



**PLANNING & ZONING COMMISSION TREE ORDINANCE WORKSHOP
TOWN COUNCIL CHAMBERS
JANUARY 17, 2017 ♦ 6:00 P.M.**

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

10
11 Chairman Seibold said the purpose of the workshop was to discuss the town's tree ordinance and
12 recognized Ms. Morris.

13
14 Ms. Morris said the notes taken at the last meeting regarding protected and common trees were
15 omitted and the ordinance now includes the original terms, protected, specimen, and landmark.

16
17 Mr. Lauer presented a proposed edit for Section 2 Tree Protection, a copy of which is on file. He
18 said when he reads the ordinance that the paragraphs are large and cumbersome. He proposed editing
19 to state the bare minimum requirements, so anyone could immediately see what trees were protected
20 and not protected; allowable pruning; tree removal, and where to go from there. Ms. Morris said the
21 terms "protected and common trees" was not going to be used, and the current classifications
22 "protected, specimen, and landmark trees" would be used. After discussion, the commission
23 **CONCURRED** to continue using "protected, specimen, and landmark trees."

24
25 Mr. Morris said the third edit included changes agreed to by the commission at both meetings
26 with a goal of condensing the code, so the draft has taken the intent for landscaping, trees, a purpose for
27 each of those and combined them as one section.

28
29 Section 17-700. Commission **CONCURRED** with this section with the deletion of the word
30 "certain" in the last sentence.

31
32 Section 17-701. Commission **CONCURRED** with this section as presented.

33
34 Section 17-701.2 Add ANSI Z60.1 which is the American Standard for Nursery Stock that
35 identifies appropriate plantings, a copy of which is on file. Commission **CONCURRED**.

36
37 Section 17-701.3 No comments.

38
39 Section 17-702 through 17-719. Ms. Morris said these numbers are reserved for future use.
40 Many of these sections were incorporated into the chart 17-701.1 to eliminate verbiage.

41
42 Section 17-721 Commission **CONCURRED**.

43
44 Section 17-721.1 Mr. Lauer believed the tree definitions should be more prominent. Ms. Morris
45 said the tree definitions could be moved to the first section under Division 2, Tree Protection.
46 Commission **CONCURRED**.

47
48 Both diameter and circumference in inches are to be added to the measurements. Commission
49 **CONCURRED**.

50
51 Section 17-721.2 Add after the word 'limbs' in the first sentence "measuring seven inches
52 diameter two inches from the trunk (22 inches in circumference)." Commission **CONCURRED**.

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54 Paragraph a.2. remove "eight (8) inches or greater in diameter" and add "measuring seven
55 inches diameter two inches from the trunk (22 inches in circumference)." Commission **CONCURRED**.

56
57 Delete paragraph beginning "Failure to obtain the required approval and permit(s)..."
58 Commission **CONCURRED**.

59
60 Section 17-721.3 Paragraph a.1. remove the number "1", and remove "eight (8) inches or
61 greater in diameter" and add "measuring seven inches diameter two inches from the trunk (22 inches in
62 circumference) or less." "Major additions, including pools," should be defined with square footage; the
63 minimum number of trees must be met. Other grammatical and punctuation errors were noted for
64 correction. Commission **CONCURRED**.

65
66 Section 17-721.4 Paragraph (a) 3 and (c) 2, arborists letter required only if the owner is saying
67 the tree is dead, diseased or dying, and landmark trees in house footprint required to go to the board of
68 zoning appeals if the tree can be saved. Commission **CONCURRED**.

69
70 Paragraphs (a) and (b) correct size to the agreed upon "measuring seven inches diameter two
71 inches from the trunk (22 inches in circumference)." Grammar and punctuation corrections were noted.
72 Commission **CONCURRED**.

73
74 Section 17-722 Eliminate 'caliper' and use diameter and circumference measurements where
75 applicable.

