

# TOWN COUNCIL LANDSCAPE AND TREE ORDINANCE WORKSHOP

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April 18, 2017

5:00 PM

# Changes made to the existing **Landscape** Section of the ordinance: **Sections 700-702 page 7-1**

## ➤ **Current Ordinance**

- 2 Intents "Landscape and Tree"
- 2 Finding of Facts "Landscape and tree"
- Area required to be landscaped was confusing.
- R-3 currently requires at least 20 percent of total lot square footage to be landscaped - **40%** of that is required in the front yard.
- Installation of Landscaping and Maintenance were separate and property owners were concerned with the wording of the required maintenance section.

## • **Proposed Ordinance**

- Combined the intent of the Landscape and trees
- Areas required to be landscaped *put in chart form for clear and easy understanding (page 7-2)*
- R-3 still require 20 percent of total lot square footage to be landscaped - **20%** of that would be required in the front yard.
- Installation and maintenance combined and reworded.

## Sections 702 page 7-2

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

Landscaping shall consist of, but not limited to any combination of materials such as grass, ground covers, shrubs, flower beds, vines, hedges, and trees. In no case shall stones, pebbles, sand or rocks be used for groundcover.



# R-2

Minimum Landscape Area: 40% total lot sq. ft.

Minimum Front Yard Landscape: 20% of the minimum landscape area required.

This lot is 7469 sq. ft.

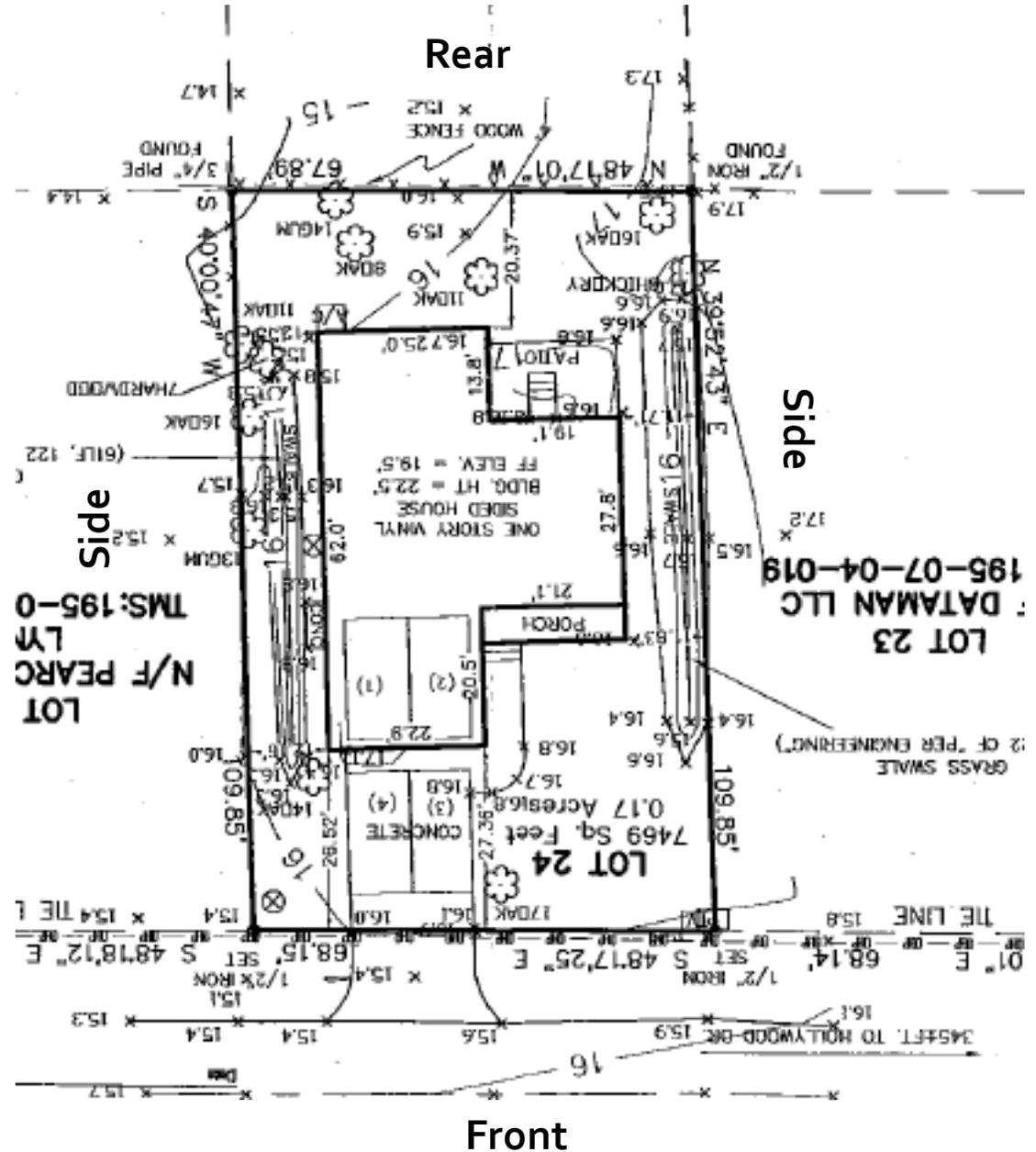
Requires 2987 sq. ft. of landscaping

Front required a minimum of 598 sq. ft. of landscape

In this example:

Front landscaping: 1731 sq. ft.

