



SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
March 7, 2017 ♦ 6:00 P.M.

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

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

3. PUBLIC HEARING. Chairman Abrams opened the public hearing at 6:01 p.m.

A. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article VI, Signs in its entirety. There were no public comments on this topic.

B. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17, Article VII, Landscaping and Tree Protection in its entirety.

Ms. Carol Holt, Yaupon Drive: First and foremost, I want thank you, again for all the many hours that's y'all dedicated to reviewing and rewriting this ordinance. I know we say this every time, but we really mean it. I know this was a tremendous task, but I personally believe no major changes have been made to this ordinance that would support the concerns that have been expressed by homeowners. Some of the issues and concerns that were discussed in April 2015 regarding Ordinance 15-0799 are the same issues we are now discussing two years later. I believe that public comments made during the November 4th, 2016 Town Council workshop and subsequent comments made during the Town Council meetings and planning commission meetings indicate homeowners are very passionate about this ordinance, and they want to see real changes. The only change I can find that would really benefit the homeowners is the fact that they can now prune a limb or tree under seven inches in diameter without a permit as opposed to the previous four-inch diameter requirement. It appears all other fees, permits, penalties remain the same regarding pruning or removal of trees or limbs over seven inches in diameter. However, there were several changes made to the ordinance that I believe, I'm not an expert, but I believe that actually increase the regulatory requirements for homeowners. But due to the time constraints of this meeting I'm just going to name a few that I am referring to. I'm referring to Table 17-721-0, the two inch requirement, which changed to seven inches for the purpose of administering requirements of this section, no trees less than 7 inches in diameter shall be counted in order to satisfy the minimum number of trees per lot. Number two, Section 17-720-4, proposed additional requirement to submit a request to BZA regarding removal of landmark trees regardless of the location on the lot or the health of the tree. Due to this proposed change, the planning commission also had to change the criteria for specific sections of Article II Division 2, Board of Zoning Appeals, and I'm assuming that the BZA had input and approved these changes. Number three, Section 17-1721 [sic] and 17-726 regarding tree replacement for permitted tree removal. These specific changes would definitely increase fees and costs to the homeowners, especially with the 22 circumference requirement and mitigation cost. Another issue of concern is Table 17- 721-1 trees approved for planting as replacement for protected, specimen, and landmark trees. I'm just wondering why the Palmetto tree was removed from the list it was listed in the fourth draft revision submitted at the February 7th planning commission meeting. We all know that some people do not like Palmetto trees. But, it is our state tree, and I believe it should be respected and added back to the list of replacement trees. Section 17-721-3 indicates the list of approved trees includes all trees on the list, protected, specimen, and landmark trees, as well as others noted in italics. The Longleaf pine is listed on Table 17-740 for protected, specimen, and landmark trees. But it is not listed on the replacement table. Just wondering if there was just a specific reason, and there probably was. I'm just trying to understand. We'd like to know that reason. These are only a few concerns that I have with the

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54 proposed ordinance. However, I do believe the town wants to work with homeowners in finding solutions
55 regarding the tree ordinance. But I do not believe the revised ordinance as submitted addresses the
56 issues and concerns that have been communicated to the planning commission and to the Town Council.
57 Thank you.
58

59 Mr. John Tellet, 14th Avenue South. I still go back to my original statement last fall that I do not
60 think like the previous speaker that this council has the integrity of the citizen of this town; I don't think
61 that they work for the citizenry of this town in terms of the, if you own a property that you should have
62 discretion as to the disposition of that property, and I think this; I have yet to see anybody taking
63 account for this particular reason. Someone had mentioned at the previous meeting about if you don't
64 like, get out. I was here before, and I know there's quite a number of people who were here before any
65 of this material came up. I think it's ridiculous to have to listen to that kind of remark from a public body.
66 Thank You
67

68 Mr. Terry Roop, 15th Avenue South: I know you guys worked hard on this; long and hard. I've
69 got to say that appreciate your efforts, and what you do for the town. But, I'm very disappointed in the
70 results of your work. You didn't address those issues that we brought to you back in January or
71 December. I can't remember what month it was, regarding safety, damage to your property, expense
72 that's been placed on property owners. I love trees, and I think I told you that before, and I'm married to
73 a tree hugger. Sometimes we have to bend a little bit to live in a safe community. Thank you. And I do,
74 the first lady who spoke, I covered everything very well and I can go with what she said.
75