76
77 Table 17-722(1) Remove Crepe Myrtle trees from the replacement tree list. Palmetto trees to be
78 included in the replacement tree list. Commission **CONCURRED**. Ms. Morris will provide a PowerPoint
79 at the next meeting identifying trees and what the benefits are. Chairman Seibold said this chart will be
80 revisited at the next meeting.

81
82 Section 17-729. Commission **CONCURRED**.

83
84 Section 17-730. Add that a copy of the ANSI is on file. Commission **CONCURRED**.

85
86 Section 17-731. Commission **CONCURRED**.

87
88 Section 17-732. Commission **CONCURRED**.

89
90 Section 17-733. Punctuation errors were noted for correction. Paragraph (d) change "may" to
91 "shall" in the first sentence to prevent mitigation funds from being used for other purposes. Commission
92 **CONCURRED**.

93
94 Section 17-734. Ms. Morris explained that a tree could be eliminated, but the cumulative
95 diameter of trees is still required. Commission **CONCURRED** no changes to 17-734.

96
97 Section 17-740. "Fine for removing limbs over 4" in diameter without approval \$500" change to
98 "Fine for removing limbs over 7" inches in diameter without a permit \$500." Staff may issue a fine
99 and/or a summons. A summons is the last resort and is used when the action was done with malice.
100 Commission **CONCURRED**.

101
102 Section 17-741. Commission **CONCURRED** no changes to 17-741.

103
104 Section 17-722. Definitions. Ms. Morris explained that trees were categorized as species, i.e.
105 Hickory, except for Live Oak and Laurel Oak that are landmark trees. Ms. Johnson asked why the
106 Palmetto tree was listed as a replacement tree, but not a protected tree. Caliper is to be replaced with

107 diameter; a definition for circumference is to be added, and Table 17-722 to include diameter and
108 circumference measurements. Commission **CONCURRED**.

109
110 Chairman Seibold asked if a clean copy would be provided for the next meeting, and a
111 PowerPoint about trees. The next regular meeting is February 7th at 6:00 p.m.

112
113 Ms. Morris said Ms. Johnson's question about Palmetto tree was not addressed. Ms. Johnson said
114 Palmettos should be allowed to be planted, but she did not think it should be a replacement tree,
115 because it doesn't do the things that other trees do; no root system, doesn't absorb water; no shade.
116 Ms. Lowery asked if it was correct that when trees were counted for the minimum number on a lot that
117 count included all trees. Ms. Morris said yes. Replacement trees have to be on the replacement tree list,
118 but do not have to be on the protected tree list. Commission **CONCURRED**.

119
120 A discussion was held regarding time limits for the commission to complete its work. Ms. Morris
121 explained there is no time limit for the commission to perform its work; clarification would be sought from
122 the town attorney. Commission **CONCURRED**.

123
124 Ms. Morris said fees for permits were addressed in Chapter 13, and believed she understood that
125 the commission wanted to amend the fee so there would no charge for homeowners when unprotected
126 trees are involved a \$5 permit was required, but that will be free in the new ordinance. The permit fee is
127 \$75 to remove a protected, specimen, or landmark tree, unless is it dead, dying or diseased or a hazard
128 to the home, then the permit is free. Commission **CONCURRED**.

129
130 **PUBLIC COMMENTS.**

131
132 Mr. Ron Ott, 7th Avenue North, said I never knew what determined a landmark tree. My hickory
133 tree is a landmark tree, too, and it drops 2 inch nuts and other debris. If I had it cut, I could be fined
134 \$10,000. Ms. Johnson said that is a protected tree, not a landmark tree. (**) My hickory tree is
135 probably about 32 inches in diameter. It is a specimen tree, so I won't have the big fine. If someone
136 comes into town and has a landmark tree on his property, how would he know? Is there a sign on the
137 tree? He might get some of his buddies and start chopping it down. That's why they're naming the trees
138 in Conway, so there would be something to show it was a landmark. You touch that you're going to be
139 fined \$10,000, which is a huge fine. I don't think the planning and zoning department should issue, I
140 think the whole Town Council should sign that one, if we're going to fine a resident that much money.
141 There were a lot of landmark trees that went down during Hurricane Matthew; there's no replacement for
142 them. I'm glad you're tackling this. You're doing a good job. I thank you, but I think the landmark
143 trees should be marked so everybody knows what they are. Ms. Johnson said anyone can asked the
144 zoning department staff to inspect a tree. Ms. Lowery said that was why every tree cut requires a
145 permit. Mr. Ott said there are other ways to get rid of a tree that they don't want to cut. Does the code
146 address whether a tree was poisoned; it's a hard thing to prove. Thank you for your help.

