th>
<th>Specimen Tree @</th>
<th>Landmark Tree @</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beech (American)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Birch (River)</td>
<td>6 inches but less than</td>
<td>18 inches</td>
<td></td>
</tr>
<tr>
<td>Cedar (Eastern Red)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Cypress (Bald)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td>greater than 24 inches</td>
</tr>
<tr>
<td>Dogwood (Flowering)</td>
<td>4 inches but less than</td>
<td>12 inches</td>
<td></td>
</tr>
<tr>
<td>Elm (American)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Elm (Winged)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Hickory (Mockernut)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Tree Type</td>
<td>Diameter Range</td>
<td>Height Range</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>Hickory (Pignut)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Hickory (Shagbark)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Holly (American)</td>
<td>6 inches but less</td>
<td>12 inches</td>
<td></td>
</tr>
<tr>
<td>Magnolia (Southern)</td>
<td>8 inches but less</td>
<td>16 inches</td>
<td></td>
</tr>
<tr>
<td>Maple (Red)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (Laurel)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (Live)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (Post)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (Southern Red)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (Water)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (Willow)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Oak (White)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Pine (Long Leaf)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Poplar (Yellow)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Sycamore</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Tupelo (Black)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Tupelo (Water)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
</tbody>
</table>

*Prune* shall mean to lop or cut off any parts, branches, or shoots to clear trees of useless material; to shape or smooth by trimming; or to trim to maintain the plant's health or the safety of persons or property. Pruning of a tree must not result in permanent or long-term disfigurement of that tree unless required in other sections of this article.
Regulated tree shall mean a protected tree, specimen tree, and/or any other tree eight (8) DBH inches or greater whose removal is restricted under the terms of this article.

Replacement tree shall mean a tree with a diameter of not less than two (2) caliper inches that is planted on a site to replace a tree that was removed, damaged, or destroyed as a result of construction and/or non-construction activities.

Required tree shall mean any tree, regardless of regulated status, whose retention or planting is needed to satisfy the tree count, minimum diameter, or replacement provisions of this article.

Topping shall mean the severe cutting back of limbs to the stubs larger than three (3) inches in diameter within the trees crown to such a degree so as to remove the normal canopy and result in the disfigurement of the tree.

Tree shall mean any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter of greater than three (3) inches at any point and a height of over ten (10) feet.

Tree mitigation fund shall mean a fund established by this article to be used for tree-related activities including, but not limited to: the purchase of trees or tree care products, planting activities, irrigation equipment and supplies, preservation and the care of trees, and education about trees in the Town of Surfside Beach. This fund is to receive monies from tree mitigation fees and may receive other funds as appropriated by the town council.

Tree protection plan shall mean a plan that identifies the location, size, and species of existing trees and trees targeted for removal including the identification of any tree protection areas and the means of such protection. When new plantings are proposed or required by this article, the tree protection plan shall denote the location, size, and species of all trees to be planted on the site.

(Ord. No. 15-0799, 4-28-15)
### APPENDIX B: (This still needs to be reviewed by PC.)

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Number of Required Trees (minimum)</th>
<th>Minimum Diameter (all trees)**</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>Five (5) trees per lot</td>
<td>Sixty (60) DBH inches</td>
</tr>
<tr>
<td>R-2</td>
<td>Four (4) trees per lot</td>
<td>Forty (40) DBH inches</td>
</tr>
<tr>
<td>R-3</td>
<td>Three (3) trees per lot</td>
<td>Thirty (30) DBH inches</td>
</tr>
<tr>
<td>C-1****</td>
<td>Ten (10) trees per acre plus one (1) tree for each additional one-tenth (.1) acre***</td>
<td>For Each Tree shall be a minimum of 3 inches in DBH</td>
</tr>
<tr>
<td>C-2</td>
<td>No Planting Requirement</td>
<td>n/a</td>
</tr>
<tr>
<td>C-3</td>
<td>Three (3) trees per lot</td>
<td>Thirty (30) DBH inches</td>
</tr>
<tr>
<td>MU</td>
<td>Four (4) trees per lot</td>
<td>Forty (40) DBH inches</td>
</tr>
<tr>
<td>All Other Districts</td>
<td>Twenty (20) trees per acre plus two (2) trees for each additional one-tenth (.1) acre***</td>
<td>No Minimum Diameter</td>
</tr>
</tbody>
</table>

**Notes:**

* For the purpose of administering the requirements of this section, no tree less than two (2) inches in diameter shall be counted in order to satisfy the minimum number of trees per lot, nor shall the diameter of such tree be counted to satisfy the cumulative DBH requirement for the lot.

** The minimum DBH is the sum of all qualifying trees on the lot. Replacement trees and trees with heights of less than ten (10) feet are measured in caliper inches.