76 Mr. Ken Podraza, 10th Avenue North: I, too, want to thank you again. I know you're all working
77 hard trying to integrate everything. It's a challenge, tough, difficult ordinance for a lot of people. And it's
78 complicated to make it all work well together, but a few things I'd like again to reiterate, to think about.
79 On page 7-2, we talk about the minimum number of trees and size of trees. We have different areas R1,
80 R2, R3 having different tree requirements. So again, you're putting more costs on those people have a
81 little bit larger lots, and so is there really rationale for that? If so, I haven't heard that. So that's
82 something to discuss as to why. On page 7-5, we talked about those replacement trees; 7 inch diameter
83 and 22 inch circumference. I called a few places around to find out what it would cost around this area
84 and most the place don't have trees like that. Those that did said we might be able to get some. They
85 figured it'd cost at least \$7,800 per tree, at least, and it would cost at least that to put in. Such huge
86 trees and need to bring in big equipment to do that. So it is a really huge financial burden to try to get
87 those kind of replacement trees at that 7 inch parameters. And the last thing, again, we talked about the
88 table of trees that we have, page 7-9, ones that were protected, it seems like again we're seemingly
89 protecting all trees. The question really is which ones do we really need to protect? If we could limit that
90 to make the ordinance more easy [sic] for homeowners to be able to conform to, and at the same time
91 protect as many trees as seems to be right for the township. So again, thank you. I appreciate your time.
92

93 Mr. Mike Holt, North Yaupon: Greetings, most honorable leaders from a tenant of the Republic of
94 Surfside Beach. I'm going on my third year as a full-time resident of our favorite republic, and we're still
95 trying to understand the tree ordinance. Due to time constraints, I would like to focus on one specific
96 section of the tree ordinance regarding replacement trees and the mitigation fund. Under the proposed
97 ordinance regarding Table 17-720.1. A change was made to increase the 2 inch diameter requirements to
98 7 inches for the purpose of administering the requirements that no tree less than seven inches in
99 diameter shall be counted in order to satisfy the minimum number of trees per lot. I believe this will
100 definitely place a hardship on owners. Especially in the R3 zone where the lots are very small. For
101 example, the homeowner needs to remove a protected or specimen tree due to one of the reasons listed
102 in Section 17-720, or 17-724. According to Section 17-721 the total circumference inches of a
103 replacement tree required to be planted must be a minimum of 22 inches in circumference, measured at
104 breast height. Does anyone have any idea how costly that specific tree would be? Not to mention the size
105 of the root ball, which could require the assistance of a front end loader. We're talking a big root ball.
106 Possibly removing a fence, destroying the homeowners landscaped lawn in order to plant this tree, and

107 then most likely, that size tree would not live anyway, because if it's been traumatized in any way during
108 the planting. The section goes on to read once the building site meets the minimum number of trees
109 required, the remaining replacement to meet the circumference inches requirements may be satisfied by
110 paying into the tree mitigation fund established in Section 17-726. As the homeowner reviews this
111 particular section, he finds out that not only will he incur the cost of the permits, the arborist fee, his time
112 to appear before BZA, if it's a landmark tree, cost of removing the tree, and the stump, and also the cost
113 of purchase a replacement tree, or pay into this mitigation fund in accordance with the town's applicable
114 cost schedule based on the current nursery market value, plus installation cost. So I was curious about
115 the town's applicable cost schedule. So I made a visit to the PBZ to get a copy of this schedule. Not
116 surprisingly, the person I talked to had no idea what I was talking about, even though I had a copy of
117 the current ordinance for her to reference. So after getting nowhere with PBZ, I decided to call a few tree
118 companies get an estimate of cost the homeowner will incur in order to comply with this tree ordinance.
119 Needless to say, I was unable to actually make contact with anyone who could give me an estimate
120 today. I will continue to pursue this method, getting the estimate and would also appreciate PBZ
121 providing a copy of the town's cost schedule based on the current nursery market value as noted in 17-
122 726. I'm very disappointed that the tree ordinance provided by, for our public hearing does not fulfill the
123 expectations of the homeowners. Thank you.

124
125 Mr. David Reed, North Myrtle Drive: I haven't seen all of your draft, but was curious if there is
126 any provision in there for vacant lots. I've owned one for six years and back then I was able to get a
127 permit to take a percentage of the trees down. Got to have them come out and survey and tell what
128 types of trees they were. But since then, I went to get a permit for that year to later and I was told that's
129 no longer in existence. So I didn't know if there's any ways to go in and just maybe thin out your lot and
130 make it look better for your own pleasure. There is something like? (Ms. Morris indicated to Mr. Reed that
131 there are provisions for lot cleaning.) Okay, so that's what I was looking to do, other than bush hog it. I
132 know you can't do that. Thank you.

133
134 Mr. Ron Mask, 10th Avenue North: Everybody's covered most of the things I was concerned
135 about. But I do want to thank you for making the four inch to seven inch change. I think that covers a
136 huge proportion of the complaints and problems that a number of people have had. I would like to
137 reemphasize the point that having to put in a seven inch tree that can weight thousands of pounds needs
138 a crane and a tree planter is just a ridiculous minimum requirement. The city is all about growth. We
139 want things to grow. We could put in a smaller tree and watch that grow, too. Seven inches is very
140 punitive to people as a replacement requirement. I urge you to change that one. Thank you.

141
142 **C. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17,**
143 **Article II, Section 17-222 (Powers and Duties of the Board of Zoning Appeals) to include**
144 **appeal requirements for the removal of Landmark Trees.** There were no public comments on this
145 topic.

