



SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
January 3, 2017 ♦ 6:00 P.M.

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6 **1. CALL TO ORDER.** Vice Chairman Abrams called the Planning & Zoning Commission meeting
7 to order at 6:00 p.m. Commission members present: Chairman Abrams, and members Elliott, Gambino,
8 Johnson, Lauer, Lowery and Seibold. A quorum was present. Others present: Town Clerk Herrmann
9 and Planning Director Morris.

10
11 **2. PLEDGE OF ALLEGIANCE.** Chairman Abrams led the Pledge of Allegiance.

12
13 **3. AGENDA APPROVAL.** M. Johnson moved to approve the agenda as presented. Mr. Lauer
14 second. All voted in favor. **MOTION CARRIED.**

15
16 **4. MINUTES APPROVAL.** Approval of meeting minutes was deferred.

17
18 **5. ELECTION OF OFFICERS.**

19
20 **CHAIRMAN:**

21
22 Ms. Lowery moved to elect Mr. Seibold as chairman. Mr. Seibold respectfully declined.

23
24 Ms. Gambino moved to elect Ms. Elliott as chairman. Ms. Lowery second. Members Elliott,
25 Gambino, and Lowery voted in favor. Chairman Abrams, and members Johnson, Lauer, and Seibold
26 voted against. **MOTION FAILED.**

27
28 Ms. Johnson moved to elect Ms. Abrams as chairman. Mr. Lauer second. Chairman Abrams, and
29 members Johnson, Lauer, and Seibold voted in favor. Members Elliott, Gambino and Lowery voted
30 against. **MOTION CARRIED.**

31
32 **VICE CHAIRMAN:**

33
34 Mr. Lauer moved to elect Ms. Elliot as vice chairman. Ms. Gambino second. Members Elliott,
35 Gambino and Lauer voted in favor. Chairman Abrams, and members Johnson, Lauer, and Seibold voted
36 against. **MOTION FAILED.**

37
38 Ms. Johnson moved to elect Mr. Seibold vice chairman. Ms. Abrams second. Chairman Abrams,
39 and members Johnson, Lauer, and Seibold voted in favor. Members Elliott, Gambino and Lowery voted
40 against. **MOTION CARRIED.**

41
42 **6. PUBLIC COMMENTS- Agenda Items.**

43
44 Mr. Michael McCown, 13th Avenue South, said we are new to Surfside Beach. We are in the
45 process of building a house and should move in within a few weeks. We bought a heavily wooded lot
46 about three years ago that has a large, dense pine tree population. When we contracted to build the
47 house about a year ago, I encouraged the builder to remove as many large pine trees as possible with
48 concern about storms, debris, maintenance, et cetera. The contractor applied for the permits through
49 planning and zoning, and were able to remove some of the trees. A small number of trees, in my
50 opinion. According to the builder, they removed one tree that was not supposed to be removed, and
51 they were fined because of that. My concern is (*distributed photos to members*) are the ten large pine
52 trees that are close to my deck. We have a nice, corner lot that represents a \$500,000 investment. In a
53 few years, we plan to retire here in Surfside Beach. We had a home here in the past and we love this

54 area. We've got these ten large pine trees and a number of hardwood trees on the lot. We understand
55 that the hardwoods should remain and that they are vital to this area. We don't see the benefit; the risk
56 to reward for having the large pine trees because of them causing damage during storms. Some of the
57 pine trees can be touched standing on our deck. We're concerned with that. It's frustrating now,
58 because if the rules change now and we're allowed to remove these eight or ten trees, it will be at my
59 expense at about \$5,000, when the builder could have done that no expense to me. As it stands now,
60 I'm stuck with these trees (*time ended*). I took for granted, unfortunately, that I could remove some of
61 them.

62
63 **7. DISCUSSION ITEMS.**

64
65 **ARTICLE VI LANDSCAPING AND TREE PROTECTION SECTIONS OF THE ZONING**
66 **ORDINANCES.**

67
68 Chairman Abrams said she had done a "strawman draft to the code and emailed it along with
69 explanations to the members. She suggested that document be used as a starting place for members to
70 comment. She discovered that if the town gets out of the arborist business, the town doesn't need so
71 many "flavors" of trees.