***Lots less than one (1) acre are to provide two (2) trees for every one-tenths (.1) acre of lot area.

**** All properties within the C-1 District must also comply with all requirements set forth in Article IX of the Zoning Ordinance.
(Editor’s note: On 12-6-16 Planning Commission reviewed draft V.1 of this document. This is draft V.2 and incorporates the results of the 12-6-16 review.)

- **DIVISION 1. - LANDSCAPING**

- **Sec. 17-700. - Intent.**

  The intent of this division is to establish requirements for landscaping in the town.

- **Sec. 17-701. - Findings of fact.**

  Landscaping plays a vital role in purifying the air. Landscaping, through its root systems, stabilizes the ground water table and plays an important and effective part in community-wide soil conservation, erosion control and flood control. Landscaping provides shade, cools the air and land, reduces noise levels and glare, and breaks the monotony. Therefore, the town has determined that landscaping is not only desirable but essential to the present and future health, safety, and welfare of all the citizens of the town.

- **Sec. 17-702. - Landscaping defined.**

  Landscaping is any combination of vegetative materials such as grass, ground covers, shrubs, flower beds, vines, hedges, and trees.

- **Sec. 17-703. - Area required to be landscaped.**

  (a) In the commercial zones [districts] at least twenty (20) percent of total lot square footage shall be landscaped.

  (b) In the R-1 low-density residential district at least fifty (50) percent of total lot square footage shall be landscaped and at least twenty (20) percent of the required landscaping shall be located in the front yard.

  (c) In the R-2 medium density residential district at least forty (40) percent of total lot square footage shall be landscaped and at least twenty (20) percent of the required landscaping shall be located in the front yard.

  (d) In the R-3 high density residential and accommodations district at least forty (40) percent of total lot square footage shall be landscaped and at least forty (40) percent of the required landscaping shall be located in the front yard.

  (e) In the MU mixed use district at least thirty (30) percent of the total lot square footage shall be landscaped and at least thirty (30) percent of the required landscaping shall be located in the front yard.

- **Sec. 17-704. - Installation of landscaping.**

  All landscaping shall be installed according to accepted good planting procedures. In cases of new construction, redevelopment or additions which exceed 48% of value, all elements of landscaping shall be installed prior to the issuance of a certificate of zoning compliance by the code enforcement
official in accordance with section 17-206. Furthermore, the installation of landscaping shall meet all other applicable ordinances and code requirements of the town.

- **Sec. 17-705. - Maintenance of landscaping.**

  *Residential property:* The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with the International Property Maintenance Code, which is available online or in the town Planning, Building and Zoning Department.

  *Commercial property:* The maintenance of landscaping in commercial zones is governed by Chapter 17, Article IX, Design Overlay District.

- **Secs. 17-706—17-719. - Reserved.**

- **DIVISION 2. - TREE PROTECTION**

  *Editor: if we get out of the “arborist” business, we remove the need to distinguish between protected, specimen and landmark. We really on need two designations. I suggest “common trees” and “special protection trees.”*

  **Sec. 17-720. - Intent.**

  It is the intent of this division to afford protection to all existing trees, especially those defined as Special Protection, specimen or landmark trees, on developed and undeveloped residential and commercial property. To this end, a zoning permit indicating approval by town staff is required before certain tree pruning or removal is undertaken in the town.

  **Sec. 17-721. - Findings of fact.**

  Trees are an essential environmental resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage and stormwater and sediment control. They also help conserve energy by providing shade and shielding against wind, noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape.

  **Sec. 17-722. - Definitions.** In addition to the definitions set forth in section 17-007, words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in **Attachment A.** All other words, terms, and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. (12-5-16 note: these definitions need to revisited at the end. No duplication found in Ch. 17 definitions – check against elsewhere.)

  **Sec. 17-724. - Minimum number of trees required and measurements by district; applicability of provision.** (Editor repositioned this section ahead of pruning/removing policies)

  (a) *Tree and measurement requirements.* The number and cumulative measurement of trees required per lot within the town's zoning districts are provided in **Attachment B.**
(b) **Applicability.** If at the time of this article's adoption, there exist lots that do not contain the number of trees or cumulative measurement required by this section, such sites may continue in nonconformity pursuant to section 17-505. Any change of use, new construction, or the issuance of a zoning permit affecting such a lot shall thereupon require compliance with the minimum number of trees requirement of Appendix B.

(c) **Planned developments.** Planned development districts created under this chapter shall, at a minimum, provide and maintain trees consistent with the requirement for "all other districts" as provided in Appendix B. Where the ordinance creating the planned development district provides more restrictive standards than those contained in this article, the more restrictive standard shall govern.