Total Landscaping is: 4433 sq. ft.





# Changes made to the existing **Tree Protection** Section of the ordinance: **Sections 720 page 7-3**

## Existing Ordinance

- Intent was general and was applied to every property the same, regardless if property was being developed, had an existing home on the property or was commercial development.
- Definitions near front of ordinance

## Proposed Ordinance

- Intent has been change to “Regulations/Classifications – This breaks the classifications into three groups and apply differently per group.
  - Owner of existing residence;
  - Owner of commercial property;
  - Involving development of a vacant property, redevelopment, pool or major addition. (We did define major addition under definitions in back of ordinance)

# Changes made to the existing **Tree Protection** Section of the ordinance:

Sections 721 page 7-6

- Existing Ordinance

- Minimum required trees and diameter by district: **Applicability of provision**

- Required Trees and Diameter by Zoning District

- Proposed Ordinance

- Changed wording to:

- Minimum number of required trees and diameter/circumference by zoning district and added circumference to chart

**Table 17-721.1**

**Required Trees and Diameter by Zoning District\***

**MINIMUM NUMBER OF TREES AND DIAMETER/CIRCUMFERENCE BY ZONING DISTRICT**

Zoning District	Number of Required Trees (minimum)	Minimum Diameter (all trees)**
R-1*	Five (5) trees per lot	Sixty (60) DBH inches
R-2*	Four (4) trees per lot	Forty (40) DBH inches
R-3*	Three (3) trees per lot	Thirty (30) DBH inches
C-1** ** See below for requirements for Sandy Lane	Ten (10) trees per acre plus one (1) tree for each additional one-tenth (.1) acre*** Shall meet the requirements of Article IX (Design Overlay District)	Each tree shall be a minimum of 3 inches in DBH
C-2	No Planting Requirement	N/A
C-3	Three (3) trees per lot	Thirty (30) DBH inches
MU	Four (4) trees per lot	Forty (40) DBH inches
All Other Districts***	Twenty (20) trees per acre plus two (2) trees for each additional one-tenth (.1) acre***	No Minimum Diameter

Notes: \* For the purpose of administering the requirements of this section, see Section 17-725(b)(3). 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. \*\* Sandy Lane is not within the Design Overlay District and shall meet the requirements of the C-3 District \*\*\*Lots less than one acre are to provide two trees for every one-tenths (.1) acre of lot area.

# Zoning permit required for pruning and tree removal

Sections 722 page 7-7

## Existing Ordinance

- Required approval for any tree or limb 4 inches in diameter or larger – generalized for every property to meet same requirements.

## Proposed Ordinance

- *Owner of existing residence:* No zoning permit is required for the **removal of trees under 7 inches diameter/22 inches circumference, nor for the pruning of limbs 7 inches diameter/22 inches circumference measured 2 inches from the tree trunk.** All request for the removal of trees and/or the pruning of limbs **over 7 inches in diameter/22 inches in circumference must have the approval of the code enforcement official.**
- *Owners of Commercial Property or those involving development of vacant property, redevelopment, pool or a major addition:* **Permits are required for the pruning and/or the removal of any tree.**

# Changes made to the existing **Tree Protection** Section of the ordinance:

Sections 722 page 7-8

## New Proposed Ordinance

- **Zoning permit required for pruning and tree removal separated**
  - Owners of existing residence
  - Owner of commercial property or those involved in development of a vacant property, redevelopment, pool or a major addition.

### ZONING PERMIT REQUIRED

Owner of Existing Residence	Owner of Commercial Property	Involving development of vacant property, redevelopment, pool or a major addition
Pruning trees limbs greater than seven (7) inches in diameter / 22 inches circumference when measured 2 inches from the trunk.	Permit required for all pruning and/or removal of any tree to ensure compliance with Article IX of this ordinance	Permit required for all pruning and/or removal any tree. Removal of trees for development requires a tree protection plan.
The removal of trees seven (7) inches in diameter / 22" in circumference or greater measured at breast height.		