146
147 Chairman Abrams closed the public hearing at 6:17 p.m.

148
149 **4. AGENDA APPROVAL.** Ms. Johnson moved to approve the agenda as presented. Ms.
150 Lowery second. All voted in favor. **MOTION CARRIED.**

151
152 **5. MINUTES APPROVAL.** Ms. Johnson moved to approve the January 17, 2017 tree ordinance
153 workshop minutes as submitted. Ms. Gambino second. All voted in favor. **MOTION CARRIED.** Ms.
154 Gambino moved to approve the February 7, 2017 regular meeting minutes with two scrivener's
155 corrections by friendly amendment: Line 615, "can do" should be "can't do", and Line 617 "compare"
156 should be "prepare." Ms. Johnson second. All voted in favor. **MOTION CARRIED.**
157

158 **6. PUBLIC COMMENTS- Agenda Items.** Chairman Abrams said a written letter was
159 delivered to the members from Mr. Laurence McKeen, and asked that his comments be considered. A
160 copy of the letter is attached hereto. There were no other public comments.
161

162 **7. DIRECTOR'S REPORT.** Ms. Morris said I was asked at the last meeting to email the board
163 of zoning appeals members and asked if they had any concerns with the proposed amendments
164 regarding landmark trees. The majority did not have any concerns. A few had questions, which we
165 addressed. After the emailing we didn't have any additional questions. So I assumed they were
166 answered, and they were okay with the amendments. Chairman Abrams asked if to best of your
167 knowledge, the BZA members are comfortable with the changes we made. Ms. Morris said yes.
168

169 **8. BUSINESS.**

170
171 **A. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17,**
172 **Article VI, Signs in its entirety.**
173

174 Ms. Johnson moved to recommend the sign ordinance to Town Council as written. Ms. Elliott
175 second.
176

177 Mr. Lauer asked if authorized signs on page 6-3 could be highlighted to draw attention to the
178 categories. Ms. Herrmann said the words could be italicized or underlined. Mr. Lauer asked that the
179 headings 1 through 8, the words up to and including the colon should be italicized. Page 6-5 at the
180 middle the page where it says wall after that there's a parentheses and three business in... Ms. Morris
181 said "in the same complex." She will correct. Mr. Lauer referred to page 6-7, number 5, utility poles the
182 margins are out of line; just clean it up the left margin. Otherwise, I like this document.
183

184 Chairman Abrams referred to page 6-7, item 5 signs painted on or attached to trees, blah, blah,
185 blah, blah. I don't see why we need telephone or other. Why can't we say fence posts or utility poles? A
186 telephone is a utility. Several members and Ms. Morris agreed.
187

188 Mr. Seibold referred to the last page, description of the signs, we have what I call a menu sign.
189 Ms. Morris asked if he meant the sandwich boards. Mr. Seibold asked if that was what that's called. It's
190 not labeled. Ms. Morris said we can label it; it is a sandwich board. Mr. Seibold asked if that was in C2
191 only. Ms. Morris said right, but we can certainly put that. Mr. Seibold said for clarification that
192 freestanding is permanently affixed to the ground. Ms. Morris said correct. Mr. Lauer asked if no
193 billboards allowed in town was in the code. Ms. Morris said that was correct.
194

195 Chairman Abrams called for the question. Ms. Herrmann asked if the corrections could be
196 accepted as friendly amendments by the board. Chairman Abrams asked if there was consensus to
197 include the corrections in the motion. Commission **CONCURRED**. All voted in favor of the motion as
198 amended. **MOTION CARRIED AS AMENDED**.
199

200 **B. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17,**
201 **Article VII, Landscaping and Tree Protection in its entirety.**
202

203 Mr. Seibold moved to hold the tree ordinance for further consideration. Ms. Gambino second.
204

205 Chairman Abrams asked if anyone wanted to reconsider any section based on the public hearing
206 comments tonight.
207

208 Ms. Gambino referred to [Ms. Holt's] comments, and said this is why we need all our minutes,
209 too, might I add, through the 23rd, as well, because she spoke of the palm tree and that took place on
210 the 23rd. We don't have those minutes. That's all I will say on that, because I need to read over these to

211 make sure that this was handled. We had voted on it on the seventh and then it was changed. So
212 anyway that's my comment on that. The palm tree, I know some of you don't like it, but I think in certain
213 situations it is definitely a good alternative. I think maybe we might revisit that.
214

215 Ms. Lowery said we did not eliminate palm tree and is not a matter of not liking it. It's not a
216 hardwood tree. Palms don't take up much water, and it doesn't supply any shade. The Palmetto tree is
217 still in the list of replacement trees, but in the list for non-protected trees. No one is saying that you can't
218 use it. It's just in the list to replace non-protected trees. We're trying to stay with hardwoods where we
219 can. There was an extensive discussion on the R3 district having limited space for trees. In lieu of
220 singling that out, because there are lots in the R3 district that are large enough to handle larger trees.
221 Other lots are not. There is language in the tree ordinance that allows the planning, building, and zoning
222 office to make discretionary decisions based on the size of the lot and the need of the owner, so that
223 they can have some freedom as to what they plant. If they don't have room for the hardwood, then they
224 have the ability to work with them to come up with something else. If that includes the palm tree, that
225 includes the palm tree. It's not a matter of disliking it, or not wanting it. It doesn't do what we would like
226 our trees to do.
227