Sec. 17-NEW. General Information and Guidance: The town categorizes its trees as "common" and "special protection." A list of "special protection" species is in Appendix B. Correct determination of the species and measurement of a tree is the responsibility of the owner; if in doubt, consult the Planning, Building and Zoning Department.

To determine what policy applies in a particular situation:

- First, check Attachment B to determine whether the tree in question is "special protection."

- Then, find the town policy below. The policy depends on whether the proposed action is to be taken by:
  - the owner of an existing residence, or
  - the owner of a commercial property, or
  - involves the development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence. (Get definition of major addition straight and consistent.)

Sec. 17-723. – **When a permit is required for pruning or tree removal**

**Owner of existing residence:** A permit is required for pruning or removal if the tree in question is designated as "special protection." Otherwise, no permit is required. (Sabrina has concerns about how she would track/enforce the tree quantity provision; how would a homeowner know he is required to have a certain number of trees and couldn’t cut them all down? I have repositioned that section of the ordinance to a more prominent position. If that is not satisfactory to her, one alternative for PC to consider is that instead the hated permit, the homeowner goes to town hall and sign a statement that he has read and understands the provisions of the Tree Protection Ordinance. In return for that, the owner gets a free permit. (I doubt this would feel like an improvement to the homeowners.) Another option for PC to consider is to let the chips fall where they may; ignorance is no excuse. Worst thing that can happen is we lose some non-protected trees, some people get fined, and they have to be replaced.)

**Owner of commercial property:** must obtain a zoning permit, regardless of the type of tree involved, to ensure they are in compliance with Article IX, Design Overlay District.
Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence: The following requirements do apply, regardless of the type of tree(s) involved:

1. A zoning permit is required prior to pruning or removal of any tree.

2. In some instances, the code enforcement official may require a tree protection plan.

3. With the exception of dead or diseased limbs or tree, the permit is subject to the fees enumerated in chapter 13 of the Code of Ordinances.

4. Failure to obtain the required approval and permit(s) shall result in the issuance of a municipal summons for this violation and subject the violator to the penalties prescribed in section 17-740.

Electric utilities are exempt from the permitting process for the pruning and or removal of a tree when necessary to correct a hazardous situation or to eliminate tree/wire conflict that has the potential to interfere with power reliability upon notification and approval of the town's code enforcement official.

Sec. 17-725. Policy on Pruning or Removal of **Common Trees** (trees not designated as “special protection”).

- **Owner of existing residence**: Owners of existing residences may prune limbs of common trees or may remove common trees, so long as they maintain the required quantity of trees on their property.

- **Owner of commercial property** will obtain the required zoning permit specifying what action they may take in accordance with Article IX, Design Overlay District.

- **Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence**: The following requirements apply:

  - A building permit must be issued prior to the removal of any trees located within the proposed footprint of the home or proposed footprint of the addition. Therefore, the Code Enforcement official will include the tree removal approval as part of the building permit.

  - A Common Trees that is located within or beyond the required yard setback space of the applicable zoning district shall not be removed unless the code enforcement official (or BZA in a dispute) determines:

    1. The common tree poses or will pose a safety hazard to pedestrian or vehicular traffic;

    2. The common tree poses or can reasonably be expected to pose a hazard to buildings or utilities, including to foundation or driveway in the near future;

    4. The common tree is diseased, dead, or weakened by age, storm, fire, or other injury which is a source of hazard to people, buildings or other improvements on a lot; or

    5. The property owner wishes to thin or remove existing common trees from his property to allow for the proper growth of remaining trees or to enhance the overall appearance of the landscaped area. Thinning may be authorized provided thinning is limited to twenty (20) percent of existing trees.
Sec. 17-727. - Pruning or removal of Special Protection trees.

- **Owner of existing residence**: May prune limbs less than 8” in diameter (25” in circumference) when measured at the trunk. Pruning of larger limbs or the removal of Special Protection trees requires that the Code Enforcement Official (or the BZA in a dispute) *determine in writing* that:

  - The tree or limb poses a hazard to a habitable structure or it is clear that roots within 10 feet of the foundation can reasonably be expected to cause foundation damage in the near future.

  The tree or limb is diseased, dead, or weakened by age, storm, fire, or other injury, which creates a hazard to people, buildings or other improvements on a lot.

- **Owner of commercial property**: May prune limbs less than 8” in diameter (25” in circumference) when measured at the trunk. He may not prune limbs greater than 8” in diameter (25” in circumference) when measured at the trunk, and may not remove Special Protection trees unless the Code Enforcement Official (or the BZA in a dispute) *determines in writing* that:

  - The tree or limb poses a hazard to the foundation of a habitable structure or it is clear that roots within 10 feet of the foundation *can reasonably be expected to cause foundation damage in the near future*.