147
148 Ms. Carol Holt, North Yaupon Drive, y'all have done a great job. My concern is that it seems the
149 ordinance is geared towards punishment more for the developers. I can understand what you're trying
150 to do. There are homeowners who live in the R3, and we do. We have two Live Oaks. One is 18 inches
151 from our house. We have an arborist's letter written three years ago that says it's going to cause
152 foundation problems. From what I'm understanding a lot these, were still going to end up having to pay
153 fines or permits, even though it's not dead, dying, or diseased, but it is a hazard to the foundation. I just
154 want you to, if you can, explain to me exactly if we have to have this tree cut, and we haven't done it
155 yet, but we have a letter, what fines, what permits, we will have to do mitigation? We're in R3 so it's a
156 smaller lot. We only need three trees, I think from what I can understand. Is that right. Ms. Morris said
157 that was right. So if we cut the one and it's over 75 inches circumference. Ms. Lowery said that's so sad.
158 Ms. Holt said you can come over by my house if you want to, or you can pay for the foundation. Ms.
159 Lowery said she had a tree cut that was less than three feet from her house corner. It hurt my heart,

160 but you have to do it. Ms. Holt said we haven't cut it yet. It hurts my heart, too, but what are the
161 expenses for our house when things start happening. Ms. Lowery said I think we took care of that a little
162 while ago. Ms. Morris said if it's a hazard and you have the letter, it's a free permit. We are adding that
163 to the ordinance. Ms. Holt asked if she needed a current arborist's letter. Chairman Seibold, Ms. Morris,
164 and several others said no. Ms. Holt said Sections like 17-728 apply to developers only, but that is not
165 stated in the code. Say we have this Live Oak cut; what are the requirements? We have another Live
166 Oak and a Crepe Myrtle. In order to replace the Live Oak, we are going to have to purchase a tree that's
167 25 inches in circumference. I know what you're trying to do, but you also have to realize there are
168 homeowners in R-3 and that's why you have the different districts, 1, 2, and 3. Three is different from 1,
169 and vice versa. I just really feel that you need to look at homeowners that actually live in R3, when
170 you're looking at some of these. Your mindset is really on developers, but you also have to take into
171 consideration the homeowners. (**) The R3 has smaller lots. The developer comes in and as I said
172 before, they're permitted. They can put a duplex, two houses on one lot. You can't put two houses on
173 those small lots and not cut down trees. That's the predicament that we're in. So, I just want you to
174 really look at this thinking of the homeowners as well as the developers, with what your strict
175 requirements are placed on the developer are also placed on the homeowner.
176