228 Ms. Johnson said she was actually getting ready to say the same thing that Ms. Lowery just said,
229 and won't be like Town Council and repeat her every word, but just say ditto.
230

231 Mr. Seibold said I do think this was loosened up quite a bit from the other one. We got rid of the
232 arborist. We went to 7 inches for trimming. We do have the palm trees and replacement trees, or if you
233 don't have enough trees left on your property you have to keep that in mind. What I do agree with and I
234 mention it at the last meeting, I do think the 7 inch requirement for replacement tree is just too much.
235 I'm really, really sticking to my guns on that. That is a huge tree. I went around over the last week trying
236 to find one; you can't find a tree that is 7 inches. The other comment, which I agree with as well, is
237 counting the diameter of the trees remaining on your property. I also agree, I think, 7 inches may be too
238 much for that. I think we should reconsider both those points.
239

240 Ms. Elliott referred to the chart on page 7-4, regarding commercial property. To cut anything, if
241 you're a commercial property, you must see the code enforcement, because of our overlay plan. The
242 second paragraph is contradicted. It's confusing. If I was a commercial owner, I would think I was
243 allowed to cut limbs up to 7 inches by reading the second line that says 'pruning of larger limbs over 7
244 inches in diameter measure 2 inches from the trunk or the removal tree shall not be permitted, unless
245 the code [sic].' I don't think we need that paragraph. It's confusing. Commercial businesses are not
246 allowed to cut anything without going to code the first place. Chairman Abrams said I agree. Ms. Lowery
247 asked what if we just remove from pruning to or, and leave the removal of tree shall not be permitted
248 unless." Chairman Abrams and Ms. Elliott said that commercial businesses are not allowed to cut anything
249 without first contacting PBZ. Ms. Elliot said I like to see that whole 'pruning of larger limbs to determine
250 in writing' eliminated. Ms. Lowery said if we do that then we eliminate 1 through 3, as well? Ms. Elliott
251 said I don't have a comment on that part. Ms. Johnson said you have to change something, because it
252 doesn't make sense then. Ms. Elliott said well, they're not allowed to cut anything. Am I my correct, Ms.
253 Morris. Ms. Morris said yes. Ms. Elliott said nothing. Ms. Lowery said if paragraphs d to the end we left
254 that gives some basis. Mr. Lauer said those are just the conditions with which you can do those things.
255 Ms. Elliott said you have to remove that one paragraph. Ms. Johnson said if you read it, it doesn't flow.
256 Mr. Lauer suggested 'under the following conditions.' Ms. Elliot and Ms. Johnson said something. Ms.
257 Elliott asked if we should add 'under the following conditions'. Ms. Johnson said we could start with 'the
258 code enforcement official or the BZA in a dispute determines in writing, 1 through 3.' Ms. Elliott said that
259 makes sense. Ms. Morris said that made sense. Chairman Abrams said I think it makes sense, but I'm not
260 going to be happy if we send this forward tonight with some of this hanging loose. Assuming it's not
261 going forward, and we've got time to really study it, yes, I'm happy. Ms. Johnson said well, I do believe
262 we need to address, just in case there is a dispute, and that does that if you leave that one sentence. Ms.
263 Gambino thanked Ms. Lowery for her comments on the palm trees. I would very much appreciate the

264 latest minutes, so we can review them and know what we did last meeting, and clarify some things, and
265 read them before the meeting and freshen our memory.
266

267 Ms. Lowery said the lady who spoke asked about the long needle pine and it not being approved.
268 That is kind of a fragile pine, if you can think of any pine tree that's fragile. It does not do well in grown
269 in with other pine trees. It is an old pine tree for this area. Builders or lumber people planted the shorter
270 needle pine, because it grew faster and they could harvest timber faster. Short needle pines overwhelm
271 the long needle pine. If we have one in Surfside, it will not last. There's absolutely no point in planting
272 one, if it's not going to survive. The short needle pines take over that one long needle pine that might be
273 Surfside. I learned that on the tour of Hobcaw Barony.
274

275 Mr. Lauer said a couple of the sections have bothered me. One is 17-720 .2. I mentioned this
276 before, I think that you have to frontload the information that particularly the homeowners need to have.
277 In that paragraph there down at the end is buried for existing homeowners only, no permit shall be
278 required. I think if nothing less, that sentence should be moved to the beginning of the paragraph. But I
279 have a couple of questions. Can homeowners remove a tree that is less than 7 inches in diameter without
280 a permit? Ms. Morris said yes, the code states pruning and tree removal. Mr. Lauer said I want to say it
281 there, too. So what I would suggest some other language there. I think that needs to be in the first
282 sentence of the paragraph, so that the homeowners can see that immediately, because that's what
283 they're looking for. They want to know whether they can remove a tree. Ms. Morris said we'll be glad to
284 add it. We had a long discussion on this at one meetings and at that time it was leave it like it is as far as
285 where the homeowners are. I think clarity is a good thing. Mr. Lauer said he had proposed language
286 written down and would give it to Ms. Morris; he would email it to her.
287