  - The tree or limb is diseased, dead, or weakened by age, storm, fire, or other injury, which creates a hazard to people, buildings or other improvements on a lot.

- **Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence**: Special Protection trees of any measurement may *not* be pruned or removed unless the Code Enforcement Official (or the BZA in a dispute)* has determined in writing that:

  - The tree or limb is diseased, dead, or weakened by age, storm, fire, or other injury, which creates a hazard to people, buildings or other improvements on a lot.

  - Pruning or removal of a Special Protection tree is essential for development (tree or limb located within the footprint of the proposed building). Staff *must* require application to the BZA for a setback variance if it appears such a variance would save the tree. In this case, a building permit for the construction must be issued prior to any removal or pruning of the Special Protection tree.

(Sections beyond here are not ready to be discussed yet.)
ARTICLE VII. 3rd Draft Revisions LANDSCAPING AND TREE PROTECTION

SECTION 17-700. INTENT

It is the intent of this Article to establish requirements for landscaping and afford protection to all trees, especially those defined as protected, specimen or landmark trees, on developed and undeveloped residential and commercial property. To this end, a zoning permit indicating approval by town staff is required before certain tree pruning or removal is undertaken in the town.

DIVISION 1: LANDSCAPING

SECTION 17-701. LANDSCAPING DEFINED

Landscaping shall consist of, but not be limited to, any combination of materials such as grass, ground covers, shrubs, flower beds, vines, hedges, and trees.

SECTION 17-701.1 AREA REQUIRED TO BE LANDSCAPED

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Percentage of total lot square footage to be landscaped</th>
<th>Percentage of landscaping required to be located in the front yard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 (Low-Density Residential)</td>
<td>At least fifty (50) percent</td>
<td>At least twenty (20) percent</td>
</tr>
<tr>
<td>R-2 (Medium-Density Residential)</td>
<td>At least forty (40) percent</td>
<td>At least twenty (20) percent</td>
</tr>
<tr>
<td>R-3 (High-Density Residential and Accommodations)</td>
<td>At least twenty (20) percent</td>
<td>At least twenty (20) percent</td>
</tr>
<tr>
<td>MU (Mixed Use District)</td>
<td>At least twenty (20) percent</td>
<td>At least twenty (20) percent</td>
</tr>
<tr>
<td>LLI (Limited Light Industrial)</td>
<td>At least twenty (20) percent</td>
<td>At least twenty (20) percent</td>
</tr>
<tr>
<td>Commercial Districts (Design Overlay District)</td>
<td>All commercial zoning districts shall meet the requirements of Article IX</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 17-701.2 INSTALLATION OF LANDSCAPING

All landscaping shall be installed according to accepted good planting procedures. In cases of new construction, redevelopment or additions which exceed 48% of value, all elements of landscaping shall be installed prior to the issuance of a certificate of zoning compliance by the code enforcement official in accordance with Sec. 17-206. Furthermore, the installation of landscaping shall meet all other applicable ordinances and code requirements of the town.

SECTION 17-701.3 MAINTENANCE OF LANDSCAPING

a. Residential property: The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in accordance with the International Property Maintenance Code available at the town Planning, Building and Zoning Department.

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B. Commercial property: The maintenance of landscaping in commercial zones is governed by Chapter 17, Article IX, Design Overlay District.

Maintenance shall be based on the standards found in the current publications of the American National Standard ANSI-A300.

SECTIONS 17-702 through 17-719.  [RESERVED]

DIVISION 2:  TREE PROTECTION

SECTION 17-721. REGULATIONS/CLASSIFICATIONS

The regulations of this Division are divided into three classifications:
1. Owner of existing residence;
2. Owner of commercial property;
3. Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence.

SECTION 17-721.1 MINIMUM REQUIRED TREES AND DIAMETER BY DISTRICT; APPLICABILITY OF PROVISION

(a) Tree and measurement requirements. The number and cumulative diameter of trees required per lot within the town’s zoning districts are provided in Table 17-721.1.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Number of Required Trees (minimum)</th>
<th>Minimum Diameter (all trees)**</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>Five (5) trees per lot</td>
<td>Sixty (60) DBH inches</td>
</tr>
<tr>
<td>R-2</td>
<td>Four (4) trees per lot</td>
<td>Forty (40) DBH inches</td>
</tr>
<tr>
<td>R-3</td>
<td>Three (3) trees per lot</td>
<td>Thirty (30) DBH inches</td>
</tr>
<tr>
<td>MU</td>
<td>Four (4) trees per lot</td>
<td>Forty (40) DBH inches</td>
</tr>
<tr>
<td>LLI</td>
<td>Four (4) trees per lot</td>
<td>Forty (40) DBH inches</td>
</tr>
<tr>
<td>Commercial</td>
<td>All commercial zoning districts</td>
<td>All commercial zoning districts will meet the requirements of Article IX</td>
</tr>
<tr>
<td>Districts</td>
<td>(Design Overlay District)</td>
<td>(Design Overlay District)</td>
</tr>
<tr>
<td>All Other</td>
<td>Twenty (20) trees per acre plus</td>
<td>No Minimum Diameter</td>
</tr>
<tr>
<td>Districts</td>
<td>two (2) trees for each additional one-tenth (.1) acre</td>
<td></td>
</tr>
</tbody>
</table>