72
73 Ms. Johnson asked what differentiated common tree from a protected tree. Chairman Abrams
74 believed that common trees should include very type tree, except those listed on the protected tree list in
75 the code. When the list of protected trees is addressed, the members can include any tree they feel
76 should be protected.

77
78 Ms. Elliott asked by the suggestion to change the format of specimen, protected and landmark
79 trees was being changed. Chairman Abrams said the code seemed unnecessarily complicated, in her
80 opinion. For the purpose of the draft, "common" means any tree that is not specifically listed in the
81 ordinance. Ms. Elliott understood, but did not like the terminology.

82
83 Ms. Elliott moved to include the director in the discussion like she always has been, and for her
84 comments to be included. Ms. Gambino second. Ms. Elliott said Ms. Morris would know which trees were
85 good or not, because she has a list from the arborist. Our list is too long. Chairman Abrams noted that
86 Ms. Morris' comments were included in the draft. All voted in favor. **MOTION CARRIED.**

87
88 Tree Classification Chart: Ms. Elliott said you can't always keep changing everything; people get
89 used to things. Chairman Abrams said her suggestion is that the tree is either protected or not. But
90 using the term 'not protected' is not really true. Mr. Lauer liked cutting out the specimen classification.
91 I'm not sure 'common' is the right word, but it didn't bother me. Ms. Johnson said specimen trees were
92 bigger than a protected tree; same tree, just a larger size. Ms. Lowery suggested using mature and
93 immature trees. Chairman Abrams said she could not identify a mature or immature tree in her yard.
94 Mr. Lauer suggested having protected trees with two columns with the two sizes. Ms. Elliott and Ms.
95 Johnson preferred the current tree list designations. Ms. Johnson suggested naming just the tree
96 species, i.e. Hickory, Oak, etc. instead of the specific names. Ms. Elliott agreed. Ms. Gambino said
97 things need to be simpler. Ms. Morris said either way would be fine with her. The City of Myrtle Beach
98 uses protected trees, significant trees, and landmark trees. Most cities have three categories, but use
99 different names. Ms. Gambino believed the classifications were fine as they were, but she would support
100 the commission's decision. Ms. Lowery was fine with three classifications. Mr. Seibold wanted to simplify
101 the code. He did not know if 'common' was the right word. We have to identify what we mean by
102 protected, specimen, and landmark, if we are going to keep those terms. If we use 'common,' it's easy
103 to say other than 'protected.' I would like to simplify it. He asked if a staff member could identify each
104 tree. Ms. Morris said yes, she has a book from Clemson University and the South Carolina Forestry
105 Commission. Mr. Seibold said as a homeowner, he would need help identifying trees. In his opinion, the
106 list is mind-boggling. Mr. Lauer believed the key word was that some trees are protected. It did not

107 make any difference whether the tree met the size criteria to be a specimen; these are the protected
108 trees. Mr. Seibold said exactly. Ms. Johnson reiterated her comment that the list should just include only
109 the tree type, which would reduce the list of oak trees by six names. Ms. Elliott asked if diameter should
110 be included on the chart. Chairman Abrams said that would be addressed when the chart is brought up
111 for discussion. Ms. Lowery suggest eliminating the long leaf pine tree. Chairman Abrams said the
112 discussion was veering away from the topic of whether to reclassify trees common and protected.
113 Members Elliott, Gambino, Johnson, and Lowery believed the classifications should remain the same.
114 Chairman Abrams said the majority rules; classifications will remain the same on the chart.

115 **COMMISSION CONCURRED.**

116

117 Tree Removal or Pruning: Chairman Abrams said there were three groups that remove trees:
118 (1) homeowners, (2) developers, and (3) remodeling or redevelopment. In her opinion, there need to be
119 separate rules for homeowners, and another set for developers and redevelopers. The charge is to
120 lighten up on homeowners. We do not want to "open the barn door" too wide for developers and
121 redevelopers. Ms. Johnson said if a homeowner can remove any tree, a permit should still be obtained
122 whether there was a cost or not. Ms. Elliott agreed and said there is only a \$5.00 fee to remove a tree.
123 But, a contractor has to pay the fee and get a permit so that his town business license can be confirmed.
124 We receive over \$700,000 in license fees from various businesses, which is 10 mils on our tax bill.
125 Chairman Abrams asked if there was consensus that there were three groups that remove trees.