288 Mr. Lauer said there's nowhere in this section that indicates the cost of a permit. He appreciates
289 that would be in another place in the document, but shouldn't we reference that section someplace in
290 this code? Ms. Morris said well, we can certainly reference that chapter, but we've been advised not to
291 put fees in this section.
292

293 Mr. Seibold restated his motion to withhold the tree ordinance from going to counsel until further
294 consideration. Ms. Gambino confirmed the second. Ms. Elliott said I just want to know what else are we
295 going to be working on. Chairman Abrams, Vice Chairman Seibold, and Members Gambino, Johnson,
296 Lauer, and Lowery voted in favor. Member Elliott voted against. **MOTION CARRIED.** Chairman Abrams
297 said the tree ordinance will not be sent to Town Council as of this evening.
298

299 Mr. Seibold said if we can resolve the issues tonight, we move forward with changes. Chairman
300 Abrams said we can. Ms. Elliott said that's what I was thinking we were doing. I agree with Mr. Seibold
301 about the 7 inches. I think I brought that up at the last meeting. I see only those two areas we need to
302 discuss. We could probably move it on with the corrections. Mr. Seibold said I agree.
303

304 Chairman Abrams said the motion was adopted that the ordinance will not move forward, but the
305 commission will proceed with discussion. We may get to the point where we have another motion to turn
306 that around. Are we legal on that? Ms. Herrmann said the commission may take a vote to reconsider the
307 motion. If that is adopted, then the motion could be offered for another vote.
308

309 Mr. Seibold said I don't know what the correct number is, but I'm I feel that we have to reduce
310 the 7 inch requirement for replacement tree. Ms. Elliott and Ms. Gambino said I agree. Mr. Lauer said I
311 think we have to do that, but I think we need also asked Ms. Morris to refresh our memory with the
312 reasons why she was struggling with it. Ms. Morris said we've been struggling with it since it actually
313 came forward when Waccamaw Regional Council of Governments wrote this and got it approved,
314 because we had some contractors that come in, and property owners, but more contractors than not
315 have come in and we have counted the 2 inch trees, which is what was required in the current code.
316 Then one of the contractors said as soon as you leave, we're cutting them down, because they're not

317 protected. Then they don't have the correct number of trees on the property. This code says you can
318 count it as a replacement, but then they can cut it down as soon as you leave, so they don't have it. A lot
319 of them do; some contractors say I'm going to plant it until you inspect it and then I'm going to take it
320 back to the nursery. That does happen. Mr. Lauer said I made a flip remark last time about having a
321 super protected tree, but I think maybe some language can be written to avoid that happening without
322 trashing the whole code.
323

324 Mr. Seibold agreed saying we've had this discussion a number times. The idea when we went
325 with the 7 inches was because you couldn't cut it. I agree with Mr. Lauer, there has got to be some way
326 to formulate language that we could use for the contractors. Ms. Morris said I agree, and if you could put
327 something that says whatever... Mr. Seibold said I know I don't want to punish the homeowner. Ms.
328 Morris said it was certainly more contractors than anyone else. Mr. Seibold said as he said at the last
329 meeting, the tree is dying. He's already got a cost to take it down; maybe the tree came down from a
330 storm. Now we have to tell the homeowner to spend \$2,000 to plant a 7 inch tree; that just is absurd. I
331 don't know what the correct language is, but we do have to come up with something.
332

333 Ms. Elliott said I agree with Mr. Seibold. We need to reduce that 7 inch requirement. There's
334 gotta be some king of wording we can come up with. And we also have to trust the integrity of our
335 residents that they are complying. They're having the right amount of trees on their property. I mean, I
336 brought up that the last time; a 7 inch tree. What kind of ball do you think that has? It is huge. Mr.
337 Seibold said it was unmanageable. Ms. Elliott said that's right, so I like to see us go back to 2 inches. Ms.
338 Morris said now the question I have is if we reduce it, and I'm certainly not against that, but the
339 contractors are a concern. With the 2 inches in the only reason you're having to put that in the code is if
340 you don't meet the requirements minimum tree requirements. A 2 inch tree is not going to make up for
341 that diameter that you are missing. How are we going to do that?
342