Notes: * For the purpose of administering the requirements of this section, no tree less than two inches in diameter shall be counted in order to satisfy the minimum number of trees per lot, nor shall the diameter of such tree be counted to satisfy the cumulative DBH requirement for the lot. ** The minimum DBH is the sum of all qualifying trees on the lot. Replacement trees and trees with heights of less than ten (10) feet are measured in caliper inches.

(b) Applicability. If at the time of this article's adoption, there exist lots that do not contain the number of trees or cumulative measurement required by this section, such sites may continue in nonconformity pursuant to section 17-505. Any change of use, new construction, or the issuance of a zoning permit affecting such a lot shall thereupon require compliance with the minimum number of trees requirement of Table 17-721.1.
(c) Planned developments. Planned development districts created under this chapter shall, at a minimum, provide and maintain trees consistent with the requirement for "all other districts" as provided in Table 17-721.1. Where the ordinance creating the planned development district provides more restrictive standards than those contained in this article, the more restrictive standard shall govern.

SECTION 17-721.2 ZONING PERMIT REQUIREMENTS FOR PRUNING AND TREE REMOVAL

All requests for the removal of trees and/or the pruning of limbs must have the approval of the code enforcement official prior to the issuance of a zoning permit for removal.

Under the terms of this article, a zoning permit is required prior to the following activities:

a. Owner of existing residence:
   1. Pruning trees limbs greater than seven (8) inches in diameter (25" in circumference) when measured at the trunk.
   2. The removal of trees eight (8) inches or greater in diameter. (?)

b. Owner of commercial property: permit required for all pruning and/or removal any tree to ensure compliance with Article IX of this ordinance.

c. Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence:
   1. Permit required for all pruning and/or removal any tree.
   2. In some instances, the code enforcement official may require a tree protection plan.
   3. With the exception of dead or diseased limbs or tree, the permit is subject to the fees enumerated in chapter 13 of the Code of Ordinances.

Failure to obtain the required approval and permit(s) shall result in the issuance of a municipal summons for this violation and subject the violator to the penalties prescribed in section 17-740.

Electric utilities are exempt from the permitting process for the pruning and or removal of a tree when necessary to correct hazardous situation or to eliminate tree/wire conflict that has the potential to interfere with power reliability upon notification and approval of the town's code enforcement official.

SECTION 17-721.3. GUIDELINES FOR TREE REMOVAL (EXCLUDING PROTECTED, SPECIMEN AND LANDMARK TREES)

a. Owner of existing residence:
   1. Removal of trees eight (8) inches or greater in diameter. (?)

b. Owner of commercial property: will obtain the required zoning permit specifying what action they may take in accordance with Article IX, Design Overlay District.

c. Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence: The following requirements apply:
ARTICLE VII. 3rd Draft Revisions LANDSCAPING AND TREE PROTECTION

1. A building permit must be issued prior to the removal of any trees located within the proposed footprint of the home or proposed footprint of the addition. Therefore, the Code Enforcement official will include the tree removal approval as part of the building permit.

2. Trees located within or beyond the required yard setback space of the applicable zoning district shall not be removed unless the code enforcement official (or BZA in a dispute) determines:
   1. The tree poses or will pose a safety hazard to pedestrian or vehicular traffic;
   2. The tree poses or can reasonably be expected to pose a hazard to buildings or utilities, including to foundations or driveways in the near future;
   3. The tree is diseased, dead, or weakened by age, storm, fire, or other injury which is a source of hazard to people, buildings or other improvements on a lot; or
   4. The property owner wishes to thin or remove existing trees from his property to allow for the proper growth of remaining trees or to enhance the overall appearance of the landscaped area. Thinning may be authorized provided thinning is limited to twenty (20) percent of existing trees.