126 **COMMISSION CONCURRED.**

127

128 17-721 Findings of Fact. No changes. The definitions were moved to the end of the section.

129 **COMMISSION CONCURRED.**

130

131 17-724 Minimum number of trees required and measurements by district; applicability of
132 provision: Chairman Abrams thought the code should state the minimum number of trees and the
133 measurements at the beginning of each district. **COMMISSION CONCURRED.**

134

135 17-NEW General Information and Guidance. Chairman Abrams introduced the proposed code
136 noting that the three tree classifications should replace the "common" and "special protection" terms; and
137 that the three policies should be referenced depending on the type permit (Tree Removal or Pruning,
138 above.)

139

140 Ms. Elliott moved that the director use the draft prepared by Chairman Abrams with her staff to
141 simplify it down for the commission into the sentences that are enforceable by the attorney, because we
142 are not attorneys and we're not the ones that will give it to the attorney for approval to give to council
143 for approval. I would like to see what our director also has to offer to us on this whole ordinance.
144 Chairman Abrams said it was obvious that a lawyer would have to review it. Ms. Elliott said Ms. Morris is
145 the commission's director and we are under her guidance. Chairman Abrams said the commission writes
146 the ordinance. Ms. Elliott said the commission does not write ordinances. She directs us and we
147 comment on them. You are in the position of chair directing us, and you're speaking as a commissioner
148 with the ordinance. This has never been done. You're setting a precedent.

149

150 Chairman Abrams restated the motion that Ms. Morris take the ordinance and she draft it. Ms.
151 Elliott said we'll keep talking on your draft and maybe Ms. Morris can incorporate tonight's comments and
152 convert it into a simplistic form for the workshop on the 17th. If we don't like that, then we can continue
153 to keep working. Ms. Elliott asked Ms. Morris if she agreed. Ms. Morris did not respond. Chairman
154 Abrams was confused about what Ms. Elliott wanted Ms. Morris to do. Ms. Elliott said I want her to take
155 the whole thing and make it simple. Residential, blah, blah, blah.

156

157 Ms. Johnson said she believed the commission needed to discuss this so we know where to go
158 with it. We don't have a clue right now. Ms. Elliot said we would discuss it. I'm not saying we stop now.
159 I'm saying at the end of the evening, Ms. Morris will take what we have discussed and review it; add her

160 comments and maybe she could make it more simplified for us, and still legal. Ms. Johnson asked if the
161 discussion could be completed before this motion be offered. Ms. Elliott said okay, go ahead.
162

163 Chairman Abrams said if she understands Ms. Elliot correctly, the intent is that Ms. Morris will do
164 any additional drafting on the proposed ordinance instead of her doing so. Ms. Elliott said that was
165 correct. I agree with finishing this discussion.
166

167 **Commission CONCURRED to 17-NEW General Information and Guidance**, with
168 corrections to site the three categories of trees.
169

170 17-723. When a permit is required for pruning or tree removal. Ms. Johnson believed a permit
171 should be required for all pruning over a certain size and tree removals. Ms. Morris said staff stopped a
172 contractor from cutting a tree that had not been approved, but he cut the tree anyway. The homeowner
173 asked staff to inspect what he thought was a magnolia tree. The tree was actually a maple tree, but
174 both tree types were protected. The contractor had no business license; he was fined for cutting the tree
175 and not having a license. He left town and has not paid the fees, and every phone number we have has
176 been disconnected. Mr. Lauer asked if there was a solution to this type problem. Ms. Morris said the
177 permit system in place now works. Tree permits are \$5 for unprotected trees; protected tree permits are
178 \$75. There is no fee for pruning limbs because the code does not stipulate a fee, but a permit is
179 required. Chairman Abrams said the commission was charged with "eliminating the hassle." Ms. Morris
180 said staff is concerned because the public does not understand which ones are specimen trees. When a
181 specimen tree is cut without a permit, then council will certainly get phone calls because of the fines.
182 Generally, tree inspections are done within three days of the request. Limbs and pruning could be
183 addressed separately; her concern was remove the entire tree.
184