343 Mr. Seibold said we did that in the old ordinance by using multiple trees to get the desired
344 diameter. Ms. Morris said we allowed for multiple trees. Mr. Seibold said that would add up to the 7. I
345 kind of agree with that. We went through this the last time, and we're in the same boat. The properties
346 here are small. You take down the 18 inch tree is no way going to get 18 inches back. Ms. Morris said
347 that's right. Mr. Seibold said if we want to use multiple trees, I would agree with that. Mr. Lauer said we
348 could also specify fast-growing trees; the ones that are going to give us the inches the quickest. Ms.
349 Lowery said we do have to keep in mind this is only if you don't have to minimum number of trees
350 required on the property. Something was said about larger lots. Larger lots will support more trees. I
351 don't have a gigantic lot, but that I think right now I have nine or 10 trees on my lot. They're not all
352 protected but they are there, whether I like them or not. Ms. Elliot said I agree with Mr. Seibold that we
353 need multiple trees. Do we definitely need the exact diameter, and the circumference around it, or half of
354 it, at least? We need trees that are going to have strong roots, save erosion, and help with storm water.
355 That's what they're planted for in the first place. Not one of us likes raking leaves, picking up hickory
356 nuts, picking up acorns, or sweet gum balls. We don't like doing that, but those trees save us from
357 flooding. Anybody in agreement of half the size of their circumference removed? Just throwing it out. Mr.
358 Seibold said we had 2 inch the last document. I would be comfortable with that. Ms. Elliott said with
359 multiple trees; I would, too. Ms. Lowery said my only concern with multiple trees is that you wind
360 planting more trees than you're going to need, and perhaps have trees that are going to be in the way in
361 the future. Mr. Seibold said that's absolutely true. Ms. Lowery said we're between a rock and hard place.
362 Ms. Elliot said they could cut them down before they're 7 inches. Mr. Seibold said that's true, but I don't
363 know if a homeowner is really going to go on a direction. If he's already spent money to plant this tree.
364 He's is going to take care of it. A contractor is a different story.
365

366 Ms. Lowery said we can go with multiple smaller trees, but how are we going to prevent
367 contractors from just clearcutting once your back is turned. Ms. Gambino said just keep in mind we have
368 to be careful with construction legally differ from resident to construction. I'm just throwing that out
369 there. Chairman Abrams said we've got different rules, but the lawyer won't let us have different

370 punishments or fines. Ms. Morris said that was right. Mr. Seibold said I think the old ordinance states with
371 multiple trees not less than 2 inches; I don't member the exact verbiage. Chairman Abrams asked if the
372 commission wanted to use the current ordinance. Mr. Seibold said I would. Ms. Gambino said yes.
373 Chairman Abrams asked if there was a consensus to use the existing verbiage for replacement trees. Ms.
374 Morris said the replacement trees had to equal the diameter on the lot before any trees were cut. Ms.
375 Lowery suggested a maximum of three trees, no less than 2 inches. Mr. Seibold agreed. Ms. Johnson did
376 not think a maximum should be set; some owners might want a bunch of trees. Do a minimum. Ms.
377 Lowery said that should be a minimum of three trees. Mr. Seibold added at 2 inches which would give 6
378 inches being replanted. Ms. Morris asked what would be done if the homeowner did not meet the
379 diameter requirements. We are giving them a minimum requirement for diameter on the property. You
380 cut down a 22 inch circumference tree, so you're missing 22 inches. But, you only plant three trees at 2
381 inches diameter, the 7 inches diameter is not met. Ms. Lowery asked if this would be for existing
382 homeowners, with a separate rule for new construction. Ms. Morris said not right now.
383

384 Ms. Lowery said let's do something different for new construction and let existing homeowners
385 who have to remove a large tree go with three smaller trees. Mr. Seibold said I like that idea. Ms. Lowery
386 said new construction would have a little more flexibility than an existing homeowner. Mr. Seibold said
387 new construction changes everything, because he could put in a 7 inch tree, since they have backhoes on
388 site. Ms. Lowery said I like that. Mr. Seibold said he likes that, too; very good. Ms. Johnson said that
389 sounds good. Chairman Abrams asked if we have a consensus. Ms. Lowery clarified that the change is for
390 existing homeowners only that removal of a tree greater than 7 inches in diameter would have to be
391 replaced by a minimum of three trees, no less than 2 inches in diameter. Ms. Elliott liked that. Ms.
392 Johnson said if the owner chose to plant a bigger tree, three would not be required. Mr. Seibold said
393 right.
394

395 Ms. Lowery continued explaining that for new construction, the contractor would have to match
396 the diameter either with smaller trees or a single larger tree, depending on the tree. Mr. Seibold said that
397 works. Ms. Johnson asked if that would prevent the problem of contractors clearing land after the lot was
398 inspected. Ms. Morris said this would not stop that. Ms. Johnson said with contractors the code should
399 state with a minimum of 7 inch tree. Mr. Seibold and others said absolutely. Ms. Morris said yes, that
400 would prevent the cutting. **Commission CONCURRED to the changes for the homeowner and**
401 **contractor for replacement trees as stated.**
402