SECTION 17-721.4 GUIDELINES FOR PRUNING OR REMOVAL OF PROTECTED, SPECIMEN AND LANDMARK TREES

a. Owner of existing residence: May prune limbs 8" in diameter (25" in circumference) when measured at the trunk. Pruning of larger limbs or the removal of trees requires the Code Enforcement Official (or the BZA in a dispute) determine in writing that:
   1. The tree or limb poses a hazard to a habitable structure or it is clear that roots within 10 feet of the foundation can reasonably be expected to cause foundation damage in the near future.
   2. The tree or limb is diseased, dead, or weakened by age, storm, fire, or other injury, which creates a hazard to people, buildings or other improvements on a lot.
   3. Prior to the removal of a Landmark Tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted. The letter must state reasons the tree requires removal.

b. Owner of commercial property: May prune limbs less than 8" in diameter (25" in circumference) when measured at the trunk. Limbs greater than 8" in diameter (25" in circumference) when measured at the trunk, and shall not remove trees unless the Code Enforcement Official (or the BZA in a dispute) determines in writing that:
   1. The tree or limb poses a hazard to the foundation of a habitable structure or it is clear that roots within 10 feet of the foundation can reasonably be expected to cause foundation damage in the near future.
   2. The tree or limb is diseased, dead, or weakened by age, storm, fire, or other injury, which creates a hazard to people, buildings or other improvements on a lot.

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3. Prior to the removal of a Landmark Tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted. The letter must state reasons the tree requires removal.

c. Actions involving development of vacant property, redevelopment of property with existing structures, or a major addition to an existing residence: trees of any measurement may not be pruned or removed unless the Code Enforcement Official (or the BZA in a dispute) has determined in writing that:

1. The tree or limb is diseased, dead, or weakened by age; storm, fire, or other injury, which creates a hazard to people, buildings or other improvements on a lot.

2. Pruning or removal of a tree is essential for development (tree or limb located within the footprint of the proposed building). Staff must require application to the BZA for a setback variance if it appears such a variance would save the tree. (Submission of a BZA variance request does not guarantee a variance will be granted). In this case, a building permit for the construction must be issued prior to any removal or pruning of the tree.

SECTION 17-722 TREE REPLACEMENT FOR PERMITTED TREE REMOVAL

(a) Except as provided by section 17-733, all replacement trees shall be planted in order to replace existing protected trees, specimen trees, and any trees when the number or cumulative diameter (DBH) of trees on a parcel falls below the minimum required for the district in which the lot is located.

(b) When replacement trees are required, the tree caliper inches will be calculated as specified below:

   (1) The total caliper inches of replacement trees required to be planted shall equal the total DBH inches of the trees removed at a ratio of one inch replaced per one inch removed.

   (2) Once building site meets the minimum number of trees required, the remaining replacement to meet the caliper inch requirement may be satisfied by paying into the tree mitigation fund as established in section 17-732 of this article.

   (3) Retained trees. Trees two (2) inches or greater in diameter retained on the property can count toward any required replacement. To avoid a monoculture there shall be diversity in the plantings required.

(c) The following, Table 17-722(1), is a list of approved trees and includes all trees on the list of protected specimen and landmark trees as well as others noted in italics:

<table>
<thead>
<tr>
<th>Tree Species</th>
<th>Approved Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beech (American)</td>
<td>Myrtle (Crepe or Wax)</td>
</tr>
<tr>
<td>Birch (River)</td>
<td>Cedar</td>
</tr>
<tr>
<td>Cypress (Bald or Leyland)</td>
<td>Oak</td>
</tr>
<tr>
<td>Dogwood (Flowering)</td>
<td>Palmetto (Sabal)</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Other Tree Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elm</td>
<td>Poplar (Yellow)</td>
</tr>
<tr>
<td>Hickory (Mockernut, pignut or Shagbark)</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Holly (American)</td>
<td>Tupelo</td>
</tr>
<tr>
<td>Locust (Honey)</td>
<td>Weeping Willow</td>
</tr>
<tr>
<td>Loquat</td>
<td>Yaupon</td>
</tr>
<tr>
<td>Magnolia (Southern)</td>
<td>Zelkova</td>
</tr>
<tr>
<td>Maple</td>
<td></td>
</tr>
</tbody>
</table>

(d) Replacement trees must be planted within six (6) months from the date of removal of the existing trees. In the case of new construction, replacement plantings shall be required prior to the final inspection of the project.

(1) Only those trees on the list of approved trees shall be authorized for planting. Trees not native to this area or not on the list of approved trees may be planted but will not count toward the total required.

(2) Each required tree (not including specimen and landmark trees) inspected by the code enforcement official and determined to be damaged by development activity or lot filling shall be removed and replaced with two (2) trees capable of obtaining equal or greater height over time.

SECTION 17-729. TREE PROTECTION DURING CLEARING, GRUBBING, AND DEVELOPMENT

During development, there shall be erected and maintained suitable protective barriers around all trees to be retained so to prevent damage thereto. The code enforcement official shall be consulted regarding the specific type(s) of barrier(s) to be used. Protective measures may not be removed until construction is complete. No other types of disturbance or construction shall be allowed under the drip line.