185 Ms. Lowery thought it was agreed at the last meeting that limbs up to eight inches at the trunk
186 could be pruned without a permit. She had no problem with light pruning, because pruning is necessary
187 to keep plants healthy. Ms. Morris said that pruning allowances would be included in the new ordinance.
188 Ms. Elliott, Ms. Gambino, and Mr. Seibold recalled the same discussion. Ms. Lowery wanted the code to
189 state seven inches diameter measured two inches from the trunk. Ms. Gambino referred to Section 17-
190 727 and read, "owner of existing residence may prune limbs less than 8" in diameter (25" in
191 circumference, when measured at the trunk." Chairman Abrams said there is no mention of permit in
192 that section. Ms. Lowery asked what would happen if pruning was allowed without a permit. Ms. Morris
193 said a limb larger than what is allowed might be cut. There is no permit required for trimming. After
194 additional discussion, the **COMMISSION CONCURRED to add that no permit is necessary for**
195 **pruning limbs up to 7 inches in diameter (22 inches in circumference) measured two inches**
196 **from the trunk.**
197

198 Chairman Abrams asked if the commission was ready to get out of the arborists business and
199 have the board of zoning appeals (BZA) decide those matters, which are usually more common sense
200 that scientific in nature. Mr. Lauer asked if the BZA would grant variances. Ms. Morris said yes; most
201 towns require an arborist, and also require that landmark trees be referred to the BZA. There no charge
202 to anyone that appears before BZA to save a tree. The BZA would have to be given specific criteria in
203 the Town Code that has to be met when granting or denying a variance. After discussion,
204 **COMMISSION CONCURRED that all landmark trees require an arborist to determine the**
205 **condition of the tree when it is not located in the footprint of the home.**
206

207 Chairman Abrams said that one of Town Council's directives was to address roots approaching a
208 foundation. The current ordinance states roots must have actually caused damage to the foundation or
209 the home instead of are obviously going to, if they keep growing. Mr. Seibold liked the proposed
210 language "...or it is clear that roots within 10 feet of the foundation can reasonably be expected to cause
211 foundation damage in the near future."

212 Ms. Elliott said the same size allowed for cutting should be allowed for commercial property. Ms.
213 Morris said that would be changed. Ms. Elliott asked where the code prohibits topping trees. Ms. Morris
214 said Section 17-731.

215
216 Ms. Lowery moved to change the allowable size for pruning limbs to 7 inches in diameter (22
217 inches in circumference) measured two inches from the trunk. Mr. Seibold second. All voted in favor.

218 **MOTION CARRIED.**

219
220 Chairman Abrams reminded the members that there are many places in town that are ripe for
221 redevelopment. Section 17-727 requires approval prior to any pruning or tree removal. Language about
222 requiring an arborist to inspect and approve removal of landmark trees will need to be added. In her
223 opinion, she was leaning in favor of requiring developers to apply for a BZA variance to save a landmark
224 tree, if it appears that a variance would save the tree. Members **CONCURRED.** Ms. Morris asked if this
225 was when the protected trees were in the building footprint. Ms. Johnson said yes, in her opinion. The
226 building might be moved over to save the tree.

227
228 Chairman Abrams said that completed her edits on the code. She asked Ms. Morris if she had a
229 clear understanding of the commission's agreements at this meeting. Ms. Morris said she took good
230 notes. Enforcement was not discussed, but that can be done later. The attorney was contacted and he
231 advised that enforcement has to be done across the board. Different penalties are not allowed.

232
233 Mr. Lauer referred to Section 17-704 and asked if there was a definition for good planting
234 procedures. Ms. Morris said the standard is the ANSI (American National Standards Institute).

235
236 Ms. Lowery pointed out several grammatical errors, of which Ms. Morris made note and said
237 would be corrected.

238
239 Ms. Elliott moved to have Ms. Morris review the proposed revised ordinance on our landscaping
240 and trees by the Chairman's edit, and add her staff comments and rewrite what is necessary to simplify it
241 and have it ready for the January 17th meeting, if at all possible. Ms. Johnson second. All voted in favor.