403 Mr. Seibold said one issue which was brought up was counting the minimum number trees on
404 your property, only including 7 inches or larger. I don't agree with that, because I know on my property I
405 have a lot of trees. But, I also have some nice trees, which are less than 7 inches that I would consider
406 toward the total number of trees on my property. I kind of agree with that that should be changed, as
407 well. Again, I don't know what the exact number is to count, but I do think you should count any tree
408 over 3, 4 inches as a tree, even know we're allowed to cut down 7 inches. Here's the issue, I have a tree
409 die; have to take it down. Ms. Morris said the first thing we ask you is how large the tree is, and if you
410 say it's less than 7 inches, we say you don't need us to look at. Mr. Seibold said not an issue, right. But
411 it's bigger than 7 inches; in fact, I have one. So now you come out and you're going to count the trees
412 on my property. I have a couple nice trees on my property, but they're not 7 inches. They should be
413 counted. Ms. Morris said well, right now we do count anything over 2 inches in diameter. Mr. Seibold said
414 over two. Well, there you go. Ms. Morris said if we change it back to 2 inches, we wouldn't have that
415 problem. Mr. Seibold said that's what I would go with. That would be my recommendation which was in
416 the old ordinance.
417

418 Chairman Abrams said we can either continue to chew on this for future meetings, or if the goal
419 is to still try to send it forward to Town Council this evening, then we will be heading for a reconsidering
420 of the previous vote. It's up to the commission which way you go. I think that one of our members is
421 going to have to leave at 7:30, so I'd like not to have a vote linger too far beyond that, either.
422

423 Mr. Lauer moved to reconsider the motion to hold the tree ordinance for further consideration.
424 Ms. Johnson seconded. All members voted in favor. **MOTION TO RECONSIDER CARRIED.**
425

426 Mr. Seibold moved to hold the tree ordinance for further consideration. Ms. Gambino second.
427 Chairman Abrams voted yes. Vice Chairman Seibold and Members Elliott, Gambino, Johnson, Lowery, and
428 Lauer voted against. **MOTION FAILED.**
429

430 Ms. Johnson moved that the landscaping and tree ordinance be recommended to Town Council
431 with the changes discussed at this meeting. Ms. Gambino second. Vice Chairman Seibold, and Members
432 Elliott, Gambino, Johnson, Lowery, and Lauer voted in favor. Chairman Abrams voted against. **MOTION**
433 **CARRIED.** Chairman Abrams reiterated that the ordinance would go forward to Town Council with the
434 changes made at this meeting.
435

436 **C. Proposed Amendment to the Zoning Ordinance, specifically to rewrite Chapter 17,**
437 **Article II, Section 17-222 (Powers and Duties of the Board of Zoning Appeals) to include**
438 **appeal requirements for the removal of Landmark Trees.**
439

440 Chairman Abrams introduced the tree guidelines for the board of zoning appeals.
441 Verbiage was added on page 2-2 to set criteria for the board of setting appeals to consider regarding
442 landmark trees. Ms. Morris indicated that the BZA members are okay with the language. I have one thing
443 I'd like to point out and that is that we decided at the last meeting in item (5) to hear and decide
444 appeals, we were going to strike 'for variance,' because it's not always a variance. That is still in here and
445 needs to go before we can go forward on that. Everybody with me on that? Several members replied
446 affirmatively. Chairman Abrams asked if there is anything in this section that anyone feels we should
447 reconsider based on public hearing. There were no responses.
448

449 Ms. Johnson moved to recommend the landmark tree language for the BZA to Town Council as
450 written, with the words 'for variance,' omitted as discussed. Ms. Elliott second. All voted in favor.
451 **MOTION CARRIED.**
452

453 **D. Powers, Duties, Responsibilities, and Rules of Procedure (Bylaws) of the Surfside**
454 **Beach Planning Commission.**
455

456 Chairman Abrams said the bylaws were discussed at the last meeting. Most of the changes were
457 because they were things we never did or things that were incorrect. We added criteria for written
458 comments, which we never had before. We struck giving written notice to the secretary for speakers at
459 hearing. However, you can read it; you've all got the draft.
460

461 Mr. Lauer moved to approve the changes that were made last meeting in the organizational
462 structure. Ms. Johnson second.
463

464 Ms. Elliott said I'd like to say I like where Section 1, Article 5 review procedure. I like that the
465 chairman will go in front of Town Council to explain if we need extra time when in his or her opinion a
466 particular matter warrants extraordinary research, or a public hearing. Chairman Abrams said she didn't
467 have to go before the council; she could provide notice in writing.
468

469 All members voted in favor. **MOTION CARRIED.**
470

471 **9. PUBLIC COMMENTS – GENERAL DISCUSSION.**
472

473 Mr. John Tellet, 14th Avenue South: Ms. Gambino, you made a statement approving the tree
474 ordinance and then you said the alternative is something else. What is the alternative? Chairman Abrams
475 said we don't normally respond to questions public comments. (**)