# Guidelines for Pruning or Removal of Common Trees:

## Existing Ordinance

## *Applied to all properties within town the same*

Trees, excluding protected and specimen trees, with a trunk diameter-at-breast-height of four (4) 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:

- (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 to be constructed. In these cases a building permit for the construction must be issued prior to the removal of the tree(s).

# Guidelines for Pruning or Removal of Common Trees:

Proposed Ordinance

Section 723 page 7-8

ZONING PERMIT REQUIRED		
Owner of Existing Residence	Owner of Commercial Property	Involving development of vacant property, redevelopment, pool or a major addition
Removal of limbs greater than seven (7) inches in diameter / 22" in circumference measured 2 inches from trunk	Permit required for all pruning and/or removal of any tree to ensure compliance with Article IX of this ordinance	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 a major addition. Building Permit will include the tree removal approval as part of the permit
<p>Removal of trees greater than seven (7) inches in diameter / 22" in circumference measured at breast height meeting the following requirements:</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. The tree poses or may pose a safety hazard to pedestrian or vehicular traffic;</li> <li>2. The tree poses or most likely can be expected to pose a hazard to buildings or utilities, including to foundations or driveways in the near future;</li> <li>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</li> </ol>		<p>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:</p> <ol style="list-style-type: none"> <li>1. The tree poses or may pose a safety hazard to pedestrian or vehicular traffic</li> <li>2. The tree poses or most likely can be expected to pose a hazard to buildings or utilities, including to foundations or driveways in the near future;</li> <li>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.</li> <li>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.</li> </ol>

# Guidelines for removal of protected and/or specimen trees

## Existing Ordinance

When there is clear evidence that the protected tree or specimen tree poses a hazard, (i.e. roots visibly extending under a habitable structure, trees located within 10 feet of the foundation of a habitable structure with 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. 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 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, 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.

# Guidelines for removal of Landmark trees

## Existing Ordinance

Landmark Trees shall not be removed 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 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 trees when feasible.

# Guidelines for pruning or removal of protected, specimen and landmark trees

Proposed Ordinance (Combines protected, specimen and landmarks)

Section 724 page 7-10 & 11

## ZONING PERMIT REQUIRED

### Owner of Existing Residence

Pruning of larger limbs (over 7 inches in diameter /22 inches in circumference measured 2 inches from trunk) or the removal of trees requires the Code Enforcement Official (or the BZA in a dispute) determine in writing:

1. The tree or limb poses a hazard to structure or it is clear that roots within 10 feet of the foundation can most likely 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 (Regardless of location on lot) an application requesting removal must be presented to the Board of Zoning Appeals for consideration. A letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted with the request for removal. The letter must state reason the tree requires removal. (Submittal of a BZA appeal request does not guarantee approval). The Planning, Building and Zoning department will expedite the appeal process as much as state law allows.

### Owner of Commercial Property

Permit required for all pruning and/or removal of any tree to ensure compliance with Article IX of this ordinance

The Code Enforcement Official (or the BZA in a dispute) determines must in writing:

1. The tree or limb poses a hazard to the foundation of a structure or it is clear that roots within 10 feet of the foundation can most likely 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 (regardless of location on lot) an application requesting removal must be presented to the Board of Zoning Appeals for consideration. A letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted with the request for removal. The letter must state reason the tree requires removal. (Submittal of a BZA appeal request does not guarantee approval). The Planning, Building and Zoning department will expedite the appeal process as much as state law allows.

### Involving development of vacant property, redevelopment, pool or a major addition

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:

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 protected or specimen tree is essential for development.
3. Prior to the removal of a Landmark Tree (regardless of location on lot) an application requesting removal must be presented to the Board of Zoning Appeals for consideration. A letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted with the request for removal. The letter must state reason the tree requires removal. (Submittal of a BZA appeal request does not guarantee approval). The Planning, Building and Zoning department will expedite the appeal process as much as state law allows.

# Tree Replacement for permitted tree removal

## Existing Ordinance

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

- (1) The total circumference inches of a replacement tree required to be planted must be a minimum of 22" in circumference measured at breast height.
- (2) Once building site meets the minimum number of trees required, the remaining replacement to meet the circumference inch requirement may be satisfied by paying into the tree mitigation fund as established in section 17-726 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.**

## Proposed Ordinance

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

- (1) The total circumference inches of a replacement tree required to be planted must be a minimum of 22" in circumference measured at breast height.
- (2) Once building site meets the minimum number of trees required, the remaining replacement to meet the circumference inch requirement may be satisfied by paying into the tree mitigation fund as established in section 17-726 of this article.
- (3) *Retained trees.* **Existing residence: A minimum of 3 trees 2 inches in diameter/6 inches in circumference or greater retained on the property can count toward any required replacement. New Construction: must meet minimum diameter of 7 inches/22 inches in circumference. To avoid a monoculture there shall be diversity in the plantings required.**