177 Mr. Ken Padraza, 10th Avenue North. First I would like to say thank you for your effort. I know
178 you're here trying to look at this ordinance. Trying to simplify it. Trying to make it less restrictive, but
179 yet still have protection of trees. I think that's really good. There's always that challenge once you have
180 an ordinance in place for a long time, sometimes you wonder where that information came from to put in
181 your charts; which are protected trees; why you have certain circumferences or diameters; the minimum
182 number. What's that principle that we're reviewing again to say that's the right number for our township,
183 for Surfside to protect trees? That's the question. Again, we're talking about having to have a permit,
184 whether it's free or not, but a permit to prune or cut any trees. I would say that's a challenge, because
185 in reality almost every homeowner would be coming to you all to say hey, I'm going to do my spring or
186 fall cutting and pruning to make the landscaping look good. It's better for the trees, better for the area,
187 better for the homes, because they're not hanging over certain areas that could cause problems. We put
188 in there that you have to get a permit for all, any kind of pruning, which is what it says. In certain of
189 these things it does say all trees. I just think that becomes... Ms. Morris said only above a certain size.
190 Mr. Padraza continued saying I think that's going to be a problem, because people aren't going to really
191 take ownership or are going to be afraid to come and do things, which I don't think is what you're trying
192 to do. You're trying to get people to step up and have some ownership and support of Surfside. So, I
193 think we just have to make sure we're not trying to get a permit whether it's free or not for all tree
194 pruning, for all kind of efforts to beautify your particular area. The other thing that kind of relates to
195 what you said are issues with some of the protected trees, which ones are on the list and what the sizes
196 are. For instance, [Mr. Ott] talked about the Hickory tree dropping large nuts about the size of a quarter
197 or bigger. It's almost like hail dropping on your home or certain things. I know certain people who have
198 tried to circumvent that problem by trying to get some trees cut down. But, I would say you can't if you
199 look at what the ordinances are saying. So, where's that balance in trying to deal with those kinds of
200 trees, which can be nice, but maybe not ideal for certain residential areas. I think it's something to look
201 at and how you determine which ones are really on the list. I guess as this moves forward, I don't
202 exactly your process, and I apologize for not knowing that, but I assume there's going to be additional
203 comments somehow from the community; some way to get the community to know. Just like the
204 gentleman and lady were talking about it's hard when you move into a community if you don't rules; if
205 you come from another state. Pruning trees; everybody can do that everywhere else, unless you're
206 under a homeowners association. But, Surfside isn't that. So, you'll come in and not even know it's a
207 requirement. It just becomes a bit of a dilemma to get the word out. So, everybody tries to follow the
208 rules, where, in fact, a lot of people come in and they don't even realize there's any rules around cutting
209 trees. It's kind of a common thing to do across the United States. The last thing, and I'm doing some
210 other things, just a conversion from diameter to circumference. I think one of the comments you made,
211 and I could've heard it wrong, 24 inch diameter should be a 75 inch circumference. I think I heard a
212 different number. Just so that it all works out to be the right math. Those are the details you guys are

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213 working on. You're trying to simplify; get the language right and math right. But again, thank you for
214 your effort, and if there's any other comments for me, since you have my name and all, if there's
215 something that you need from me, I'm always willing to help, too. Thank you all.
216

217 Mr. Tim Courtney, South Poplar Drive: Hello, thank you for your service. I appreciate it. I wish
218 that you guys take into consideration with the R3 zone, again, the folks spoke behind us, that the area
219 with R3 we have more restrictions, less area to work with. You go to put a pool in, you have a certain
220 amount of trees you have to put in. I'm not living on the north side of town where you have a lot more
221 land where you can more trees in and bigger, nice trees, those Hickory trees. So, I'm limited. I'm glad
222 that you resolved it. The Palmetto palm is our State Tree. It sits right behind you on that flag. It should
223 count as a replacement tree. Thank you.
224

225 Chairman Seibold said when members receive the new draft to please consider these comments
226 made today during the review. The language will be reviewed again at the next meeting as the
227 commission moves towards a final decision.
228

229 Ms. Morris said the R3 district would be included and bring some site plans that were submitted
230 so the members can see the issues. Several members said that would be helpful.
231

232 Ms. Lowery said in response the comment about pruning that you may prune limbs without a
233 permit as long as they are less than 7 inches circumference 2 inches from the trunk. The other
234 comments will be considered during the review.
235

236 **ADJOURNMENT.** Ms. Lowery moved to adjourn at 7:44 p.m. M. Gambino second. All voted in
237 favor. **MOTION CARRIED.**
238

239 Prepared and submitted by,
240

241 _____
242 Debra E. Herrmann, CMC, Town Clerk
243

244 Approved: March 7, 2017.
245

246 _____
247 Mary Ellen Abrams, Vice Chairman
248

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