SECTION 17-730. PUBLIC TREE CARE

The Town of Surfside Beach shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, avenues, lanes, squares, boulevards, drives, public rights-of-way, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. Plantings shall be based upon standards found in the current publications of the American National Standard ANSI Z60.1 American Standards for Nursery Stock; Plant Materials, the ANSI A300 Standards for Transplanting, and the Best Management Practices Series (BMP) for Tree Planting and Tree Support Systems.

The code enforcement official or the public works director may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or which is infected with any injurious fungus, insect, or other pest.

Maintenance and care shall be based on the standards found in the current publications of the American National Standard ANSI-A300.

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SECTION 17-731. TREE TOPPING

It shall be unlawful for any person, firm, or town department to top any tree on public or private property. "Topping" is defined as the severe cutting back of limbs to the stubs larger than three (3) inches in diameter within the trees crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the code enforcement official or public works director.

SECTION 17-732. TREE PROTECTION PLAN

All applications for zoning and/or building permits shall be accompanied by a tree protection plan. All plans must be approved by the code enforcement official prior to the issuance of a permit. The plan(s) shall be drawn to include all pertinent dimensions and indicate clearly proposed parking, driveways and other vehicular use areas, all proposed buildings and structures, all existing trees four (4) inches and over in diameter (DBH) and locations of proposed landscaped areas and materials to be used in landscaping. Where more than six (6) inches of soil fill is to be used to bring up lot elevations, the tree protection plan must indicate how existing required trees will be protected.

SECTION 17-733. TOWN OF SURFSIDE BEACH TREE MITIGATION FUND

(a) Establishment. It is recognized that the replacement of trees on a site, under certain circumstances, may be impractical for a property owner. In order to ensure that the intent of this article is maintained while providing flexibility to affected property owners, a fund, to be known as the Town of Surfside Beach Tree Mitigation Fund, is hereby established. All mitigation fees and other appropriations, as directed by the town council, are to be deposited into this fund.

(b) Eligibility to participate and computation of mitigation fees. A property owner, replacing trees under the provisions of section 17-721.4, must replant trees on the affected site to meet the minimum number of trees required within the applicable zoning district. Once the required number of trees has been met, the remaining replacements needed to meet the caliper inch requirement may be satisfied by paying into the tree mitigation fund. The election to pay a mitigation fee, in lieu of onsite plantings, is voluntary to the property owner. The fee is to be determined by the town's applicable cost schedule based on the current nursery market value plus installation costs.

(c) Fund maintenance. The finance director shall collect all mitigation fees under this article. Such fees shall be recorded and maintained in a special account separate from the general fund and shall accrue interest at the short term rates prevailing in the market.

(d) Eligible expenditures and disbursements. Mitigation funds may be used for purchasing trees or tree care products, planting activities, purchasing irrigation equipment and supplies, preservation and the care of trees, and education about trees in the town. Funds may be dispersed for eligible expenditures by the town administrator with the approval of town council.

SECTION 17-734. CODE ENFORCEMENT OFFICIAL TO AUTHORIZE REDUCTION

(a) Reduction authorized. The code enforcement official may, consistent with the requirements of this section, authorize a reduction in the number of required trees from the terms of sections 17-721.1 and 17-721.4. This reduction is limited to one (1) tree or 20% of the number of trees required for a lot, whichever is greater.

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is greater. In no instance shall the code enforcement official reduce the cumulative diameter of trees required on a lot or reduce any mitigation fee.

(b) Conditions required for reduction. Reduction by the code enforcement official may be authorized in the following circumstances:

(1). The lot is nonconforming in area and the reduction in the number of trees is proportional to the degree of nonconformity;
(2). The lot contains a specimen tree(s) and, based on supporting documentation from a licensed ISA arborist, South Carolina registered forester, landscape architect, architect, or engineer, the placement of the required tree(s) would interfere with the healthy growth of the specimen tree or the replacement tree(s) could not reach maturity due to existing canopy cover; or,
(3). The replacement tree(s) would interfere with a public street, sidewalk, drainage or utility easement and alternate placement is not possible.

(c) Appeals and further reductions. Appeals from grants or refusals of the code enforcement official under subsections (a) or (b), above, are made to the board of zoning appeals pursuant to section 17-223. The board of zoning appeals may grant a variance to provide additional relief from the terms of this article, subject to the requirements imposed by section 17-222.

SECTION 17-734 through 17-739. [RESERVED]

DIVISION THREE: ENFORCEMENT

SECTION 17-740 PENALTIES

Any person or entity who violates any provision of this Article shall have committed a misdemeanor. The code enforcement officer shall institute appropriate legal action including imposition of the fines set forth herein.