# Tree Replacement for permitted tree removal continued

## Existing Ordinance

Table 17-728(c) Trees Approved for Planting as Replacements	
Beech (American)	Myrtle (Crepe)
Birch (River)	Myrtle (Wax)
Cedar (Eastern Red)	Nelli R. Stevens
Cypress (Bald)	Oak (Laurel)
Cypress (Leyland)	Oak (Live)
Dogwood (Flowering)	Oak (Post)
Elm (American)	Oak (Southern Red)
Elm (Winged)	Oak (Water)
Fosteri	Oak (Willow)
Hickory (Mockernut)	Oak (White)
Hickory (Pignut)	Palmetto (Sabal)
Hickory (Shagbark)	Pine (Long Leaf)
Holly (American)	Poplar (Yellow)
Locust (Honey)	Sycamore
Loquat	Tupelo (Black)
Magnolia (Southern)	Tupelo (Water)
Maple Family	Weeping Willow
Maple (Japanese)	Yaupon
Maple (Red)	Zelkova

## Proposed Ordinance – added this list is for Protected, Specimen and Landmark Tree Replacement

Table 17-721(1) Trees Approved for Planting as Replacements for Protected, Specimen and Landmark Trees	
Beech (American)	Magnolia (Southern)
Birch (River)	Maple
Cedar	Oak
Cypress (Bald or Leyland)	Poplar (Yellow)
Dogwood (Flowering)	Sycamore
Elm	Tupelo
Hickory (Mockernut, pignut or Shagbark)	Weeping Willow
Holly (American)	Yaupon
Thornless Locust (Honey)	Zelkova
Loquat	

# Tree Replacement for permitted tree removal continued

Section 725 page 7-13

## Existing Ordinance

(d) Replacement trees must be planted within six (6) months from the date of removal of the existing trees. The code enforcement official may authorize one (1) six month extension to this requirement in cases of hardship. 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 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. The code enforcement official shall make notification as necessary. Minimum replacement tree size shall have a minimum trunk diameter of two (2) caliper inches and shall have a height not less than four and one-half (4.5) feet above the grade.

## Proposed Ordinance

(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 **to replace protected, specimen or landmark trees. Replacement trees for common trees may be replaced with another common tree.**

(2) Each required tree (not including protected 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.

# Tree Topping

Section 728 page 7-13 & 7-14

## Existing Ordinance

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.

## Proposed Ordinance

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. **Crepe Myrtles shall be exempt from this section of the ordinance.**

# Definitions

pages 7-3,7-4, 7-5 & 7-6

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.~~

**Circumference** the distance around the tree at breast height or limb 2" from trunk.

**Common Tree** shall mean any tree not listed in Table 17-740 of this ordinance as a Protected, Specimen or Landmark tree.

*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.

**Major Addition** shall mean any addition, the cost of which equals or exceeds forty eight (48) percent of the tax or certified appraised value of the structure before the start of construction of the improvement.

*Protected specimen and **landmark** 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: **Pages 7-3,7-4, 7-5 & 7-6**

Table 17-722

Protect Specimen and Landmark Trees

Tree Name	Protected @	Specimen Tree @	Landmark Tree @
Beech (American)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Birch (River)	6 inches/ 19" in circumference but less than	18 inches/57" in circumference	
Cedar (Eastern Red)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Cypress (Bald)	8 inches/ 25" in circumference but less than	24 inches/ 75" in circumference	Greater than 24 inches/75" in circumference
Dogwood (Flowering)	4 inches /12" in circumference but less than	12 inches/38" in circumference	
Elm (American)	8 inches/ 25" in circumference but less than	24 inches/ 75" in circumference	
Elm (Winged)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Hickory (Mockernut)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Hickory (Pignut)	8 inches/ 25" in circumference but less than	24 inches/ 75" in circumference	
Hickory (Shagbark)	8 inches/ 25" in circumference but less than	24 inches/ 75" in circumference	
Holly (American)	6 inches / 19" in circumference but less than	12 inches/ 38" in circumference	
Magnolia (Southern)	8 inches/ 25" in circumference but less than	16 inches/ 50" in circumference	
Maple (Red)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Oak (Laurel)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	Greater than 24 inches/75" in circumference
Oak (Live)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	Greater than 24 inches/75" in circumference
Oak (Post)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Oak (Southern Red)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Oak (Water)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Oak (Willow)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Oak (White)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	

Pine (Long Leaf)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Poplar (Yellow)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Sycamore	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Tupelo (Black)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	
Tupelo (Water)	8 inches / 25" in circumference but less than	24 inches/ 75" in circumference	

pages 7-3,7-4, 7-5 & 7-6

**No other definitions were not changed or added**