242 **MOTION CARRIED.**

243
244 **8. PUBLIC COMMENTS - General.**

245
246 Mr. Ron Ott, 7th Avenue North: For your consideration, I would like to look at possibly when we
247 change an ordinance or redo the whole thing or make a brand new ordinance have some type of a review
248 that we look back and see how it affects the residents, citizens, and businesses of this town. We have a
249 tree ordinance that's been out there for a long time, and it's affected a lot of people. This is just for your
250 consideration. Maybe we say six months, the commission turns around and looks at how the ordinance
251 was used through the building department and how it affects the people. Maybe it needs to be polished,
252 chipped at, or perfected. Thank you. One other thing, pi, everybody likes pi. You have your diameter
253 multiply it by pi to get your circumference. Thank you.

254
255 Mr. Mike McCown, 13th Avenue South: I guess I may have an old copy of the ordinance I'm
256 reading, so I apologize. I'm a little confused. If a pine tree is a common tree, since it's not listed as a
257 protected or a specialized [sic] tree, I infer that it's a common tree, number one. That was kind of a
258 comment or a question. The other thing, there was some confusion when I went to the planning
259 commission, I talked to the folks there. They indicated in our zone that there had to be four trees per
260 lot. So, we've got 25 trees or whatever the number is. I assumed that we could remove a lot of trees,
261 and I guess because the requirement not to remove an existing tree supersedes the four tree per lot
262 that's some confusion that I had. So maybe there could be some clarification for that in the ordinance.
263 The other thing is, if I read the ordinance correctly, a tree that's smaller than four in diameter, four and a
264 half feet up, you don't have to have a permit to remove that tree, and that's true of any specimen, if I

265 read that correctly. Chairman Abrams said that sounded correct to me. My understanding is that under
266 four inches in diameter is at breast height is not our definition of a tree at all. Mr. McCown: The last
267 comment or question, I grew up out in the country, so I'm used to suing a chainsaw. The requirement
268 that the homeowner has to have a licensed tree remover to remove a five inch diameter tree is seems
269 pretty egregious. Chairman Abrams and Ms. Morris said that was required. Mr. McCown: So you have
270 to have a permit to remove a tree. Don't you have to show a license to remove the tree? Ms. Morris said
271 not if you are the owner. A property owner can get the permit as long as he is doing the work.

272
273 **9. COMMISSION COMMENTS.**
274

275 Mr. Seibold asked Ms. Morris to enlighten him about Mr. McCown's situation. Can he remove
276 those pine trees? Ms. Morris said the ordinance states that even for unprotected trees you have to meet
277 the requirements. Mr. Seibold said he meets the requirements with four trees. Ms. Morris said that was
278 the minimum requirement. If you have more than four trees and they die, you have to replace them with
279 at least four trees. Unless the lot meets the requirements of 17-725, staff cannot allow them to be
280 removed.

281
282 Ms. Lowery: I thoroughly enjoyed this tonight. Thank you for your comments. Thank you for
283 your questions. As I said, I've enjoyed it. And, Happy New Year.

284
285 Ms. Johnson: Thank you for coming. Happy New Year, and go Tigers!

286
287 Mr. Lauer: Thank you, Mr. Ott. I think a review is a good idea, and I'm sure that we will review
288 it anyway. Happy New Year, everybody.

289
290 Ms. Gambino: Thank you for everyone coming, and your comments. We do appreciate that.
291 Happy New Year, and thank you, Ms. Morris.

292
293 Ms. Elliott: Thank you for all coming, and I want to thank Chairman Abrams for all the hard work
294 she's doing to try to get us straightened [sic.] Happy New Year to all of you.

295
296 Chairman Abrams: Thank you for being here. We meet again on the 17th at six o'clock. We're
297 doing two meetings this month to try and make some progress with this tree ordinance.

298
299 **10. ADJOURNMENT.** Ms. Lowery moved to adjourn at 7:17 p.m. Mr. Seibold second. All
300 voted in favor. **MOTION CARRIED.**

301
302 Prepared and submitted by,

303
304 _____
305 Debra E. Herrmann, CMC, Town Clerk

306 Approved: February 7, 2017.

307
308 _____
309 Mary Ellen Abrams, Vice Chairman

310
311 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded,
312 and not intended to be a complete transcript. Appointments to hear recordings may be made with the
313 town clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive.
314 In accordance with FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and
315 interested parties via the town's email subscription list. The agenda was posted on the entry door at
316 Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org
317 and the marquee.