Fine for removing limbs over 8" in diameter without approval $500.00
Fine for removing unprotected trees without a permit $500.00
Fine for removing protected or specimen trees without a permit $500.00 per four-inch caliper for each tree
Fine for removing Landmark trees shall be $10,000.00
Fine for Failure to obtain a permit $500.00

In addition to the fines, violators shall be subject to all of the provisions established in Section 1-16 General Penalty; continuing violations, of the Town’s Code of Ordinances. Issuance of a fine or penalty does not relieve any party of complying with the mitigation requirements set forth in Section 17-736.

All fines collected as a result of the enforcement of this article shall be placed in the Tree Mitigation Fund and used by the Town for tree-related activities including but not limited to: the purchase of trees or tree care products, planting activities, irrigation equipment and supplies, preservation and care of trees, and education about trees in the Town of Surfside Beach.
SECTION 17-741 MITIGATION REQUIRED FOR REMOVAL OF TREES WITHOUT A PERMIT

Any tree removed without a permit must be replaced with twice the inches removed and shall be replaced with species listed in Table 17-724 of the Town’s Code of Ordinances.

SECTIONS 17-742 through 17-799. [RESERVED]

DIVISION FOUR: DEFINITIONS

In addition to the definitions set forth in section 17-007, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section. All other words, terms, and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

*Caliper* shall mean the diameter of the stem of a tree as measured six (6) inches above the ground for trees up to four (4) inches in diameter and twelve (12) inches above the ground for larger diameter trees. Caliper inch(es) is used as a measurement standard for replacement trees and trees less than ten (10) feet in height.

*Diameter at Breast Height (DBH)* shall mean the diameter, in inches, of a tree trunk as measured four and one-half (4 1/2) feet above the ground. If the tree splits into multiple trunks below four and one-half feet, the trunk is measured at its narrow point beneath the split. Diameter-at-breast-height is used as a measurement standard for all trees, excluding replacement trees and trees less than ten (10) feet in height.

*Protected and specimen trees.* The following trees are designated by the Town of Surfside Beach as either protected or specimen trees when the diameter is attained as indicated in Table 17-722 below:

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Protect @</th>
<th>Specimen Tree @</th>
<th>Landmark Tree @</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beech (American)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birch (River)</td>
<td>6 inches but less</td>
<td>18 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar (Eastern Red)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cypress (Bald)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td>Greater than 24 inches</td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dogwood (Flowering)</td>
<td>4 inches but less</td>
<td>12 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elm</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hickory</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holly (American)</td>
<td>6 inches but less</td>
<td>12 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magnolia (Southern)</td>
<td>8 inches but less</td>
<td>16 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maple (Red)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak (Live Oak)</td>
<td>8 inches but less</td>
<td>24 inches</td>
<td>Greater than 24 inches</td>
</tr>
<tr>
<td></td>
<td>than</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE VII.  3rd Draft Revisions  

LANDSCAPING AND TREE PROTECTION

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Diameter Range</th>
<th>Minimum Diameter</th>
<th>Pruning Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oak (Laurel)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td>Greater than 24 inches</td>
</tr>
<tr>
<td>Oak (all other types)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Pine (Long Leaf)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Poplar (Yellow)</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Sycamore</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Tupelo</td>
<td>8 inches but less than</td>
<td>24 inches</td>
<td></td>
</tr>
</tbody>
</table>

Prune shall mean to lop or cut off any parts, branches, or shoots; to clear trees of useless material; to shape or smooth by trimming; or to trim to maintain the plant's health or the safety of persons or property. Pruning of a tree must not result in permanent or long-term disfigurement of that tree unless required in other sections of this article.

Regulated tree shall mean a protected tree, specimen tree, and/or any other tree eight (8) DBH inches or greater whose removal is restricted under the terms of this article.

Replacement tree shall mean a tree with a diameter of not less than two (2) caliper inches that is planted on a site to replace a tree that was removed, damaged, or destroyed as a result of construction and/or non-construction activities.

Required tree shall mean any tree, regardless of regulated status, whose retention or planting is needed to satisfy the tree count, minimum diameter, or replacement provisions of this article.

Topping shall mean the severe cutting back of limbs to the stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and result in the disfigurement of the tree.

Tree shall mean any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter of greater than three (3) inches at any point and a height of over ten (10) feet.

Tree mitigation fund shall mean a fund established by this article to be used for tree-related activities including, but not limited to: the purchase of trees or tree care products, planting activities, irrigation equipment and supplies, preservation and the care of trees, and education about trees in the Town of Surfside Beach. This fund is to receive monies from tree mitigation fees and may receive other funds as appropriated by the town council.

Tree protection plan shall mean a plan that identifies the location, size, and species of existing trees and trees targeted for removal including the identification of any tree protection areas and the means of such protection. When new plantings are proposed or required by this article, the tree protection plan shall denote the location, size, and species of all trees to be planted on the site.