

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND CHAPTER 17, ARTICLE II SECTION 17-222
COUNTY OF HORRY) POWERS OF THE BOARD TO INCLUDE SECTION 17-222(5)
) AUTHORITY TO DECIDE APPEALS ON LANDMARK TREES
TOWN OF SURFSIDE BEACH)

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled August 22, 2017; and

WHEREAS, Section 17-202 of the Town's Code of Ordinances allows for amendments from time to time when the a public necessity, convenience, general welfare, or good zoning practice justify such action, and after the review by the Planning Commission; and

WHEREAS, the Planning Commission has recommended the amendments after holding a public hearing and allowing public input on the proposed amendments; and

WHEREAS, second reading of this ordinance was delayed due to Ordinance #17-0839 being sent to a subcommittee.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that the Code of Ordinances of the Town of Surfside Beach, South Carolina is hereby amended by adding subsection 17-222(5) as follows:

SECTION 17-222. POWERS OF THE BOARD.

(5) To hear and decide appeals to remove a landmark tree within the town. Criteria to be considered in determining whether removal of the landmark tree is warranted shall be as follows:

- a. Size, and health of the tree;
- b. Constraints for reasonable development of the site including location of primary structure and vehicle use areas, proposed grade changes, surface water drainage and utility installations;
- c. Whether a hazard is presented to pedestrians or vehicle traffic;
- d. Overall tree coverage and landscaping of the site (is it probably the trees roots will cause damage to the primary structure in time;
- e. Whether a hazard is presented to buildings or utility lines;
- f. Whether the tree is damaged, diseased, dying or dead.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be

given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 22nd day of August 2017.

Robert F. Childs, III, Mayor

Attest:

Debra E. Herrmann, CMC, Town Clerk

Approved