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Ms. Carol Holt, Yaupon Drive: Earlier with my reference to the Palmetto tree, my comment was that it was deleted from the table for the trees approval for planting and replacement for protected, specimen, and landmark trees. Which it was. My question was why. I realize what you're saying. It can be planted, but it's a common tree. My question was why was it eliminated? In the fourth draft it was on there, so I don't know what discussion was held, and why it was eliminated from the list of planting as a replacement for protected, specimen, or landmark trees. As far as the long leaf pine, I know what you're saying. I have a tree farm of long leaf pine needles. So, I mean I don't hate trees. But I was referring Section 17-721, paragraph 3, where it indicates the list of approved trees includes all trees on the list of protected, specimen, and landmark trees, as well as others noted in italics. Well, the long leaf pine is listed on the protected, specimen, and landmark trees. According to that section, then I would think it would be listed on the replacement. That was my question regarding the long leaf pine. I still didn't get an answer on that. But, one thing that wasn't brought up that I am concerned about, and it's probably just my ignorance, but many of the homeowners have conveyed their worries regarding the penalties that are listed in Section 17-730. I'm personally troubled, too, because these fees are viewed as being very excessive. Section 17-730 refers to Section 1-116 of the South Carolina Code of Ordinance regarding general penalties. You are the experts on the subject, and we appreciate your patience as we try to understand the logic behind the over-regulation of this tree ordinance. When I looked at Section 1-116 located on the website for the municipal codes for Surfside, I find that the language for the violations and penalties is very similar to the Surfside sign ordinance, as well as the Surfside flood prevention ordinance, and I quote from Section 1-116 A violation of any such provision shall be punished by a fine not exceeding \$500, plus fees and assessments or by imprisonment of a period not exceeding 30 days. However, no penalty shall exceed the penalty provided by the state law for similar offenses. My question in this is reference to this last sentence: No penalty shall exceed penalty provided by state law for similar offenses. So Section 17-621 of the sign ordinance states that the town may place a lien, this is on the signs, upon such owners property and foreclose the same to collect the charges. I couldn't find that in the in the language of the South Carolina Code of Ordinances nor could I find any language that would absolutely support the excessive \$10,000 fine, and some of the others too, for removal of a landmark tree without a permit. A stated previously, we are not experts or lawyers. But, I am concerned that these penalties listed could be considered as exceeding the penalty provided by state law for similar offenses. My last thing about penalty is the \$500 for removing protected or specimen tree without a permit. The fine is \$500 per 4 inch for each tree. So I don't understand that specific fine, because I'm thinking it was changed from 4 inches to 7 inches. So on this tables, it says you can limb or tree under 7 inches. But here there's going to be a \$500 per four inch diameter for each tree, if you don't get a permit. I apologize for probably my ignorance with this. But, I am concerned. I did research this and maybe you or one of you, or Ms. Morris can help me understand this South Carolina Code of Ordinances, especially regarding this sentence that I referred to. One other thing, if I have time, about the new bylaws, the only thing I'm concerned about, because I was like Debra, I was involved with boards at my job before I retired, in minutes and that sort of thing, and bylaws. The agenda notice can be sent out no less than 24 hours prior to the meeting (*time ended*). So there might be a timing issue with comments being required 24 hours before the meeting.

10. COMMISSION COMMENTS.

Mr. Lauer: In terms of the trees and the homeowners in town, I do believe that probably somewhere in the high 90-percent of the homeowners understand where were coming from in trying to preserve the trees, because of the stormwater and the conservation our trees. I think that while there have been some questions about the size of the trees, I think we've worked it down to a point where it's at least reasonable, now. I don't think there's going to be an answer that solves everybody's problems. It never happens that way, but I think we were able to at least accommodate most of the folks with the adjustments we made tonight. Thank you very much.

Mrs. Johnson: Thank you all for coming. We appreciate your comments. Have a good evening.

Planning Commission
March 7, 2017

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Ms. Gambino: I concur with Mr. Lauer on this. I think that we've taken a long look at things, and we've made some good headway, so to speak. So, it will now go to council, and it's in their hands. Thank you for coming out.

Ms. Lowery: I'm very glad that you all came and shared your opinions with us, and appreciate that. I'm glad that I'm here, too.

Ms. Elliott: Thank you all for coming and I'm so glad that Mr. Seibold brought up the 7 inch diameter, 22 circumference, once again, because it is a very large tree. I'm happy we readjusted, and took it back to a manageable size for everyone. Thank you for coming.

Mr. Seibold: I appreciate you coming. I appreciate your comments. I do think we lightened up on the tree ordinance quite a bit. The written comments we had that we reviewed, I think we included them. It's quite easy now to go to Ms. Morris to remove a tree. Basically, just if I think it's going to damage my property in the future, or if it's diseased, which wasn't the case with the old tree. So, I think we made a lot of progress. As Mr. Lauer said, it's a tight rope and I think we've come a long way.

Chairman Abrams: I don't think I need to say any more. My vote says it all. I still think it's complicated as heck.

11. ADJOURNMENT. Ms. Lowery moved to adjourn at 7:18 p.m. Ms. Johnson second. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: April 4, 2017.

Mary Ellen Abrams, Chairman

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